

FEDERAL REGISTER

Friday
March 27, 1981

Highlights

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

- 19118 Grant Programs** LSC announces consideration of applications from various bar and legal assistance associations
- 18932 Housing** Treasury/Comptroller issues rules for national banks making or purchasing adjustable-rate loans secured by liens on one-to-four family dwellings; effective 3-27-81
- 18976 Education-Financial Assistance for Children With Special Needs** ED amends rules concerning financial assistance to local and state agencies to meet special educational needs of children
- 18975 Education-Financial Assistance for Handicapped Children** ED proposes suspension of interpretation on assistance to states for education of handicapped children, and nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance, comments by 4-27-81

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

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

Highlights

- 18974 Occupational Exposure To Lead** Labor/OSHA further defers effective date of new trigger levels for medical removal protection until 5-1-81, comments by 4-15-81
- 19110 Labor-Aliens in Agriculture** Labor/ETA proposes withdrawal of rule establishing a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program, comments by 4-27-81
- 19004 Government Procurement** Labor/FCCPO proposes to withdraw rule affecting contractor payments for employee memberships in private clubs and organizations which discriminate in membership policies, comments by 4-27-81
- 19000 Potential Occupational Carcinogens** Labor/OSHA withdraws proposed amendments concerning identification, classification, and regulation; effective 3-27-81
- 18998 Fair Labor Standards Act—Exemptions** Labor/ESA proposes to suspend indefinitely final rules concerning salary levels used to determine exemption of bona fide executive, administrative or professional employees from the Fair Labor Standards Act, comments by 4-27-81
- 19000 Education Programs** ED issues notice of intent to review and amend certain regulations and interpretations that take effect 3-30-81; comments by 5-31-81
- 18999 Labor-Walkaround Compensation** Labor/OSHA delays effective date until 5-30-81 for final rule requiring compensation for employee representatives participating in the walkaround and related portions of an OSHA enforcement inspection from March 30, 1981 to May 30, 1981, and proposes to revoke the regulation in its entirety
- 19002 Veterans** VA proposes to amend its rules governing reduction of aid and attendance allowance to a veteran hospitalized by the Veterans Administration, comments by 4-27-81
- 19119 Privacy Act Document** National Capital Planning Commission
- 19136 Sunshine Act Meetings**

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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment clarifies appointment conditions and makes editorial changes to the Schedule A exception applicable to Members of State Committees with the Agricultural Stabilization and Conservation Service.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Phyllis Mowery, Department of Agriculture, 202-447-7131.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3113(d)(2) is revised to read as follows:

§ 213.3113 Department of Agriculture.

* * * * *

(d) *Agricultural Stabilization and Conservation Services.* * * *

(2) Members of State Committees: *Provided*, That employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be

extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9159 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A temporary field positions in the Animal and Plant Health Inspection Service concerned with emergency plant diseases and emergency outbreaks of plant pests, because it is impracticable to examine for these positions. Prior to this amendment, only those temporary field positions treating emergency livestock diseases had Schedule A coverage.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Pat Killen, Department of Agriculture 202-447-5625.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly 5 CFR 213.3113(k)(2) is revised to read as follows:

§ 213.3113 Department of Agriculture.

* * * * *

(k) Animal and Plant Health Inspection Service. * * *

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior

approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9160 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Air Force

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Professional positions in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: December 19, 1980.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Joseph M. Young, Department of the Air Force, 202-694-2739.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3109 (c) is added as set out below:

§ 213.3109 Department of the Air Force.

* * * * *

(c) Not to exceed 14 professional positions, GS-11 through GS-15, in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects. Employment under this authority may not exceed January 31, 1985.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9158 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213**Excepted Service; Department of Commerce**

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Schedule B authority for positions of Community Services Specialist in the Bureau of the Census is amended to reduce the number of positions from 50, to remove the limitation on service, and to remove the prohibition against new appointments. These changes reflect the level of community liaison needed for continuing census activities. Exception of the positions remains appropriate because it is still impracticable to hold competitive examinations for them.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Bettie Bryant, Bureau of the Census 301-763-7450.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3214(a)(2) is revised as follows:

§ 213.3214 Department of Commerce.

(a) *Bureau of the Census.* * * *

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9166 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213**Excepted Service; Entire Executive Civil Service**

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Schedule A authority for appointment of readers for blind employees and interpreters for deaf employees is amended to include appointment of personal assistants for handicapped employees and to remove the restriction against performing work not directly related to reading or interpreting duties. These changes correspond to and implement changes to 5 U.S.C. 3102 made by Pub. L. 96-523. Exception of these positions remains

appropriate because examination for them is still impracticable.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Anice V. Nelson, Office of Personnel Management, 202-632-5687.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3102 (ll) is revised as follows:

§ 213.3102 Entire Executive Civil Service.

* * * * *

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full-time, part-time, or intermittent basis.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9167 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213**Excepted Service; Department of Health and Human Services**

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Fifteen positions to be filled by Interns and Residents in Applied and Evaluative Research (Mental Health) at Saint Elizabeths Hospital, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: February 26, 1981.

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Donna D. Beecher, Department of Health and Human Services, 202-245-1943.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3116(a)(13) is added as follows:

§ 213.3116 Department of Health and Human Services.

(a) *Saint Elizabeths Hospital.* * * *

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed two years for any individual.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9161 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213**Excepted Service; Department of Health and Human Services**

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Ten professional positions to be filled under the Health Care Financing Administration Professional Exchange Program, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: January 5, 1981.

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Donna D. Beecher, Department of Health and Human Services, 202-245-1943.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3116(j)(2) is added as set out below:

§ 213.3116 Department of Health and Human Services.

* * * * *

(j) *Health Care Financing Administration.* * * *

(2) Not to exceed 10 professional positions, GS-9 through GS-15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9163 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213**Excepted Service; Department of Health and Human Services**

AGENCY: Office of Personnel Management

ACTION: Final rule.

SUMMARY: This amendment removes the numerical limitation on positions, GS-15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. This Schedule A exception is still appropriate because it continues to be

impracticable to examine for these positions.

EFFECTIVE DATE: January 13, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: David Mischel, Department of Health and Human Services, 202-245-1943.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3116 (k)(1) is revised, as follows:

§ 213.3116 Department of Health and Human Services.

* * * * *

(k) *Office of the Secretary.*

(1) Staff positions, GS-15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1982.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9164 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service: Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Schedule A excepted service appointing authorities covering 10 positions at grades equivalent to GS-13 through 17 for employment up to 4 years on studies of international trade and energy policies and 10 positions at the same grades for employment up to 4 years on studies of international financial and economic policies in the Department of the Treasury are consolidated and moved from the Offices of the Assistant Secretary for International Affairs and Trade, Energy and Financial Resources Policy Coordination into the Office of the Secretary to reflect the Department's internal reorganization.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Patricia G. Sandberg, Department of the Treasury, 202-566-2707.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3105(c)(1) and 213.3105(f)(1) are removed and 5 CFR-213.3105(a)(1) is added as follows:

§ 213.3105 Department of the Treasury.

(a) *Office of the Secretary.*

(1) Not to exceed 20 positions at the equivalent of GS-13 through GS-17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

* * * * *

(c)(1) [Reserved]

* * * * *

(f)(1) [Reserved]

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9157 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; National Foundation on the Arts and the Humanities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Sections 213.3182 and 213.3282 are revised to show that all current Schedule A and B authorities of the National Foundation on the Arts and the Humanities are extended until September 30, 1985.

EFFECTIVE DATE: December 4, 1980.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000

On position content: Alan L. Taylor, NEH, 202-724-0356, P.G. McLeod, NEA, 202-632-4853

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3182 and 213.3282 are revised to read as follows:

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until September 30, 1985, one position of Assistant Director, Artists-in-Schools Program, Office for Partnership, GS-301-13.

(2) Until September 30, 1985, one position of Director of Federal-State Partnership.

(3) Until September 30, 1985, one position of Director of Literature Programs.

(4) Until September 30, 1985, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1985, one position of Director of Folk Arts Programs.

(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1985, one position of Special Constituencies Coordinator, Office of the Deputy Chairman for Policy and Planning.

(10) [Reserved]

(11) Until September 30, 1985, four Project Evaluators.

(12) Until September 30, 1985, one position of Director of Museum Programs.

(13) Until September 30, 1985, two positions of Assistant Director of Federal-State Partnerships.

(14) Until September 30, 1985, two positions of Assistant Director of Music Programs.

(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1985, one position of Director of Media Arts Programs.

(17)-(19) [Reserved]

(20) Until September 30, 1985, one position of Director of Special Projects.

(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1985, one position Assistant Director of Media Arts Programs.

(23) Until September 30, 1985, one position of Assistant Director of Architecture Planning and Design Programs.

(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.

(27) Until September 30, 1985, one position of Assistant Director of Special Projects.

(28) Until September 30, 1985, one position of Crafts Coordinator.

(29) [Reserved]

(30) Until September 30, 1985, one position of Director of Education Programs.

(31) Until September 30, 1985, one position of Director of Music Programs.

(32) Until September 30, 1985, one position of Director of Theatre Programs.

(33) Until September 30, 1985, one position of Director of Dance Programs.

(34) Until September 30, 1985, one position of Director of Visual Arts Programs.

(35) Until September 30, 1985, one position of Director of Architecture, Planning, and Design Programs.

(36) Until September 30, 1985, one Director for Partnership Programming.

(37) Until September 30, 1985, one Director for State Programs.

(38) Until September 30, 1985, one Director for Artists-in-Schools Programs.

(b) *National Endowment for the Humanities.*

(1)-(2) [Reserved]

(3) Until September 30, 1985, one position of Director, Office of Planning and Policy Assessment, when filled at grade GS-15 and below.

(4) Until September 30, 1985, one position of Director, Division of Fellowships.

(5)-(7) [Reserved]

(8) Until September 30, 1985, two positions of Program Officers, Division of Fellowships.

(9)-(11) [Reserved]

(12) Until September 30, 1985, one position of Program Officer, Media Program, Division of Public Programs.

(13)-(18) [Reserved]

(19) Until September 30, 1985, two positions of Special Assistants to the Deputy Chairman.

(20)-(21) [Reserved]

(22) Until September 30, 1985, one position of Bicentennial Coordinator, Office of the Chairman.

(23)-(24) [Reserved]

(25) Until September 30, 1985, one position of Planning Officer, Office of Planning and Policy Assessment.

(26) [Reserved]

(27) Until September 30, 1985, one position of Assistant Director, Program Development, Division of Special Programs, GS-14.

§ 213.3282 *National Foundation on the Arts and the Humanities.*

(a) *National Endowment for the Arts.*

(1) Until September 30, 1985, Assistant Director, Office of Program Development and Coordination.

(b) *National Endowment for the Humanities.*

(1) Until September 30, 1985, Assistant Director, Research Materials Program, Division of Research Grants.

(2) Until September 30, 1985, Assistant Director, Higher Education Projects Program, Division of Education Programs.

(3) Until September 30, 1985, Deputy Director, Division of Education Programs.

(4) Until September 30, 1985, Director, Division of Research Grants.

(5) Until September 30, 1985, one position of Director, GS-1701-15, one position of Deputy Director, GS-1701-14, and six positions of Humanist Administrator, GS-1701-13, Division of State Programs.

(6) Until September 30, 1985, one Humanist Administrator, Pilot Grants, Institutional Grants, Division of Education Programs.

(7) Until September 30, 1985, one Humanist Administrator, Residential Fellowships, Division of Fellowships.

(8) Until September 30, 1985, three positions of Program Officers, Media Program, Division of Public Programs.

(9) Until September 30, 1985, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.

(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1985, one position of Assistant Director for the Museums and Historical Organizations Program, Division of Public Programs.

(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of Public Programs.

(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1985, Director of Public Programs.

(15) Until September 30, 1985, one Deputy Director of Public Programs.

(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of Special Programs.

(17) Until September 30, 1985, one Humanist Administrator, Program Development, Division of Public Programs.

(18) Until September 30, 1985, one position of Director, Division of Education Programs.

(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(20) Until September 30, 1985, one Director and one Deputy Director, Division of Special Programs.

(21) Until September 30, 1985, one Challenge Grants Officer, Division of Special Programs.

(22) Until September 30, 1985, one Special Projects Officer, Division of Special Programs.

(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1985, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars/Summer Stipends Program, Division of Fellowships.

(26) Until September 30, 1985, one position of Assistant Director, Humanities Libraries Projects, Division of Public Programs.

(27) Until September 30, 1985, one position of Humanist Administrator, GS-14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1985, one position of Assistant Director, Program Development, Division of Special Programs, GS-14.

(29) Until September 30, 1985, two positions of Humanist Administrator, GS-1701-14, in the Center of Research Programs and in the General Research Program, Division of Research Grants.

(30) Until September 30, 1985, one position of Humanist Administrator for the Implementation Grants Program, GS-1701-12, Division of Education Programs.

(31) Until September 30, 1985, one Assistant Director for Fellowships, Division of Fellowships and Seminars.

(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9168 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-33

5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revokes Schedule A authorities 213.3116(d)(6) covering four positions in the Social

Security Administration's future process project; 213.3116 (e)(1) and (e)(3) covering employment of Cuban refugees in medical and related occupations, and 30 positions involved in a study of universal social security coverage; and 213.3116(j)(1) covering positions on special teams reviewing the Medicaid program in selected states, because they are no longer needed.

EFFECTIVE DATE: January 29, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: David Mischel, Department of Health and Human Services, 202-245-1943.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3116(d)(6); 213.3316 (e)(1) and (e)(3); and 213.3116(j)(1) are removed as follows:

§ 213.3116 Department of Health and Human Services.

- * * * * *
- (d) *Social Security Administration.*
- * * *
- (6) [Reserved]
- * * * * *
- (e) *General.*
- (1) [Reserved]
- * * * * *
- (3) [Reserved]
- * * * * *
- (j) *Health Care Financing Administration.*
- (1) [Reserved]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9162 Filed 3-26-81; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Federal Power Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment removes §§ 213.3129 and 213.3229, which applies to the Federal Power Commission, (now part of Federal Energy Regulatory Commission, Department of Energy). These authorities are no longer needed because the positions no longer exist.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3129 and 213.3229 are removed as follows:

§ 213.3129 [Removed]

§ 213.3229 [Removed]

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954-1958 Comp. p. 218)

[FR Doc. 81-9165 Filed 3-26-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 298]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 29-April 4, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 29, 1981.

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

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

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit

Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on March 24, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

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

Section 910.598 is added as follows:

§ 910.598 Lemon Regulation 298.

The quantity of lemons grown in California and Arizona which may be handled during the period March 29, 1981, through April 4, 1981, is established at 250,000 cartons.

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

Dated: March 25, 1981.

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

[FR Doc. 81-9602 Filed 3-23-81; 11:48 am]
BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 19

[Docket No. 81-111]

Rules of Practice and Procedure

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: It is stated in 12 CFR 19.4(a) that all written materials filed in connection with an administrative proceeding conducted under 12 CFR Part 19 "shall be filed with the Deputy

Comptroller for Administration or other person designated to receive papers for the agency in a proceeding." The Office of the Comptroller of the Currency has recently designated a Hearing Clerk to receive all filings and maintain the record in such proceedings. Accordingly, 12 CFR 19.4(a) is amended to state that all written materials "shall be filed with the Hearing Clerk or other person designated to receive papers for the agency in a proceeding."

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

William B. Glidden, Special Assistant to the Chief Counsel, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219, (202) 447-1077.

SUPPLEMENTARY INFORMATION: The

amendment of 12 CFR 19.4(a) to designate the Hearing Clerk in lieu of the Deputy Comptroller for Administration as the appropriate official to receive all filings in a 12 CFR Part 19 proceeding constitutes a rule of agency organization, management or personnel. The amendment therefore is not subject to Executive Order 12291, February 17, 1981 (see section 1(a)(3) exempting such regulations), or to the Regulatory Flexibility Act (since the regulation is not covered by the mandated rulemaking procedures of 5 USC 553). Since the designation of the Hearing Clerk to receive filings under 12 CFR 19.4(a) relates to agency organization, management or personnel, the proposed rulemaking and public procedures and delayed effective date contemplated by 5 USC 553 do not apply.

Accordingly, for the reasons set forth in this preamble, the first sentence in 12 CFR 19.4(a) is amended as follows:

1. The authority citation for Part 19 is as follows:

Authority: Secs. 8 and 10 of the Federal Deposit Insurance Act (12 USC 1818, 1820); secs. 12 (h) and (i), 15B(c), 21 and 23 of the Securities Exchange Act of 1934 (15 USC 78f (h) and (i), 78o-4(c), 78u, 78w); Administrative Procedure Act (5 USC 554-57); secs. 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630); secs. 4 and 13(a) of the International Banking Act of 1978 (Pub. L. 95-369).

2. Section 19.4(a) is revised to read as follows:

§ 19.4 Filing and service.

(a) *Filing.* Any notice which commences proceedings, any response or answer thereto, any amended notice and answer thereto, any notice of hearing, every order or ruling except one which is entered during the course of a hearing and is part of the hearing

transcript, every paper relating to discovery, every written motion, memorandum, notice, appearance, proof of service or similar paper, every stipulation of the parties, the hearing transcript together with all exhibits accepted into evidence, proposed findings and conclusions by the parties, the findings and conclusions and recommended decision of the presiding officer, parties' exceptions thereto, and the decision and final order of the Comptroller shall be filed with the Hearing Clerk or other person designated to receive papers for the agency in a proceeding.

Dated: March 24, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-9510 Filed 3-26-81; 8:45 am]

BILLING CODE 4810-33-11

12 CFR Part 29

[Docket No. 81-10]

Adjustable-Rate Mortgages

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This regulation establishes a framework within which all national banks may make and purchase residential mortgage loans which carry an interest rate subject to periodic adjustment. The authorization is intended to help ensure the availability of mortgage funds by facilitating the development of new instruments responsive to changing interest rates and bank deposit structures. The regulation provides for the protection of borrowers by requiring disclosures designed to facilitate their understanding and by moderating the frequency and magnitude of potential rate increases.

EFFECTIVE DATE: March 27, 1981. A 120-day transition period is provided for national banks with existing programs that do not comply with this regulation.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Fiechter, Deputy Director, Banking Research and Economic Analysis Division, (202) 447-1914, or Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

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I. Rulemaking Proceeding

A. Background Information

On September 29, 1980, the Office of the Comptroller of the Currency (Office) published for comment a proposed regulation governing adjustable-rate mortgage lending by national banks (45 FR 64196). Rather than specifying a single mortgage instrument, the Office proposed that all national banks be authorized to design adjustable-rate mortgage loans that meet their needs and those of their customers. The proposal also solicited comment on the wide variety of issues associated with adjustable-rate mortgage lending. The public comment period was to expire on November 28, 1980.

On December 1, 1980, the Office published notice in the Federal Register extending the comment period through December 30, 1980, and announcing joint hearings on adjustable-rate mortgage instruments with the Federal Home

Loan Bank Board (45 FR 79493). The two agencies determined that joint hearing would encourage broad public participation in the rulemaking process and would assist efforts by the agencies to promote greater uniformity in the regulation of adjustable-rate mortgage lending by federally-chartered financial institutions. Hearings took place on December 2 in Washington, D.C.; December 3 in Chicago, Illinois; and December 9, in Los Angeles, California.

B. General Summary of Comments

In response to its proposed regulation, the Office received written comments from approximately 330 persons and oral testimony of over 50 witnesses commenting on behalf of national and state-chartered banks, thrift institutions, other mortgage lenders, members of Congress, federal and state officials, trade associations, law firms, community and consumer groups, and individuals.

Support for flexible adjustable-rate mortgage (ARM) lending authority was virtually unanimous among those commenting on the ARM proposal on behalf of national banks. However, some of them felt that the proposed limits on interest rate adjustments were too restrictive and thus might discourage ARM lending. Representatives of consumer groups and community groups expressed concern over the rising cost of homeownership and the impact that ARM lending might have on the availability of mortgage credit for low- to moderate-income borrowers and low- to moderate-income neighborhoods. Many consumer representatives were sympathetic to the difficulties mortgage lenders face in making fixed-rate loans in an inflationary environment. Nonetheless, they urged that the extension of ARM lending authority be limited and that such authority be granted only in combination with other federal government actions to assure the availability of affordable mortgage funds for low- and moderate-income borrowers.

A more detailed discussion of the comment letters and testimony is contained in the Section "Specific Provisions of the Final Rule".

C. Comments on Payment-Capped Mortgages

In the proposed regulation the Office also solicited comments on the merits of placing limits on payment changes in addition to or instead of limiting periodic interest rate adjustments. However, few respondents addressed those issues. Limiting, or capping, payment changes affects the rate of repayment of the loan and, moreover,

introduces the potential for increases to the outstanding loan balance. Attention to the features of payment-capped mortgages is especially relevant now because some banks and thrift institutions have begun offering mortgage loans on which payment changes, but not interest rate changes, are limited.

D. Actions of the Comptroller of the Currency

The Office has decided to adopt a final rule governing the authority of national banks to make or purchase ARM loans with interest rate change limitations. This rule is effective immediately upon the date of publication in the Federal Register. National banks currently making ARMs with interest rate change limitations have 120 days to ensure that those mortgage programs comply with this rule.

Because experience with payment-capped mortgage loans is limited, and the advantages and disadvantages to lenders and borrowers are not yet well understood, the Office has decided to consider the issues raised by these loans further before attempting to design a regulatory framework for these instruments. The final rule contains provisions, intended as an interim rule, allowing lenders with existing payment-capped mortgage plans to continue to offer such loans subject to review and possible modification or termination of the plans by direction of this Office. Lenders wishing to initiate a payment-capped mortgage plan, but which have not made a payment-capped loan or a binding commitment to lend under such a program as of the publication date of this regulation must first provide this Office with a copy of all program loan documents before offering such loans. If the Office has not required the bank to modify or abandon the program within 60 days of submission of the loan documents, the bank may proceed with the program.

II. Outline of Final Rule

The final rule, which governs ARM lending by national banks to the exclusion of rules on the subject found in state law or regulation, requires that purchase-money adjustable-rate mortgage loans made or purchased by national banks on one- to four-family dwellings meet the following conditions:

- Adjustments to the interest rate on the loan must correspond with the changes in one of several specified national interest rate indexes (§ 29.4).
- Adjustments to the interest rate on the loan must occur at regular intervals not shorter than 6 months. However, the

interval before the first rate adjustment may be longer than subsequent intervals (§ 29.5(a)).

- The maximum interest rate change may not exceed 1 percentage point for every 6-month period between rate adjustments. For instance, the interest rate on a mortgage loan subject to rate adjustment every 2 years could not be increased by more than 4 percentage points at any adjustment date, even if warranted by a larger increase in the index. In no event may a single interest rate adjustment exceed 5 percentage points. The bank may, however, decrease interest rates at any time without regard to changes in the index or any other limitations (§ 29.5(b)).

- Interest rate increases warranted by increases in the index may be imposed at the bank's option, but decreases called for by net decreases in the index are mandatory. A bank may, at its option, offer mortgage instruments with further limits. For example, it may limit changes (both increases and decreases) in the interest rate over the life of the mortgage loan to not more than a fixed number of percentage points. To avoid minor changes in the interest rate caused by small fluctuations in the index, a bank may set a minimum rate adjustment (which must be applicable to both increases and decreases) of, for example, one-eighth of one percentage point (§ 29.5(c)).

- Changes in the interest rate index that have not been translated into changes in the mortgage interest rate may be carried over to the next rate change date to the extent that the amount carried over has not been offset by a subsequent movement in the index of the opposite direction (§ 29.5(c)).

- Adjustments to the interest rate may be implemented through changes in the payment amount and/or the rate of amortization, but limitations are imposed on the maximum amount of negative amortization (§ 29.5(d)).

- Prepayment penalties may not be charged after the first scheduled rate-adjustment notification date. Banks are also prohibited from charging fees for rate adjustments (§ 29.6 and 29.5(c)).

- ARM loans may contain due-on-sale clauses or may be assumable at the discretion of the bank. Banks may include provisions in ARM loans permitting adjustment of the interest rate and other terms on such assumed loans (§ 29.7).

- No later than the time at which the ARM loan application is provided to the prospective borrower, a bank must disclose information on the index and on how a payment schedule for a similar loan would be affected by certain

changes in the index, as well as certain other information (§29.8).

• Banks may offer a program of ARM loans with limitations on payment changes instead of limitations on interest rate changes and without regard to the limitations on negative amortization, but such programs are subject to review and possible modification or termination by direction of the Office of the Comptroller of the Currency (§ 29.9).

• Banks currently making ARM loans that do not comply with all of the provisions of this regulation will have a 120-day grace period from the effective date of this regulation to bring their ARM program into conformity with these provisions (§ 29.10).

III. Policy Considerations

A. The Need for and Expected Benefits of Regulation

The objective of the Office in issuing an adjustable-rate mortgage regulation is to encourage national bank participation in the residential mortgage market by facilitating the development of new mortgage instruments that are responsive to changing interest rates, deposit and liability structures, and borrower needs. By providing national banks with the flexibility to design mortgage instruments that both accommodate the needs of their customers and yield a rate of return roughly commensurate with their payment of market interest rates on their deposits, mortgage lending will be encouraged.

It may be especially important over the next few years to encourage depository institutions to participate actively in the mortgage market. Many housing and mortgage market analysts predict that the 1980s will be a period of unprecedented demand for housing and, therefore, mortgage funds. It is, thus, crucial that the mortgage finance system permit mortgage instruments which accommodate the changing needs of mortgage lenders in our current economic environment.

The nation's depository system is gradually being transformed from a protected system of specialized lending institutions such as banks, thrift institutions, and credit unions into a highly competitive system of depository institutions that are increasingly competing side by side with nondepository financial intermediaries for deposits and lending opportunities. Moreover, individual savers have become increasingly sensitive to obtaining market rates of interest on their funds. Recognizing these developments, federally-imposed

deposit rate ceilings, in place for decades, will be phased-out by March 31, 1986, as part of the implementation of the Depository Institutions Deregulation and Monetary Control Act of 1980. As a result, banks' average cost of funds will increasingly reflect changes in market rates of interest, making it extremely difficult for them to project their future cost of funds and to set appropriate interest rates on long-term fixed-rate assets. In such an environment, in which interest rates and the cost of funds are volatile, the Office does not believe it is realistic to expect depository institutions to lend substantial amounts of funds for long terms at fixed rates of interest.

Interest rates on the popular 6-month money market certificate of deposit have ranged from 6.66 percent in June of 1980 to 15.42 percent in December of 1980. At the end of 1980, 43 percent of commercial bank deposits were in rate-sensitive liabilities, including large negotiable certificates of deposit (with no interest-rate ceilings), money market certificates of deposit (with interest-rate ceilings tied to the rate on 6-month Treasury bills), and 2½ year small-saver certificates (with interest rate ceilings tied to the yield on Treasury securities maturing in 2½ years).

The market values of fixed-rate long-term mortgages made last September have already suffered a 10 percent decline due to higher interest rates. Financial institutions with large portfolios of low-coupon fixed-rate mortgages made in previous years have suffered an even more dramatic decline in the market value of their assets. As a consequence of these declines, it is becoming increasingly difficult for borrowers to obtain fixed-rate mortgage loans except from lenders with access to federally-sponsored agencies or private investors willing to purchase those loans. Clearly, depository institutions need mortgage instruments with rates of return that more closely follow changes in market interest rates.

It is equally clear, however, that not all individuals have incomes that are sufficiently flexible and responsive to changes in the rate of inflation to keep pace with the varying payment obligations of an ARM loan. While inflation and high interest rates have been widespread, individual consumers and communities have been affected differently. A review of nominal income trends on a regional basis and by occupation has shown wide variance in the ability of households to increase or even maintain their annual real incomes. Trends in housing prices have also

varied substantially among regions and within regions in the United States.

Due to the varying needs of lenders and borrowers, the Office has determined that it would be unwise to issue a final rule that defined the specific contractual terms and loan documents of an ARM instrument. While such an approach would assure uniformity, simplify the supervisory problems of this Office, make consumer comparison shopping easier, and facilitate the early development of a secondary market for these instruments, it is not apparent that a single instrument can meet the varying needs of all borrowers, lenders, and investors.

The final rule, therefore, extends broad authority to all national banks to design ARM instruments. Within the limitations set forth in the regulation, national banks may tailor loans to the needs of their local markets.

B. Affordability Concerns and Monitoring Program

Representatives of local community organizations expressed the concern that widespread use of ARMs would tend to exacerbate the difficulties of low- and moderate-income households and of minorities and women in purchasing homes. These groups argued that the future incomes of such borrowers might not keep pace with required monthly payments, or that lenders might believe that these borrowers' incomes would not keep pace, thus making it more difficult for them to qualify for adjustable-rate loans than for fixed-rate loans. Conversely, these groups also fear the possibility that, once having qualified for an ARM, such borrowers would face greater risks of subsequent default.

A number of comments from consumer groups suggested that national banks be required to offer a fixed-rate mortgage option to each buyer. Another suggestion from these groups was that the Office suspend further consideration of the regulation until Congress can review the proposed instruments in the context of developing a national housing policy to address the affordability problems of moderate- and low-income families.

The Office shares the concerns of these groups about housing affordability but believes that neither of these recommendations would address them effectively. The source of the affordability problem is the underlying inflation in the economy. ARMs are not a cause of this inflation but rather a response to it. As stated previously, the regulation is intended expressly to encourage and facilitate the involvement

of national banks in mortgage lending. To the extent that banks are attracted into this market by the availability of a mortgage instrument suitable to an inflationary and volatile interest rate environment, the supply of mortgage credit will expand and interest rates will tend to be lower than they otherwise would be. In contrast, if banks do not have a viable mortgage instrument available to them, many will not make mortgage loans, or will build a substantial "inflation insurance premium" into the rate on fixed-rate instruments. Either way, the net effect of discouraging ARMs in such a market would be to drive up interest rates.

The housing affordability problem is more fundamental than the issue of fixed-rate versus adjustable-rate mortgages. The risks of making long-term fixed-rate mortgages in an inflationary environment have already led lenders to set interest rates on those instruments at levels that many moderate-income families cannot afford. That point was supported by the testimony and comments which repeatedly suggested that the borrowers who are the subject of special concern have already been priced out of the traditional fixed-rate mortgage market. Mandating the continued offering of fixed-rate mortgages is not, therefore, a solution to the housing affordability problem.

However, the Office believes that those concerned about housing affordability are correct in their perception that the nation has entered a period of significantly increased costs for housing and housing credit, and that those costs may threaten the expansion of homeownership which the nation has enjoyed in recent decades. While the Office believes it is appropriate for homebuyers to pay a competitive market interest rate, the Office is concerned that continued inflation may cause housing financing costs to rise more rapidly than family income. We concur with those comments which suggested that the affordability problem should be addressed directly through consideration of national policy alternatives. The hearings produced a number of such policy proposals, all of which were beyond the jurisdiction of this Office. Nevertheless, the Office will take every opportunity to contribute to efforts to fashion a national program that expands opportunities for homeownership.

The Office is concerned that individual banks offering ARMs might fail to satisfy their obligations, as expressed in the Community Reinvestment Act (CRA), to help meet

the credit needs of their entire communities. Such national banks, based on unsubstantiated perceptions that prices of properties or incomes of residents in low- and moderate-income areas will not increase in line with increases in the general inflation rate, may be unwilling to make ARM loans in these areas. Similarly, the offering of ARMs could have ramifications for the implementation of the Equal Credit Opportunity Act and the Fair Housing Act. Lenders could use loan evaluation criteria, including unsubstantiated projections of future income growth, that have the illegal effect of discriminating against minorities, women, or other groups protected by these laws. The Office reiterates its intention, as expressed in the preamble to the proposed regulation, to monitor systematically the impact of ARMs on low- and moderate-income areas, and on women and minorities. This monitoring will be conducted in three ways.

First, the Office is in the process of making minor amendments to its existing Fair Housing Home Loan Data System to permit separate analysis of ARMs. This will permit analyses of credit decisions and loan terms offered by individual banks, to determine whether the type of mortgage offered varies according to the characteristics of the borrower or the property and, similarly, to determine whether credit standards and loan terms differ by type of mortgage. If differences exist, the Office will attempt to determine whether they are reasonable or discriminatory.

Second, the Office intends to use existing information collection systems to monitor the volume of ARM lending by national banks. This information will be collected in connection with periodic reports of condition that all federally-regulated banks are currently required to submit. Lending patterns in particular locations, such as individual states or Standard Metropolitan Statistical Areas, and comparisons of lending patterns by size of bank, urban versus rural location, and other factors will be analyzed.

Third, the Office will use the routine bank examination process to evaluate the record of each bank in complying with the fair credit laws and in responding to its CRA obligations.

It should be emphasized that all three of these monitoring efforts will be implemented through the use of existing systems with only minor amendments. The Office will not impose any significant new reporting requirements on banks for the purpose of monitoring adjustable-rate mortgage activity.

The Office will evaluate the information obtained through these monitoring efforts together with other relevant information, on a continuing basis, and will make a comprehensive review of the results two years following the effective date of this regulation. If the results of this evaluation indicate an adverse impact on the objectives of equal credit opportunity or community reinvestment the Office will consider using all available means, including amendments to the regulation, that would help to alleviate this impact. If the results of the evaluation suggest no adverse impact, or a positive impact, on those areas under consideration, the Office will consider elimination of the monitoring program and will also consider permitting additional flexibility in the adjustable-rate mortgages that national banks may offer.

IV Specific Provisions of the Final Rule

A. Definition

The final rule defines an ARM as any loan made to finance or refinance the purchase of a one- to four-family dwelling, which permits the lender to adjust the interest rate periodically. The definition of an ARM loan in the proposed regulation included all loans that have an adjustable-rate feature and are secured by a one- to four-family dwelling.

In general, comments favored limiting the scope of the definition rather than expanding it. Comments on what types of loans should be included under this regulation covered a number of options. Some comments stated that all real estate loans should be covered, while others stated that construction loans, which in many areas are tied to the prime interest rate, should be exempted, and still others felt that business, commercial, or non-purchase-money loans secured by one- to four-family dwellings should not be included.

The intent of the regulation is to improve the availability of mortgage funds for purchasing residential property and to provide protections to home purchasers. The intent is not to regulate adjustable-rate loans made for other purposes. Therefore, the definition has been rewritten to make clear that the regulation applies only to purchase-money mortgages on one- to four-family homes.

B. Indexes

The proposed regulation provided national banks with the choice of one of four specified national interest rate indexes. These indexes were the Federal

Home Loan Bank Board's (FHLBB) average mortgage rate on previously occupied homes, the Federal National Mortgage Association's (FNMA) auction rate on mortgage purchase commitments, the 3-year rate on U.S. Treasury securities, and the 5-year rate on U.S. Treasury securities. Comment was specifically requested on whether lenders should be provided with a choice of indexes, the appropriateness of the proposed indexes, the appropriateness of any other indexes including the use of a lender's own lending rate as an index, regional indexes, and the use of averaging to smooth out interest rate peaks and valleys.

A significant number of respondents and witnesses at the hearings commented on these issues. A slight majority favored providing lenders with an array of indexes rather than a single index because of the difficulty of choosing one index that meets the diverse needs of all lenders and borrowers. Those indicating a preference for a single index argued that it would facilitate the sale of ARMs in the secondary market. The greater ease of comparison shopping by borrowers was also noted as a reason to choose a single index. However, there was little agreement among those preferring a single index as to which index should be chosen.

The Office believes that the flexibility provided by giving lenders a choice among several indexes is especially important at this stage in the development of ARMs. While secondary market considerations may eventually dictate the use of a single index for loans sold, the Office believes the choice of index for that purpose should be determined in the market. On the basis of comments, the Office has decided to authorize three indexes. They are short- and medium-term Treasury rates (6-month and 3-year) and the Federal Home Loan Bank Board series of contract mortgage rates. Each of the three authorized indexes reflects a nationwide average of interest rates on mortgage loans or securities traded in national markets, is easily verifiable, and is beyond the control of a single lender.

The Office has determined that the FNMA auction rate on FHA/VA mortgage purchase commitments, which was proposed as a possible index, is not an appropriate index for ARMs. Comments were received favoring authorization of a FNMA index with some indicating a preference for an index of the FNMA auction commitment rates on conventional rather than FHA/

VA loans. Several comments, however, appeared to be based on the mistaken assumption that FNMA would purchase only ARMs using the FNMA index. This is not correct, and, in fact, FNMA recommended against the adoption of this index, pointing out that its rate is for optional commitments to deliver mortgage loans to FNMA within 120 days (recently reduced to 60 days). As a result, the rate reflects investors' rate expectations rather than current interest rates, and loans committed are delivered only if market conditions so warrant. Furthermore, FNMA pointed out that the rate is under the control of FNMA, and movements in the rate may, on occasion, reflect FNMA corporate objectives rather than market conditions. Similar considerations make the Federal Home Loan Mortgage Corporation's weekly auction yield, which was suggested as an additional index by some lenders, an inappropriate ARM index.

The Office has also dropped the 5-year Treasury rate from the list of authorized indexes. Very few comments indicated a preference for that rate. Because movements in the 3-year and 5-year Treasury rates are similar, elimination of the 5-year Treasury rate will not significantly limit the flexibility afforded borrowers and lenders.

A sizeable number of comments requested authorization of an index that would enable lenders to make mortgage loans with interest rates that reflect changes in their cost of funds. The bank's own marginal cost of funds, an in-house prime rate, and short-term Treasury bill rates were suggested as appropriate short-term indexes. In response to such requests, the Office has added the 6-month Treasury bill rate to the list of authorized indexes. This index should serve as a proxy for the cost to banks of short-term funds and has the advantage of being a national rate and therefore outside of the control of any single lender. The availability of a short-term index may encourage lenders who rely on short-term deposits for funding their mortgage portfolios to become more active in the mortgage market.

A number of comments expressed concern that the use of national indexes did not recognize regional differences in mortgage market conditions and, in particular, regional differences in mortgage rate levels. Some were concerned that national interest rate indexes might differ from local mortgage market rates. The Office emphasizes that the index value does not necessarily determine the level of the initial mortgage contract rate. The choice of the index affects only the

magnitude of adjustments to the interest rate. The Office further believes that the flexibility inherent in the regulation, *e.g.*, considerable discretion with respect to interest rate adjustments and rate adjustment periods, should enable lenders to tailor instruments to their particular markets. Regional variances in interest rates can be reflected in the initial pricing of the mortgage loan. Therefore, the Office has not authorized the use of regional indexes.

C. Source of Index Values

National banks are required to use the most recent index value when setting the index base or notifying a borrower of an interest rate adjustment. The Federal Home Loan Bank Board calculates the monthly average mortgage rate on loans closed on previously occupied homes and makes this rate available on or about the 12th of the succeeding month. Treasury security rates for each month are published by the Federal Reserve Board (Federal Reserve's statistical release G.13 (415)) and are released during the first week of the succeeding month.

D. Averaging

Few comments were received on the question of basing interest rate changes on a moving average of the chosen index. However, most who did comment favored averaging, provided it was optional. The regulation provides national banks with the option of using a moving average of an authorized index to adjust ARM interest rates. However, if the 6-month Treasury bill rate is used as an index and the ARM interest rate is adjusted less frequently than once every six months, the bank must base interest rate changes on a moving average of the index values over a period as long as the interval between interest rate adjustments. The purpose of this averaging requirement is to avoid locking a loan into a rate for a period significantly longer than the maturity of the instrument on which that interest rate index is based.

E. Lender's Own Mortgage Rate as Cap

The proposed ARM regulation would have prohibited lenders from raising the rate on an ARM above their current offering rate on similar loans. Respondents who opposed this restriction noted that at any given time, a particular lender's offering rate may reflect policy decisions, such as the volume of mortgages it wants to originate, rather than more general market conditions. As a result, investors might find ARMs an unattractive investment if the loan's interest rate

flexibility were constrained by the originating bank's mortgage policy. In addition, secondary market investors using the group accounting system in pooling their mortgages require that all the loans in a pool change at the same time and by the same amount. The imposition of a lender's own mortgage rate cap which might fluctuate over the life of the ARM would limit the opportunities to pool these loans since loans offered by different banks might have different caps at any given time. For these reasons, the restriction has been deleted from the regulation.

F. Frequency of Rate Changes

The proposed regulation limited adjustments in the interest rate to no more frequently than semiannually. The final rule adopts this provision. The majority of comments favored the 6-month minimum adjustment period and those favoring a different minimum adjustment period were fairly evenly divided between a longer and a shorter period. Several lenders argued that, because their cost of funds may change daily, more frequent interest rate adjustments are more attractive. They noted that more frequent rate changes would benefit both lenders (when interest rates increase) and borrowers (when rates decrease). Lenders in favor of a longer adjustment period argued that it would increase the attractiveness of ARMs to borrowers by enabling them to make spending and saving plans. In addition, it was argued that long adjustment periods would tend to even out cyclical movements in interest rates. In establishing a minimum adjustment period of 6 months the Office is not suggesting that national banks design only ARMs with a 6-month adjustment period. The Office anticipates that national banks will design an array of ARMs with varying adjustment periods to serve different segments of the mortgage market.

The proposed regulation contained a provision intended to facilitate the sale of ARM loans to certain secondary mortgage market investors such as the Federal Home Loan Mortgage Corporation. These investors have indicated their intention to purchase only those ARM loans that have certain common characteristics. Two of these common characteristics—the same starting index value and same rate adjustment date—are necessary so that group accounting may be applied to all the loans in a pool; i.e., they are necessary so that all of the loans will change by the same amount at the same time. To accommodate this need the proposed rule would have allowed loans originated within a six-month (or

shorter) interval to be treated as if they had all been originated at the beginning of the interval for the purpose of setting the starting index value, and as if they had been originated at the end of the interval for the purpose of determining the rate adjustment dates.

This pooling provision has been dropped from the final rule because of the potential for inequities. For example, borrowers with loans closing late in a pooling interval will presumably borrow at an interest rate reflecting market conditions at that time. But if interest rates have been rising rapidly during the pooling interval, the starting index value applied to these loans will be quite a bit lower than the actual index value when the loans are closed, giving these borrowers built-in rate increases at the common adjustment date.

The Office recognizes the advantages to secondary market investors of creating pools of ARM loans that have common index values and common interest rate adjustment dates. Accordingly, the final rule contains a provision permitting extension of the first rate adjustment interval by any period in order to achieve common rate adjustment dates. Moreover, the final rule contains no overall interest rate cap and permits lenders to set broad periodic interest rate limitations. This flexibility should permit the ARM interest rate to adjust fully, under most economic scenarios, to any changes in the index as of the first rate adjustment date; in the absence of any carryover of index changes, the interest rates on the pooled ARM loans should thereafter change by the same amount in response to subsequent changes in the index.

G. Periodic Limits on Interest Rate Adjustments

The proposed periodic limit on interest rate adjustments of $\frac{1}{2}$ of 1 percentage point per 6-month period generated a substantial number of comments. A slight majority indicated that the proposed cap would be acceptable, while a number of comments argued that the regulation should place no limit on rate adjustments contending that the limits would discourage national bank participation in the mortgage market.

A maximum limit on periodic interest rate changes of 1 percentage point per 6-month period is imposed in the final rule. The Office has increased the periodic cap over that in the proposed regulation to increase the flexibility of the ARM regulation. Authorization of a 1 percentage point periodic limit is not an endorsement by this Office of ARM instruments incorporating this limit. It is the maximum permitted periodic rate

change. While the rule authorizes banks to design instruments which include the maximum permitted rate flexibility, such instruments are clearly not suited to all potential homebuyers. For example, at mortgage interest rate levels of 12 percent to 15 percent, a 2 percentage point annual interest rate cap permits an annual increase in monthly payments of as much as 15 percent. Therefore, if the interest rate on an ARM rose by 2 percentage points, a borrower would need a 15 percent increase in annual income to maintain a constant income-to-payment ratio. Such an increase in income exceeds the growth rate of median family incomes in the last several years. A variety of periodic interest rate caps were proposed in the comment letters and, therefore this Office anticipates that an array of ARM instruments with varying interest rate caps will appear on the market.

There were no significant objections in the comment letters to the provisions in the proposed regulation limiting single rate adjustments to no more than 5 percentage points at any one rate adjustment period and requiring national banks to reduce rates whenever warranted by decreases in the index. The provisions permitting national banks to establish minimums and maximums for mortgage rate increases and decreases and/or minimum increments for change also received favorable comment. All of these provisions are adopted in the final rule.

H. Carryover of Changes in the Index

Any change in the interest rate that is permitted, but which is not taken may, or must in the case of a decrease, be accumulated by the bank and taken at a later date. For example, if the index on an ARM subject to annual rate adjustments increases from 10 percent to 12 $\frac{1}{2}$ percent during the first year, the bank may only raise the mortgage rate by a maximum of 2 percentage points on the 1-year anniversary of the loan. If the index is at 12 $\frac{1}{2}$ percent on the second anniversary of the loan, the bank may raise the interest rate by an additional $\frac{1}{2}$ of 1 percentage point. However, if the index declines to 12 percent on the second anniversary of the loan, the rate on the loan may not be increased.

I. Aggregate Limits on Interest Rate Adjustments

The Office requested comment on the imposition of aggregate limits on interest rate adjustments over the life of the mortgage loan and, in particular, on an overall cap of 5 percentage points, a cap of 50 percent of the initial contract rate, or no overall cap. The question of the

overall cap generated more comments than any other provision in the proposed regulation. Almost three quarters of the comments were opposed to having the regulation set an overall cap. While many banks supported the establishment of periodic interest rate limits so as to limit the rate of increase in monthly payments, they argued that overall rate limits were inconsistent with the concept behind the ARM which is to allow banks to avoid assuming the risk of a steady rise in interest rates. With the gradual removal of deposit rate ceilings over the next few years and the significant and unexpected rise in interest rates in recent years, many bankers argued that they needed the assurance that over time interest rates on ARMs would keep up with any changes in their cost of funds. The remaining comments generally favored some form of cap, although many felt that the proposed 5 percentage point and 50 percent of the initial contract rate limitations were too restrictive.

The Office has decided not to set an overall interest rate cap, but rather to permit overall caps, if any, to be established by the market through competition and projections of future rates of inflation. Limiting the ability of national banks to shift the risk of upward movements in interest rates to borrowers would force those banks to charge higher initial mortgage interest rates and might even discourage such banks from providing long-term mortgage financing. Periodic interest rate caps will protect borrowers from extraordinary increases in their monthly payments.

J. Negative Amortization

The proposed regulation provided that interest rate changes could be made through adjustments to the monthly payment level or to the rate of amortization of the loan (or a combination of these methods). This Office recognizes that keeping payments constant while the interest rate increases may alleviate some borrower budgeting difficulty that might arise if rate increases were immediately reflected in increased monthly cash outlays. At the same time, however, at today's interest rates, a rate increase as small as $\frac{1}{4}$ of 1 percentage point on a typical loan, without a corresponding payment increase, could reduce the rate of amortization to the level where the monthly payment amount covers only the interest cost of the loan but does not reduce the principal. Any larger rate increase would mean that the monthly payment would be insufficient to cover all of the accrued interest. The amount of interest not covered would be added

to the outstanding loan balance. This condition is known as negative amortization; principal, instead of being paid down, is actually increasing.

The proposed regulation stated that certain limited amounts of negative amortization would be permitted to permit lenders that might prefer ARM loans with frequent interest rate changes that quickly reflect market fluctuations to accommodate borrowers who might prefer the budgeting certainty of less frequent payment changes. Specifically, loans would be viewed as conforming with the requirements of 12 U.S.C. 371(a)(1) if two conditions were met. First, payments had to be adjusted at least every 5 years to an amount sufficient to amortize the outstanding principal over the remaining term. Second, the additions to principal during any fixed-payment period due to negative amortization could not exceed $\frac{1}{2}$ percent of the principal outstanding at the beginning of the fixed-payment period times the number of six-month intervals within the fixed-payment period. These limitations were viewed as consistent with recent legal interpretations by the Office's Law Department in connection with certain graduated-payment mortgage programs. For such programs temporary intervals of limited negative amortization are permissible if the lender is not subject to materially greater risk than it would be with a fixed-rate, level-payment real estate loan.

Only a fourth of all those commenting on the proposed regulation mentioned negative amortization at all, and just over half of those opposed any form or amount of negative amortization. Most of these respondents suggested that prudent banking practice demands that long-term real estate loans be amortizing at all times. Permitting negative amortization might lead to the situation where rising loan balances could outstrip house values, and banks might end up taking these losses. In addition, because ARM loans enable mortgage lenders to share with mortgage borrowers the costs of inflation and rising interest rates, some of those commenting asserted that their rapid introduction could have a dampening effect on inflation in housing prices. Thus the risk of losses would increase.

Just under half of those comments addressing the advisability of negative amortization favored permitting it to some degree. Most of them stated, based on considerations of safety and soundness, that only limited amounts of negative amortization, such as those suggested in the proposed regulation, should be allowed. Some said that

negative amortization should be allowed at the bank's option, to be exercised only in hardship cases where borrowers could not afford increased payments. Several agreed that negative amortization should be used only in hardship or workout situations but felt that the option should be the borrower's, in accordance with the proposed regulation.

Persons commenting on behalf of a small number of financial institutions argued for removing all limits on negative amortization. Those lenders felt that the borrower's need for payment certainty could be reconciled with the lender's need to cover fluctuating cost of funds by keeping payments fixed for an extended interval while letting interest rates change frequently in response to movements in short-term market interest rates. Such loans could conceivably entail large amounts of negative amortization. But those lenders argued that even large amounts of negative amortization would generally be eliminated over the business cycle as a result of declines in interest rates. They also contended that safety and soundness arguments fail to recognize that the conditions that would give rise to sustained periods of substantial negative amortization would probably also lead to rapid increases in housing values.

In response to this diversity of opinion, this Office has decided to include a provision in the final rule which permits a somewhat greater amount of negative amortization than originally proposed. For periods during which the monthly payment is fixed, negative amortization is limited to 1 percent of the principal outstanding at the beginning of the fixed-payment period times the number of six-month intervals within the fixed-payment period. This increase is intended to enhance the ability of national banks to provide borrowers with payment certainty in conjunction with the greater rate flexibility authorized for ARM loans. Those banks that favor fully amortizing loans are not required to permit any negative amortization. However, those that see some utility in limited amounts of negative amortization, either in hardship cases or on a regular basis, may avail themselves of the provisions of the regulation. Those that want still greater flexibility may avail themselves of the special interim provisions of the final rule for payment-capped mortgages. (See discussion below on "Payment-Capped Mortgages.")

The negative amortization provision in the proposed regulation has been

further altered to require that any non-scheduled deviations from the contemplated amortization schedule be at the agreement of the borrower and the lender instead of solely at the borrower's option. This change is intended to provide balance between the occasional hardship needs of some borrowers and the administrative burdens and prudential concerns of the banks. The Office believes that in those situations where borrowers are truly unable, at least in the short run, to increase monthly payments to meet interest rate increases, the parties will agree to a mutually acceptable arrangement for deferring increases in the monthly payments stemming from rate increases. This system of requiring agreement of both parties to any modification of loan terms has long prevailed with respect to fixed-rate mortgages, and there is every reason to expect that banks will be as accommodating to ARM borrowers.

The proposed regulation expressly authorized negative amortization resulting from increasing interest rates during periods of constant payments, regardless of state-law prohibitions on charging compound interest. Some comments questioned the legality of charging interest on any additions to principal resulting from negative amortization in the many states that prohibit charging interest on interest. Moreover, several respondents, including two title insurance companies, suggested that the authority of the Office to issue regulations was ambiguous. Such title insurers suggested that they might not insure the validity, priority, or enforceability of liens to the extent that they cover increases to loan principal resulting from negative amortization.

With respect to those who questioned the Office's authority to preempt state law provisions prohibiting the charging of compound interest, it is the view of the Office that this authority is sufficiently clear. (See "Relation of General Rule to Other Laws" below.)

State laws prohibiting the charging of compound interest are often intended to prohibit compounding only if the effective simple rate of interest derived in this manner would exceed the state usury limit. Interpretive letters written by the Office's legal staff have long recognized that to the extent 12 U.S.C. 85 incorporates a state's usury ceiling, it also incorporates, generally, the state's method of calculating the effective rate of interest charged on the loan. Thus state law, as incorporated in 12 U.S.C. 85, can prohibit a national bank from charging a compound rate below the

usury limit if the simple rate of interest thus charged would exceed the state limit. The preemption provisions of the final regulation are not intended to alter this situation. However, the alternative federal usury limit of 12 U.S.C. 85 and the federal usury preemption of Section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 provide national banks with a method, in many cases, of avoiding state usury limits and restrictions on compounding as they relate to these state limits.

Many states prohibiting the charging of compound interest do so as an entirely separate protection for borrowers. While these prohibitions are often codified with or as part of the statutes establishing the usury limits, they are completely unrelated to the process of determining the maximum permissible rate of interest a lender may charge. It is only this type of state statutory provision, unrelated to the usury limit, that the final rule preempts.

K. Assumption

Lenders overwhelmingly expressed their support for the proposed assumption provision which authorizes national banks to include and exercise due-on-sale clauses, regardless of limitations found in state law. They also favored permitting national banks that allow assumption to reset the interest rate on the assumed loan. A few respondents stated that banks should be required to permit assumption since the interest rate risk of an ARM to the lender is significantly less than under a fixed-rate mortgage. While this is true, the lender's interest rate risk would be eliminated completely only if the ARM interest rate is kept current with market interest rates and is not subject to any limits on interest rate changes. Other respondents suggested that banks should be allowed to reset any periodic or aggregate interest rate limitations, as well as the interest rate, when they permit assumptions.

The Office believes that a due-on-sale provision is desirable to provide the lender with the ability to protect itself from additional market risks. In addition, because the Office has decided to limit interest rate changes and does not wish to discourage lenders from establishing more restrictive interest rate limitations, the Office has decided to adopt an expanded provision for banks choosing to permit assumption. The final regulation allows national banks to reset at assumption any loan terms, including the interest rate. The intent of the final provision is to permit banks to choose the extent to which they want to expose themselves to

additional market risk when assumption is granted.

L. Prepayment Penalties

The Office proposed limiting the right of national banks to charge prepayment penalties to the period preceding the notification of the first permitted interest rate adjustment. Reaction to the proposed prepayment penalty provision was mixed. Most comments favored the proposal as written, though some favored greater flexibility for banks. Of those respondents advocating the prohibition of prepayment penalties, some argued that since many banks are not currently charging such fees they would not need to do so under an ARM. Others felt that prepayment penalties were not a major consideration given that over time the interest rate on an ARM should approximate market rates. Comments favoring prepayment penalties over a longer period than that proposed argued that the lender is entitled to some compensation when a borrower breaks a long-term contract and prepays. Consumer groups favored no prepayment fees whatsoever.

Because of the unfamiliarity of borrowers with the nature of ARMs, there is sound reason for allowing borrowers to repay the loans at any time without penalty. This Office recognizes, however, that prepayment penalties may act as important deterrents to prepayment for the purpose of refinancing when mortgage rates decline. As such, they may encourage banks to make long-term fixed-rate commitments. This Office has, therefore, decided to adopt the proposal to permit national banks to levy prepayment penalties up to 30 days prior to the first scheduled rate adjustment date. Thus, banks will be able to minimize the risk of prepayment during the period prior to the first rate change notification date and therefore will be encouraged to make ARMs with long initial grace periods or subject to less frequent rate adjustments. After the first rate change notification date borrowers may prepay without penalty.

M. Short-Term and Demand Loans

Many banks currently offer short-term and demand purchase-money mortgage loans. The Office proposed to continue to permit short-term and demand mortgage lending by national banks and to exempt such loans from the provisions of this regulation if a specified disclosure notice were provided describing the nature of, and the risks associated with such instruments. The Office felt that a required disclosure notice of this sort,

while not overly burdensome to the lender, would help ensure that the borrower is properly informed of a loan in which the maturity date is shorter than the amortization schedule and in which refinancing is not guaranteed.

While very few comments were received on short-term and demand mortgage lending by national banks, the majority of them favored the proposal. Since there is currently no evidence that further restrictions on such loans are necessary, the Office has decided to adopt the proposed provision. The Office emphasizes, however, that disclosure of the nature of these loans does not relieve the lender of the obligation to use them cautiously. Borrowers and lenders alike must be aware of the risk that borrowers may be forced to refinance their mortgages during periods of tight credit. If problems develop with such loans in the future the Office may impose restrictions beyond the required disclosure notice.

N. Disclosure

The proposed rule required banks to provide an initial disclosure as shopping information and a notification of upcoming interest rate changes. It also included model disclosure and notification forms.

Comments on the proposed disclosures were mostly positive. Most banks indicated that the requirements would not be seriously burdensome, particularly with the availability of the model forms. A number of banks urged that disclosure requirements for ARMs not duplicate disclosures required by other laws for real estate loans, and in particular those required by the Real Estate Settlement Procedures Act (RESPA) and the Truth-In-Lending Act and its implementing Regulation Z. In addition, some banks suggested that borrowers might be more confused than helped by a comprehensive and lengthy disclosure.

The issues of avoiding disclosure duplication and of providing borrowers with the optimal amount and type of information were extensively evaluated by the Office. In drafting this provision of the final rule the Office was guided by the belief that the fundamental interests of both borrowers and lenders are best served by permitting lenders to compete freely in designing and pricing ARMs that will efficiently meet borrower demands. However, the marketplace only operates efficiently if both buyers and sellers are well informed about the transaction and fully understand the contractual agreement. A wide variety of mortgage instruments, including ARMs, will present borrowers

with complex and unfamiliar borrowing options which will be difficult to evaluate. Lacking adequate disclosure, many borrowers contemplating an ARM will find it difficult to make an informed decision, thus interfering with the efficient functioning of the market to the detriment of individual borrowers.

To address this concern the regulation has been designed to complement the flexibility of the permitted ARM instrument with the requirement for relatively comprehensive consumer disclosures. Disclosures serve the two-fold purpose of educating borrowers about the nature of ARMs and equipping them to shop for the appropriate ARM.

To meet these objectives, the Office is requiring that the initial shopping disclosure be provided when any written information regarding ARMs is provided by a national bank and no later than the time of loan application. This precedes the time at which RESPA and Regulation Z disclosures are to be provided. Although some credit shopping information is provided in disclosures required by RESPA and Regulation Z, the Office believes that these other disclosures are not made sufficiently early to serve the general educational purpose envisioned by the regulation.

Furthermore, most of the information required in the regulation does not duplicate the Regulation Z or RESPA disclosures. Those rules have different purposes. Regulation Z is focused on providing all consumer credit borrowers with the finance charge and annual percentage rate and making these items comparable from lender to lender. This information is helpful in comparing the terms of many types of loans, but does not satisfy the full educational and comparison shopping purpose this Office sees as necessary to help consumers evaluate the complexities and uncertainties presented by adjustable-rate mortgages. Accordingly, the final regulation does not defer to Regulation Z. It should be noted, however, that the Office has expressed the view to the Federal Reserve Board that Regulation Z could be amended to provide an exception for any substantially similar information previously disclosed pursuant to other federal regulatory requirements.

Similarly, this Office believes that the ARM disclosures in the final regulation serve a purpose distinct from those contained in RESPA. RESPA requires disclosure of a good faith estimate of most closing costs within 3 days after a loan application so that borrowers will be prepared for settlement charges and may shop for settlement services. In contrast, the proposed regulation

required only a list of the categories of fees that will be assessed. The purpose of this proposed disclosure was to alert borrowers early in the process of shopping for a mortgage loan to the possibility that payments other than principal and interest may have to be made in connection with taking out and servicing a mortgage loan. The Office recognizes that the requirement in its proposed regulation, while not fully duplicative of the RESPA disclosures, does overlap with those disclosures to some extent. To avoid even this minimal duplication, while satisfying the Office's concern that borrowers be alerted early to the imposition of certain closing and other costs, the final regulation requires only a simple statement that the bank and/or other persons may charge certain fees in connection with an ARM loan.

The final rule requires both a comprehensive initial disclosure statement and notifications of periodic interest rate changes. To avoid confusing borrowers or overburdening lenders, an effort was made to avoid excessively long disclosure. Nevertheless, the Office disagrees with those who commented that a historical series of index values and a limited (5 percentage points in the proposal and 10 percentage points in the final regulation) worst-case disclosure are more likely to mislead borrowers than to help them. First, the model disclosure form contains cautionary language concerning the reliability of this information as a forecasting tool. Second, the information provides borrowers with necessary examples of interest rate and payment changes over several years. The regulation does not impose limitations on the number of different examples or additional information that may be provided. National banks are certainly encouraged to go beyond what is minimally acceptable in educating their borrowers, as long as this is not done in a misleading fashion. For those national banks that regard the comprehensive shopping disclosure as costly to provide the Office has appended model disclosure and notification forms to the rule that can be easily adapted and preprinted by individual institutions.

Because the regulation relies primarily on disclosure rather than restriction of ARM terms to provide for borrower protection, the Office will view failure to provide timely and substantively complete and correct disclosures as a serious violation of the regulation. The full range of the Office's available supervisory authority will be used to assure compliance with the disclosure provisions of the final rule.

O. Payment-Capped Mortgages

Starting in the fall of 1980, several commercial banks and thrift institutions began offering 30-year ARM instruments with limitations on payment changes but not on rate changes. The interest rate on these loans is adjusted frequently to stay at a fixed margin over some short-term security rate used as an index; the amount of the monthly payment is fixed for considerably longer periods. As a consequence, interest rate changes over the fixed-payment period are reflected in changes in the rate of amortization of principal rather than in changes in the monthly payment amount. At the end of each fixed-payment period the amount of the monthly payment is adjusted so as to amortize the loan fully over the remaining term to maturity, at the interest rate in effect at the time of the payment change (or at some average of rates over some prior period). To avoid sharp increases in monthly payment amounts, changes in monthly payments on these instruments have been tightly limited by lenders at each readjustment date for the first 20 or 25 years of the loan. However, during the remaining 5 or 10 years of the loan the limit is removed and the payment amount may be increased by whatever amount is necessary to assure full amortization of the loan by the end of 30 years. In some cases, the lender might agree to refinance any loan principal that remains unpaid at the end of 30 years.

While the interest rate of payment-capped mortgages is pegged at a fixed spread over the index rate, the initial monthly payment may be set on the basis of either the index rate, the lender's projection of future interest rate levels, or local mortgage rates. As a result, the initial monthly payment may be set at a level below that required to amortize the loan, and negative amortization may begin immediately. Another feature of such loans is that, to offset some of the potential for negative amortization, monthly payments are never decreased below the initial payment amount regardless of how much the interest rate may decrease.

Such payment-capped instruments may appeal to borrowers when compared to interest-rate capped mortgages with their potential for frequent changes in monthly payment amounts. The monthly payment amount is held constant for extended periods of time, and the potential increases in payment amounts are limited regardless of movements in the mortgage rate until the final months of the mortgage loan. The instruments may also be appealing from the lender's perspective; the frequent adjustment to the contract

interest rate and the absence of any interest rate limitations enable the lender's interest rate margin to remain constant, assuming that the index is a good proxy for the bank's cost of funds.

However, payment-capped mortgage instruments without interest rate limitations do raise concerns with respect to negative amortization and, due to their complexity, borrower understanding. Significant amounts of negative amortization may accumulate when the monthly payments are at levels below that required to amortize the loan within 30 years. Consequently, the outstanding loan balance (principal and unpaid compound interest) increases, perhaps substantially. Under most interest rate scenarios with cyclical rate volatility, but without a steep upward trend in interest rates, payment-capped mortgage loans can be repaid in full within a 30-year period without the lender having to raise payments more than the agreed percentage even in the final years. However, under certain hypothetical interest rate and payment scenarios, the outstanding loan balance can rise substantially and continuously over much of the life of the loan through compounded unpaid interest. Full payment of the loan will then require either a sharp increase in monthly payments during the final years of the loan contract or a balloon payment at maturity. If an individual with a payment-capped mortgage sells a residential property prior to maturity, the possibility exists under certain economic conditions that the proceeds to the seller could be equal to, or even less than, the outstanding balance on the mortgage loan. For this reason, payment-capped mortgage loans may hold more risk for borrowers than interest-rate capped loans which provide for more frequent monthly payment adjustments and little or no negative amortization.

Because of the general complexity of and uncertainty associated with ARM loans that permit substantial negative amortization, it is especially important that potential borrowers understand the nature and risks of a payment-capped mortgage. In particular, borrowers must be made aware of how the interest rate is set on a payment-capped mortgage, the relationship between the level of monthly payments and the interest rate, and the negative amortization features. Borrowers should also be kept abreast of changes in the mortgage interest rate and changes in the outstanding loan balance. In the event of negative amortization, the monthly payment amount which would be required to

amortize the loan fully should be disclosed to the borrower along with the amount of unpaid interest added to the outstanding loan balance each month. A reminder that the borrower may prepay all or part of the loan without penalty in order to avoid some or all of the increasing debt should also be given.

Payment-capped mortgages which permit significant amounts of negative amortization may also be risky for lenders. Associated with such instruments is an implicit assumption that housing prices will rise in tandem with rising interest rates, so that the loan amount as a percentage of the market value of the residential property will remain constant or decline. While the experience of recent years supports that assumption, housing prices in some regions of the country recently have shown some signs of softness and even modest decline. Also, some housing units lose market value over time due to physical deterioration. As a result, any general shift in housing financing from traditional amortizing loans to loans that may increase over time requires careful scrutiny. In particular, lenders must make reasonable provision to maintain loan-to-market-value ratios at prudent levels. Certain risks might also be present for lenders because of uncertainties in the legal and financial environment. Adding to loan balances through negative amortization raises questions pertaining to tax and accounting principles, questions of lien priority, and questions of the availability or sufficiency of title, private mortgage, credit life, and casualty insurance. In particular, banks could be generating substantial amounts of taxable income not reflected in positive cash flows. Negative amortization could similarly be viewed as the equivalent of new advances. Therefore it may not share the same federal usury preemption or lien priority as the original loan in the event of defaults where other liens have been applied to the property. Also, lenders relying on insurance must be careful that those insurance policies will provide appropriate coverage of additions to principal from negative amortization as well as the bank's original advance.

The final rule permits banks to continue to offer payment-capped ARMs, but these lending programs must be submitted to the Office for review. Plans that fail to protect borrowers against excessive payment volatility and excessive negative amortization will be required to be modified or terminated. To avoid unduly impeding those national banks which wish to begin

making payment-capped ARM loans, the regulation will allow national banks to begin lending under such programs 60 days after submitting the documents for review and possible modification by this Office.

The review process provided for in the regulation is viewed as an interim procedure until a comprehensive set of regulations can be formulated to govern payment-capped ARMs. The Office intends in the near future to publish for comment amendments to the ARM rule that will deal explicitly with payment-capped mortgages. These rules will address the Office's concerns over appropriate limitations on payment changes and negative amortization and acceptable disclosure of information concerning these complex mortgage loan instruments.

P. Effective Date of Implementation and Transition Rule

In the proposed regulation this Office requested comment on an appropriate implementation date for the final regulation. A majority of the respondents favored immediate implementation of the regulation; some respondents, however, favored deferring the implementation for 60 to 180 days after publication in the Federal Register. To enable national banks in states with restrictive regulations governing ARM lending to begin utilizing the flexible authority of this regulation immediately, this Office has decided not to defer its effective date. It is in the interest of both the banks and their borrowers that this authority be immediately available to facilitate participation by national banks in the mortgage market. Because the final regulation is in most respects the same or less restrictive than the proposed rule, the Office expects that some banks will be ready to begin using its authority virtually immediately. In accordance with the provisions of 5 U.S.C. 553(d), the Office finds that immediate effectiveness is appropriate because the regulation relieves restrictions and for other good cause as discussed above. Further, to avoid a temporary disruption to the mortgage lending activity of banks currently offering ARM instruments not conforming with this regulation, these banks are provided with a 120 day transition period from the date of publication to bring their ARM lending programs into conformity.

Q. Relation of General Rule to Other Laws

The proposed ARM regulation contained provisions to preempt state law in several areas. First, rules expressly prohibiting or constraining

adjustable-rate mortgage lending were to be preempted. Beyond that, certain state laws of general applicability were to be preempted with respect to adjustable-rate mortgage loans by national banks. Those state laws prohibit the charging of interest on interest and prepayment fees and impair the enforceability of due-on-sale clauses.

A growing number of states have statutes or regulations intended to protect borrowers by restricting the rate-sensitivity of adjustable-rate mortgage loans. Some of these states also require that certain information be disclosed to prospective ARM borrowers. Many other states impose no limitations on ARM lending, either with respect to permissible rate and payment changes or the minimum level of disclosure to borrowers. The Office believes that a great deal of flexibility in designing mortgage instruments is necessary with respect to rate adjustments and protecting against market risk to induce banks to become active participants in the mortgage market. However, borrower protection, primarily in the form of required disclosures, is also needed at this early stage of development.

The authority to engage in ARM lending is consistent with the express powers of national banks and is currently viewed by many national banks as essential to their safe and sound participation in the residential mortgage market. At this stage of ARM development, some state-imposed restrictions appear likely to limit unduly the rate-sensitivity of ARM mortgage loans by national banks, forcing the banks to withdraw from or substantially curtail their participation in that market. Such state actions which, in effect, deprive national banks of one of their express powers—to engage in safe and sound residential real estate lending—are incompatible with the comprehensive federal supervision of those institutions and their intended role under federal law. Because of the diversity of state regulations and the potentially prohibitive effects of many of these regulations, the Office believes it is necessary to occupy the field of regulating ARM lending by national banks.

Few comments focused on the issue of preemption. Support for preemptive regulations came primarily from lenders operating in states with restrictive regimes governing ARM lending. Support for deferring to state law came from consumer advocates who believed the Office's proposed regulation did not provide the same protection for low- to

moderate-income borrowers as do some existing state laws. Further opposition to preemption came from lenders who are located in states not currently imposing any restrictions and who currently offer or contemplate offering ARMs that would not comply with the proposed regulation. These lenders preferred to have the Office not issue any ARM regulation or to preempt only in states where the laws are more restrictive than the ARM regulation. Only a handful of those commenting doubted the Office's preemptive power.

The final regulation adopts the provisions of the proposed regulation. The Office is satisfied that sufficiently broad general and specific rulemaking authority is contained in 12 U.S.C. 93a and 12 U.S.C. 371(g), as well as in the basic structure of the National Bank Act and other federal banking laws, to permit it to promulgate an ARM regulation for national banks and to preempt the authority of states to interfere with the power of national banks to make ARM loans. The Office believes that preemption is important to give all national banks the flexibility to develop ARM instruments that will meet their own needs as well as those of their customers, their local markets, and national secondary market investors.

Section 711 of the Housing and Community Development Act of 1974 greatly liberalized the powers of national banks to make real estate loans to encourage them to participate significantly in the residential real estate finance market, consistent with concerns for safety and soundness of banking practices. Congress thus recognized the importance of having a federal scheme to regulate real estate lending by federally chartered banks.¹ State laws restricting national banks' ARM lending powers thwart these Congressional purposes and are thus properly preempted by the Office's regulation promulgated pursuant to that statute and to the general rulemaking powers of the Comptroller of the Currency.

¹Recent federal court decisions involving regulations of the Federal Home Loan Bank Board have demonstrated the willingness of courts to recognize the propriety of establishing uniform standards for real estate lending by federally chartered financial institutions through preemptive regulations. These court decisions have upheld the preemptive effect of the Federal Home Loan Bank Board's regulations concerning discriminatory lending practices, *Conference of Federal Savings and Loan Associations v. Stein*, 604 F.2d 1250 (9th Cir. 1979), *aff'd*, 445 U.S. 921 (1980), and the use of due-on-sale clauses, *Glendale Federal Savings and Loan Association v. Fox*, 459 F.Supp. 903 (C.D.Cal. 1978), *appeal pending*.

V. Final Regulation

Accordingly, 12 CFR Chapter I is amended by adding a new Part 29 to read as follows:

PART 29—ADJUSTABLE-RATE MORTGAGES

Sec.

- 29.1 Purpose.
- 29.2 Definition.
- 29.3 General rule.
- 29.4 Index.
- 29.5 Rate changes.
- 29.6 Prepayment fees.
- 29.7 Assumption.
- 29.8 Disclosure.
- 29.9 Certain payment-capped mortgages.
- 29.10 Transition rule.

Appendix to Part 29.

Authority: 12 U.S.C. 1 *et seq.*; Sec. 708, Pub. L. 96-221, 94 Stat. 188 (12 U.S.C. 93a); and sec. 711, Pub. L. 93-383, 88 Stat. 716 (12 U.S.C. 371(g)).

§ 29.1 Purpose.

This regulation is issued by the Office of the Comptroller of the Currency to establish rules for national banks making or purchasing adjustable-rate loans secured by liens on one- to four-family dwellings.

§ 29.2 Definition.

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the rate at periodic intervals. They also include fixed-rate loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the national bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in § 29.8(c).

§ 29.3 General rule.

National banks may make or purchase adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this Part. National banks may make or purchase adjustable-rate mortgage loans pursuant to this Part without regard to any limitations that otherwise would be imposed on adjustable-rate mortgage lending by the laws of any State, the District of Columbia, Puerto Rico, the

Virgin Islands, American Samoa, or Guam, which limitations are hereby expressly preempted.

§ 29.4 Index.

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in an index specified in the loan documents, *i.e.*, a 1 basis point (1 basis point = .01 percentage point) change in the index must be translated into a 1 basis point change of the same direction in the contract interest rate, except as otherwise provided in § 29.5. The index values used for the purpose of determining changes shall be either (1) the most recently available values on the date of loan origination and on subsequent dates for notifying borrowers of impending rate changes or (2) the moving averages on such dates of all values of an index over the interval from the prior rate-change notification date to the current rate-change notification date, using as the starting index value the moving average of index values over an equivalent interval ending with the date of loan origination. The index must be one of the following:

(a) The monthly average contract interest rate charged by all lenders on mortgage loans for previously occupied homes, as published by the Federal Home Loan Bank Board in its *Journal* and made available by the Federal Home Loan Bank Board in news releases on about the twelfth day of each month.

(b) The monthly average yield on United States Treasury securities adjusted to a constant maturity of 3 years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

(c) The monthly average of weekly average auction rates on United States Treasury bills with a maturity of 6 months, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

If the national bank uses the 6-month Treasury bill rate index and adjusts interest rates less frequently than once every 6 months, then the bank must use the moving average, as described above, of the index values to measure interest rate changes.

§ 29.5 Rate changes.

(a) *Frequency of Changes.* Interest rate changes on adjustable-rate mortgage loans may occur only at regular intervals of not less than 6 months, as specified in the loan

documents. Notwithstanding the foregoing, a national bank may extend the length of the interval before the first potential interest rate change by any predetermined period.

(b) *Magnitude of Changes.* Interest rate adjustments to adjustable-rate mortgage loans may not exceed 100 basis points each 6 months. If the interval between interest rate changes exceeds 6 months, then the limitation on interest rate changes shall be 100 basis points multiplied by the number of whole consecutive 6-month periods in the interval between interest rate changes. In no event may any one interest rate change exceed 500 basis points. Notwithstanding the rules contained in this subsection, a national bank may decrease the contract rate of interest on an adjustable-rate mortgage loan at any time and by any amount beyond decreases required by the rules contained in this Part.

(c) *Required and Permitted Rate Changes.* Interest rate changes on adjustable-rate mortgage loans made or purchased by national banks shall be subject to the following additional restrictions:

(1) Interest rate increases permitted in accordance with the provisions of this Part shall be at the option of the bank.

(2) Interest rate decreases warranted by decreases in the index shall be mandatory except to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of the limitation on increases specified in paragraph (b) of this section. If the bank agrees to impose a periodic or aggregate limitation on interest rate changes that is more restrictive than the limitation specified in paragraph (b) of this section, the same limitation shall apply to both increases and decreases.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents any minimum interest rate change limitations and minimum increments of interest rate changes.

(4) Changes in the index not translated into changes in the interest rate because of the limitations contained in this Part or, consistent with this Part, at the discretion of the bank shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate-change dates.

(5) There shall be no charge by the national bank to the borrower, in the form of new closing cost, new processing fees, new finance charges, or similar fees, for any change in the interest rate on an adjustable-rate mortgage loan.

(d) Method of Rate Changes. (1)

Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization (*i.e.*, the amount, if any, of each installment payment allocated to repayment of principal) or any combination of these two methods, according to any schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of any interest rate change. These methods are permissible regardless of any state-law prohibitions on the charging of interest on interest. Such prohibitions are expressly preempted, provided the interest rate charged by the national bank does not exceed the applicable usury limit, if any.

(2) Changing the rate of amortization, including utilization of a period or periods of negative amortization, is permissible only if (1) the payment is adjusted at least every 5 years to a level sufficient to amortize the outstanding principal at the interest rate then in effect over the remainder of the original loan term, which may not exceed 30 years; and (2) the amount of negative amortization, if any, permitted during any such period does not exceed 1.0 percent of the principal outstanding at the beginning of that period multiplied by the number of whole consecutive 6-month periods included in the interval between payment changes. In no event may the amount of negative amortization allowed under the preceding sentence exceed 10.0 percent of the principal outstanding at the beginning of the period.

§ 29.6 Prepayment fees.

National banks offering or purchasing adjustable-rate mortgage loans must allow the borrowers to prepay in whole or in part without penalty at any time beginning 30 days before the first scheduled interest rate adjustment date. National banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments made prior to the date specified in the preceding sentence of this paragraph regardless of any state-law prohibitions of such fees, which prohibitions are expressly preempted.

§ 29.7 Assumption.

National banks offering or purchasing adjustable-rate mortgage loans are not required to allow those loans to be assumed by new purchasers of the mortgaged property, or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this

Part, regardless of any limitations on the validity or enforceability of due-on-sale clauses found in state law, which limitations are expressly preempted. If a national bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, the interest rate and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

§ 29.8 Disclosure.

(a) National banks offering adjustable-rate mortgage loans shall disclose in writing to a prospective borrower on the earlier of the date on which the bank first provides written information concerning residential mortgage loans available from the bank or provides a loan application form to the prospective borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used, including the name of at least one readily available source in which it is published;

(3) A 10-year series updated at least annually showing the values of the index on at least a semiannual basis, presented in tabular form;

(4) The frequency with which the interest rate and payment levels will be adjusted, including provision for any extended interval before the first interest rate adjustment;

(5) Any rules relating to changes in the interest rate and/or installment payment amount;

(6) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization if it may occur in connection with the loan;

(7) The rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(8) A statement, if appropriate, that other fees will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing; and

(9) A schedule of the dollar amounts of the installment payments (principal and interest) on a \$10,000 loan at a commitment rate offered by the bank

within the preceding 12-month period if the mortgage interest rate were to increase as rapidly as possible, consistent with the interest rate limitations of the loan, by 10 percentage points (or by such lower aggregate interest rate limit as the bank may impose on its adjustable-rate mortgage loans).

Use of the optional model disclosure form provided in the Appendix to this Part, amended where necessary to describe accurately permissible variations found in the bank's adjustable-rate mortgage loans, will constitute compliance with this subsection.

(b) At least 30 days and no more than 45 days before any interest rate change may take effect, the bank must notify the borrower in writing of the following items:

(1) The current and proposed new interest rate;

(2) The base and current index values;

(3) The extent to which the bank has forgone any increase in the mortgage interest rate;

(4) The new monthly payment and/or other contractual effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term; and

(6) The fact that the loan may be prepaid at any time without penalty.

Use of the optional notification form provided in the Appendix to this Part will constitute compliance with this subsection.

(c) A national bank making any loan to finance or refinance the purchase of, and secured by a lien on, a one- to four-family dwelling which is payable either on demand or at the end of a term which, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule must include the following notice, displayed prominently and in capital letters, in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL [AT THE END OF — YEARS OR ON DEMAND]. [AT MATURITY OR IF THE BANK DEMANDS PAYMENT] YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE

PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN.

Fixed-rate short-term or demand loans for which this notice has been properly given will not be characterized as adjustable-rate mortgage loans.

(d) No later than the date on which an adjustable-rate mortgage loan is made by a national bank, the bank must inform the borrower of the base index value against which interest rate changes will be measured. This base value must be included in the note which the borrower signs, and the borrower must be given a copy of this note no later than at loan closing.

§ 29.9 Certain payment-capped mortgages.

(a) *Authority to Lend, Subject to Review by Comptroller.* The limitations imposed by this Part shall not apply to adjustable-rate mortgage loans which contain meaningful limitations on the magnitude of permissible changes in the amount of installment payments that offer borrowers sufficient protection against payment volatility. The Office of the Comptroller of the Currency may at any time require a national bank to modify or terminate a loan program qualifying under this subsection if it is determined that the program does not adequately provide for repayment of the loans in a timely manner or that the program does not sufficiently protect borrowers against payment volatility.

(b) *Prior Notice of New Programs.* Before a national bank initiates an adjustable-rate mortgage loan program pursuant to this subsection, it must send a copy of all program loan documents and disclosure forms to Chief National Bank Examiner, Office of the Comptroller of the Currency, Washington, D.C. 20219. If the Office of the Comptroller of the Currency has not required the bank in writing to modify or abandon the program within 60 days from the date on which the documents were postmarked or similarly marked as having been sent to the address given above, the bank may proceed with the program.

(c) *Notice on Existing Programs.* Notwithstanding the transition rule contained in § 29.10, if on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under a program qualifying under this subsection, the

bank may continue to make loans under such program but must immediately send a copy of the documents described above in subsection (b) to the address above. The Office of the Comptroller of the Currency may subsequently require modification or termination of the program in accordance with the provisions of this section.

(d) *Program Modifications.* Substantively modified programs shall be regarded as new programs for the purpose of this section.

§ 29.10 Transition rule.

If on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under an adjustable-rate mortgage loan program which would violate any of the provisions of this Part, the national bank may continue to make loans or binding commitments to lend under the program for 120 days from the effective date of this rule before the program must be brought into conformity with all of the provisions of this Part.

Appendix to Part 29*

A. Model Form for Initial Adjustable-Rate Mortgage Disclosure

Important Mortgage Loan Information— Please Read Carefully

If you wish to apply for an Adjustable-Rate Mortgage (ARM) loan with _____ National Bank, you should read the information below concerning the difference between this mortgage and other mortgages with which you may be familiar.

General Description of Adjustable-Rate Mortgage Loan

THE LOAN OFFERED BY _____ NATIONAL BANK IS AN ADJUSTABLE-RATE MORTGAGE. ITS INTEREST RATE WILL CHANGE [fill in frequency] BASED ON MOVEMENTS OF AN INTEREST RATE INDEX. YOUR MONTHLY PAYMENTS WILL INCREASE IF THE INTEREST RATE RISES OR DECREASE IF THE INTEREST RATE FALLS. BECAUSE FUTURE MOVEMENTS OF THE INDEX ARE RELATED TO MARKET CONDITIONS THAT CANNOT BE PREDICTED, IT IS IMPOSSIBLE TO KNOW IN ADVANCE HOW MUCH YOU WILL HAVE TO PAY, EITHER EACH MONTH OR OVER THE LIFE OF THE LOAN. INTEREST RATE AND PAYMENT CHANGES WILL BE MADE ACCORDING TO CERTAIN RULES THAT ARE EXPLAINED BELOW.

Key Terms of _____ National Bank's Adjustable Rate Mortgage

The following outline of the terms on ARM's offered by _____ National Bank is intended for easy reference only. You will find other essential information in this disclosure statement and in the loan note itself.

Loan term	_____
Frequency of rate changes	_____
*[Grace period before first rate change	_____]
Interest rate index	_____
Maximum rate change at one time	_____
Maximum rate change over life of loan	_____
*[Minimum rate change at one time	_____]
*[Minimum increments of rate change	_____]
*[Prepayment fee	_____]
Assumability (assumable, not assumable or at lender's discretion)	_____
Possibility of increasing loan balance (yes or no)	_____

*Bracketed items and footnotes are instructions to national banks or contain optional language to be selected as appropriate.

How Your Adjustable-Rate Mortgage Would Work

Starting Interest Rate

The starting interest rate offered by _____ National Bank on an ARM will be specified [at loan closing, when we make a loan commitment to you, other] based on market conditions at that time.

Frequency of Interest Rate Changes

Your interest rate will be reviewed every _____ beginning _____ after the date on which you take out your loan, and may increase or decrease at those times based on changes in the index.

Index for Measuring Interest Rate Changes

The index to which your interest rate will be tied is _____.

Information on this index is published monthly in _____. The table below shows a ten-year history of movements of this index. This does not necessarily indicate how the index may perform in the future.

10-Year History of _____ Index

Date	Index	Change from preceding rate
1/1/69	_____	_____
7/1/69	_____	_____
1/1/71	_____	_____
7/1/73	_____	_____

Size of Interest Rate Changes

The interest rate on your ARM will increase or decrease based on movements in the index. A change in the index of 1 percentage point will be translated into a 1 percentage point change of the same direction in your ARM interest rate. However, no single change in the interest rate will be more than _____ percentage points no matter how much the index may have moved. [Also, there will be no change in your interest rate if the index moves less than _____ percentage points.] All changes will be in increments of _____ percentage points.]

Mandatory and Optional Rate Changes

Decreases in your interest rate warranted by decreases in the index will always be automatic within the rules for maximum [and minimum] changes. However, increases warranted by increases in the index may be forgone at the bank's option. If the bank forgoes an interest rate increase, we may take it at a later interest rate change date, unless doing so would conflict with the carry over rule described below.

Carryover of Unused Index Changes

Changes in the index not passed on to you as changes in your ARM interest rate will be carried over to the next interest rate change date. This can happen when the index has moved more than the maximum permitted change (percentage points) [or less than a minimum permitted change (percentage points)] or when the bank has forgone an interest rate increase to which it is entitled. The carryover is the amount by which the net index change exceeds the net interest rate change since the loan was made. The net change is the difference between the interest rate (or index) on a given date and the interest rate (or index) on the date the loan was made. In addition to new index changes, index changes carried over may be passed on to you at the next rate adjustment date as a change in your ARM interest rate. However, we may not pass these carryovers on to you to the extent they have been offset by an opposite movement in the index as of that date. Also, if the total of the new index change and the carryover still exceeds the maximum permitted change (percentage points) [or is less than a minimum permitted change (percentage points)] the excess must be carried over again.

[The following example may be included at the bank's option:

An example shows how this carryover rule works. Suppose the index increases by 1.60 percentage points during the first period, but your rate change is limited by the rules to 1.00 percentage point. The remaining .60 percentage point would be carried over, so that at your next rate change date:

- If the index in the new period had *stayed the same*, your mortgage rate would *still rise* by .60 percentage point.
- If the index had *decreased* by .20 percentage point your mortgage rate would *still rise* by .40 percentage point (the difference between the increase that was carried over and the decline).
- If the index had *decreased* by 1.0 percentage point your mortgage rate would *decrease* by only .40 percentage point (again, the difference between the new decrease and the carried over increase).
- If the index had *increased* by .70 percentage point, your mortgage rate would increase by only 1.0 percentage point because of the 1.0 percentage point limit, *but* there would be a *new carryover* of .30 percentage point into the next rate change period (the difference between the 1.0 percentage point limit and the 1.30 percentage points justified by the old carryover plus the index change).]

Payment Changes

Changes in the interest rate on your mortgage will mean that your monthly payment will change to an amount sufficient to repay your loan over its life at the new interest rate.¹

¹In lieu of this sentence, you may insert the following paragraph, if appropriate:

The monthly payment on your loan will remain fixed [for — months/years at a time, the first — months/years of your loan]. Any changes in your interest rate during that time will be accomplished through a change in the rate of amortization. This means that during the fixed-payment period the amount of each monthly payment allocated to

Notice of Rate Changes

———— National Bank will send you notice of any rate change at least 30 days before it becomes effective. The notice will tell you how the index has changed and how your interest rate and payment schedule will be affected. This notice will also be sent whenever the bank forgoes an interest rate increase it is permitted to take [and/but not] when the index has not changed at a rate adjustment date. All interest rate changes will be based on index information available at the time the notice is sent, rather than when the rate change goes into effect.

Prepayment Penalty

You may prepay an ARM in whole or in part without penalty at any time after the first notice of index movement has been sent to you [or, if the index has not changed, any time after the last date on which such a notice would have been sent]. This prepayment may be a lump sum payment of all or part of the remaining debt or may be in the form of larger monthly payments than required under the terms of the loan.

———— National Bank imposes a penalty charge of — for prepayments prior to the first rate change notice date.²

Assumption of Mortgage Loan

Your ARM may be assumed by a purchaser of your home who meets our credit standards. [We have the right to change the loan terms, including the interest rate, upon assumption, and we may also charge the purchaser assumption fees.]³

Fees

You will be charged fees by — National Bank and by other persons in connection with the origination of an ARM. We will give you an estimate of these fees within 3 days after receiving your loan application. However, — National Bank will not charge you any finance or processing fees at the time of any rate adjustment.

repayment of principal will increase when the interest rate decreases, and will decrease when the interest rate increases. If the interest rate increases substantially, the rate of amortization will actually turn negative, which means that the monthly payments will be too small to cover all of the accrued interest. These shortfalls will be added to your principal balance, which may grow during the — year period by up to —%. If the principal grows by the full % limit *before* the end of the — year period, your monthly payments will be increased *at that time* for the remainder of the period to an amount that will cover the accrued interest. At the end of the — year fixed-payment period, the monthly payment will be changed to the level that will repay all principal and interest over the remaining life of the loan at the interest rate then in effect.

²If appropriate, the following paragraph may be used in lieu of this paragraph:

You may prepay your ARM in whole or in part without penalty at any time. This prepayment may be a lump sum payment of all or part of the remaining debt or may be in the form of larger monthly payments than required under the terms of the loan.

³In lieu of this paragraph, the following sentence may be used, if appropriate:

An ARM made by — National Bank may not be assumed by a purchaser of your home.

How Rapidly Rising Interest Rates Could Affect Your Adjustable-Rate Mortgage Loan

The following table shows the effect a 10 percentage point increase in the index rate, taken as rapidly as possible, would have on monthly payments on a \$10,000 ARM made at a starting interest rate of —%. To figure the equivalent potential payment increases for your mortgage, simply multiply the payments in the table times 2 for a \$20,000 loan, times 3 for a \$30,000 loan, etc.

[The table that follows would apply to an ARM with interest rate adjustments occurring every six months, a one percentage point periodic interest rate limit, an aggregate interest rate cap in excess of 10 percentage points, and an initial contract interest rate of 10%. Lender should insert relevant example.]

Payments No.	Year No.	Interest rate (percent)	Amount of payment
1 to 6.....	1	10.0	\$97.70
7 to 12.....		11.0	95.10
13 to 18.....	2	12.0	102.71
19 to 24.....		13.0	110.34
25 to 30.....	3	14.0	118.04
31 to 36.....		15.0	125.81
37 to 42.....	4	16.0	133.63
43 to 48.....		17.0	141.49
49 to 54.....	5	18.0	149.39
55 to 60.....		19.0	157.32
61 to 360.....	6+	20.0	165.27

B. Periodic Notice Form

Important Notice of Intent To Change the Interest Rate on Your Adjustable-Rate Mortgage Loan

Dear —:

This is to inform you that on [date] — National Bank intends to [increase, decrease] the interest rate on your ARM loan from —% to —%. As a result of this change, we are adjusting your installment payments from \$— to \$—. Beginning with your [date] payment, please remit your payments at this new amount.¹

The index upon which interest rate changes on your loan are based was —% when your loan was made and is currently —%, an [increase, decrease] of — percentage points. The interest rate on your loan was —% when your loan was made and will be changed to —% at the upcoming rate adjustment date, an [increase, decrease] of — percentage points. [Because the net index change exceeds the net interest rate change on your ARM, an

¹The following paragraph may be used in lieu of this paragraph:

This is to inform you that on [date] — National Bank intends to [increase, decrease] the interest rate on your ARM loan from —% to —%. As a result of the change in your interest rate, your monthly payments will remain the same but the rate of amortization on your loan will be [decreased, increased]. Because of this change in the rate of amortization, the rate at which you accumulate equity in your home will [decrease, increase] [and your outstanding loan balance will increase]. [In order to fully repay your adjustable-rate mortgage loan over its life at the new interest rate, your installment payment would have to be increased from \$— to \$—.]

index change of —% will be carried over to the next period.]

You may repay the entire loan or any part of it without penalty at any time.

Thank you for your attention to this matter.

C. Adjustable-Rate Mortgage Indexes

Monthly Rate for June and December

1969-80

(In percent)

	Mortgage rates on previously occupied homes ¹	3-yr Treasury rates ²	6-mo Treasury rates ³
1969:			
June.....	7.64	6.83	6.725
December.....	8.08	8.10	7.783
1970:			
June.....	8.19	7.84	6.907
December.....	8.12	5.75	4.848
1971:			
June.....	7.38	6.32	4.890
December.....	7.51	5.27	4.199
1972:			
June.....	7.36	5.64	4.270
December.....	7.45	6.01	5.287
1973:			
June.....	7.64	6.83	7.234
December.....	8.46	6.81	7.444
1974:			
June.....	8.66	8.15	8.232
December.....	9.39	7.24	7.091
1975:			
June.....	8.86	7.17	5.463
December.....	9.09	7.43	5.933
1976:			
June.....	8.82	7.32	5.784
December.....	8.90	5.68	4.513
1977:			
June.....	8.78	6.39	5.199
December.....	8.93	7.30	6.377
1978:			
June.....	9.27	8.30	7.209
December.....	9.85	9.33	9.397
1979:			
June.....	10.46	8.95	9.062
December.....	11.59	10.71	11.847
1980:			
June.....	12.88	8.91	7.218
December.....	13.15	13.65	14.770

¹The average contract interest rate charged by all lenders on mortgage loans for previously occupied homes as published by the Federal Home Loan Bank Board in monthly news releases and in its *Journal*.

²The average monthly yield on the United States Treasury securities adjusted to a constant maturity of 3 years based on daily closing bid prices as published monthly in Federal Reserve Board Statistical Release G.13(415) and in the *Federal Reserve Bulletin*.

³The monthly average of weekly average auction rates on United States Treasury bills with a maturity of 6 months as published monthly in Federal Reserve Board Statistical Release G.13(415) and in the *Federal Reserve Bulletin*.

Dated: March 24, 1981.

John G. Heumann,

Comptroller of the Currency.

[FR Doc. 81-9327 Filed 3-26-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6299]

Availability of Simplified Registration Form to Certain Mining Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission announces the adoption of amendments to Form S-18, a simplified registration form, which allow certain issuers engaged in the mining business to register their securities on that Form. The amendments to Form S-18 also provide a new disclosure item which sets forth requirements applicable to mining companies registering securities on that Form. The Commission also announces the rescission of Form S-3, a registration form utilized by certain start-up or unprofitable companies engaged in the mining business.

EFFECTIVE DATE: April 27, 1981. While the amendments will not be effective until such date, in view of the cost and other savings the amendments may provide the registrants, the Commission will accept filings complying with the amendments beginning immediately for those wishing to utilize them.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, (202) 272-2644. With respect to Item 7A of Form S-18 contact Hubert W. Norman, Office of Engineering, Division of Corporate Finance, (202) 272-3257.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of certain amendments to Form S-18 [17 CFR 239.28] and the rescission of Form S-3 [17 CFR 239.13].

Form S-18 is a simplified registration statement available to certain domestic and Canadian corporate issuers for the registration under the Securities Act of 1933 [15 U.S.C. 77a, et seq., as amended (1976)] of up to \$5 million worth of securities to be sold for cash. Form S-3 is a registration statement designed exclusively for start-up or unprofitable mining companies. The amendments adopted today permit mining companies, heretofore precluded from utilizing Form S-18, to register their securities for sale on that Form. A new disclosure item specifically applicable to mining issuers has been added. This item incorporates the substantive disclosure concepts set forth in Form S-3 and has been updated to reflect current Commission disclosure policies and practices. The Commission, in light of the expanded availability of Form S-18, is rescinding Form S-3.

Discussion

The Commission has for some time been examining steps which might be taken to facilitate capital formation by small businesses. The adoption of Form S-18 in April 1979 represented a

significant initiative in this regard.¹ In view of the experimental nature of the Form and the initiation of regional processing of registration statements, the Commission determined to proceed cautiously in connection with the adoption of Form S-18. Thus, issuers who engaged or intended to engage in significant mining operations, as well as issuers engaged in oil and gas operations and non-corporate issuers, were precluded from using the Form.² The Commission did express its intent to monitor the use of the Form for an appropriate period and to consider whether the conditions as to its availability should be expanded. In view of the relatively widespread acceptance of the Form and the absence of any significant disclosure or enforcement problems, the Commission proposed that Form S-18 be made available to certain companies engaged in the mining business.³ Since the proposed amendments would permit virtually all Form S-3 type issuers to utilize Form S-18, and since Form S-18 provides significant benefits over Form S-3, it was contemplated that the proposed amendments would be effected in tandem with a rescission of Form S-3.

Since the initial Form S-18 disclosure requirements were not specifically tailored to elicit relevant information regarding mining companies, a new disclosure item for the Form was proposed. The Commission also proposed a comprehensive set of disclosure requirements to be included in Item 2 of Regulation S-K in order that similar and consistent disclosures would appear in all filings by mining companies under the Securities Act of 1933 and the Securities Exchange Act of 1934. As proposed, Item 2(c) would require disclosure as to an issuer's operations on a mine by mine basis. The comments received regarding this proposal, as it affected larger operating companies, were numerous and controversial.

In general the commentators believed that the informational requirements of

¹ Securities Act Release No. 33-6049, April 3, 1979 [44 FR 21562].

² In this regard Rule 242 was similarly restricted as to its use. The Commission indicated, in Release No. 33-6180 (January 17, 1980), that should revisions to Form S-18 be effected in order to permit limited partnerships or companies engaged in oil and gas or mining operations to use the form, a review of the definition of "qualified issuer" in Rule 242 would be made. Thus, the Commission today authorized the publication of a release announcing proposed amendments to Rule 242 which, if effected, would permit certain mining companies to rely on that rule in the offer and sale of their securities. Release No. 33-6560, March 19, 1981.

³ Release Nos. 33-6245, 34-17197, October 7, 1980 [45 FR 62965].

proposed Item 2(c), if not amended to permit a presentation on an aggregate basis, would result in unnecessarily detailed disclosure by large operating companies. Many commentators stated that such detailed information would result in high cost to these companies without substantial benefits to investors and could have adverse effects on a company's competitive position. Because of the nature of the comments received on Item 2, the staff wishes to take additional time to consider what, if any, revisions should be made to that Item as it applies to large operating companies. However, because of the positive response to the proposal to make Form S-18 available to mining companies and the lack of significant objections to the requirements to be included in that Form, the Commission has determined to adopt amendments to Form S-18 at this time.

The Commission notes the standards adopted in Item 7A impose no new material disclosure requirements from those set forth in Form S-3 and represent a codification of past practice with respect to the processing of registration statements for mining issuers.

Synopsis of Amendments

As indicated above, the Commission has determined to make Form S-18 available to companies engaged in the mining business. This change is accomplished by deleting the existing prohibition against usage of the form by mining companies in General Instruction A to the Form.⁴ The other restrictions present in the Instructions to Form S-18 remain. Therefore a mining issuer is required to be a domestic or Canadian corporation which proposes to sell not more than \$5 million worth of securities to the public for cash. A mining issuer also may not be a company reporting under the Securities Exchange Act of 1934, a limited partnership or a subsidiary of a parent that would be unable to use the form.⁵

Form S-18 is amended to provide a new disclosure item, Item 7A, specifically applicable to mining issuers. As proposed, Item 7A incorporated the substantive disclosure concepts of Form S-3 and also included certain additional requirements applicable to companies with operations. These additional requirements are not included in the amendments adopted today but may be reconsidered in the future after the proposed amendments to Item 2 of Regulation S-K are adopted.

⁴ See General Instruction A(a)(6) and instruction thereto.

⁵ See General Instruction A(a).

The following summarizes the amendments to Form S-18 and discusses the disclosure requirements for mining companies using that form. The principal comments received on the proposal and any changes made in response to such comments are also discussed. The full text of the amendment is included at the end of this release.

Item 7A. Description of Property— Issuers Engaged or to be Engaged in Significant Mining Operations.

(a) Definitions—Numerous commentators noted that the proposed definitions regarding proved and probable reserves differ from the definitions set forth by the Financial Accounting Standards Board (FASB) in their Statement of Financial Accounting Standards No. 39.⁶ Given the desire to establish uniform definitional and disclosure requirements and to avoid duplicative analysis and confusion, the commentators urged the Commission to adopt the standards of FASB Statement No. 39.

The proposed definitions incorporate the views from the U.S. Geological Survey Circular 831⁷ and from standard mining dictionaries. These definitions represent the culmination of a long term project between staff members of the U.S. Bureau of Mines and the U.S. Geological Survey to establish uniform definitions and classifications of mineral and energy resources. An examination of FASB Statement No. 39 reveals the FASB did not intend to provide a uniform definition of "reserves." Further, although the FASB definitions of "proved" and "probable" reserves appear to be somewhat inconsistent with those proposed by the Commission, the intended scope of the two standards appears to be the same. In this regard, the Commission's proposed definitions are merely more detailed and thus provide guidance in complying with FASB Statement No. 39. Additionally, the Item 7A definitions set forth standards which represent a codification of past practice. The Commission therefore has determined to adopt the definitions as proposed.

(b) Mining Operations Disclosure—Proposed Items 7A(b)(1)–(6) incorporate the substantive disclosure requirements

⁶ Statement of Financial Accounting Standards No. 39, Financial Reporting and Changing Prices: Specialized Assets—Mining and Oil and Gas, a supplement to FASB Statement No. 33, October 1980.

⁷ Principles of a Resources/Reserve Classification for Minerals, U.S. Bureau of Mines and the U.S. Geological Survey (1980). This survey was intended as a revision of the widely utilized U.S. Geological Survey Bulletin No. 1450-A.

of Form S-3 Items 4(a)(1)–(6), updated to reflect current disclosure practices. In general these subsections require disclosure of significant facts regarding each of the properties owned or operated, or currently intended to be owned or operated, by the registrant.

These disclosures include the location of and means of access to the property, form of title or lease and any known mineralization on the property. In addition, a description of the history of operations and work done by the registrant will be required. An instruction indicating that the summation of proven (measured) and probable (indicated) reserves will be allowed under certain circumstances also has been inserted. This instruction will be applied where the difference between the issuers's proven (measured) and probable (indicated) reserves cannot reliably be defined. In addition, the Form S-3 prohibition against disclosure of reserves of lesser assurance than proven (measured) or probable (indicated) has been retained. Finally, disclosure regarding the present state of the property, plant and equipment is included.

The commentators raised no objection to the application of these provisions to smaller issuers expected to utilize Form S-18. The Commission, noting that these provisions were adopted in substance from Form S-3 as well as the absence of any objections to these provisions by the commentators, has adopted Items 7A(b)(1), (2), (3) and (5) as proposed. Proposed Items 7A(b)(4) and (6) have been consolidated in the interest of clarity into new Item 7A(b)(4) with no substantive revisions.

Proposed Items 7A(b)(7) and (8) set forth new disclosure requirements which would most directly affect operating mining companies. Proposed Item 7A(b)(7) requires on a mine by mine basis a description of the total tonnage produced, the grade of such ore and relevant production cost statistics. Proposed Item 7A(b)(8) would elicit, on a mine by mine basis, disclosure of the changes in the deposits mined and the changes in the mining conditions experienced by the issuer.

Many commentators objected to these disclosure items as calling for information which is confidential or proprietary in nature. Further, several commentators questioned the benefits to investors of such detailed disclosure in the context of large operating mining companies. Moreover, numerous commentators opined that the cost of providing such disclosures would be substantial and would significantly

outweigh any potential benefit to investors.

As indicated above, the Commission has determined to postpone the adoption of the amendments to Form S-K in order to further consider the appropriate disclosure requirements that should apply to large operating mining issuers. In addition, the Commission is sensitive to the fact that the requirements of proposed Items 7(b) (7) and (8) might result in the disclosure of information which is proprietary or confidential by large or small mining issuers. Accordingly, Items 7A(b) (7) and (8) are not being adopted at this time. When the amendments to Item 2 of Regulation S-K are adopted the Commission will consider whether the disclosure requirements for mining companies being adopted today in the Form S-18 should be amended.

Proposed Item 7A(b)(9) set forth a new requirement with respect to the inclusion of a glossary of terms. Proposed Item 7A(b)(10) prohibits from the presentation in a registration statement detailed maps and reports and other highly technical data. Such information may, under certain circumstances, be furnished to the Commission as supplemental information. These standards represent a codification of prior practice with respect to processing registration statements on Form S-1 and Form S-3. These proposals, to which no objection was raised, have been adopted without revision as Items 7A(b) (7) and (8).

(c) Supplemental Information—Item 7A(c) addresses three separate subject matter areas of supplemental information. The first concerns maps, drill data, and calculations upon which the reserve estimates are based. The second section requires that each engineering or metallurgical report concerning the registrant's property be filed supplementally. The third section requires filing of certain documents necessary to support representations made in the registration statement. These requirements are similar to those set forth in Form S-3.

The Commission received no comments raising material concerns regarding the requirements of Item 7A(c) and therefore has determined to adopt the item substantially as proposed.

Item 15. Financial Statements and Instructions

As set forth in the proposing release, FASB Statement No. 7⁸ groups together under the title "Development Stage

⁸Statement of Financial Accounting Standards No. 7. Accounting and Reporting by Development Stage Enterprises, June 1975.

Enterprises" issuers that are in both the exploratory and development stages. The distinction from the perspective of the geologist or engineer is significant. In mining terminology an exploratory stage company is basically engaged in the search for minerals. A development stage company, on the other hand, has found a commercially feasible body of minerals and is engaging in the preparation of that body for production. Financial statements for exploratory stage mining issuers will typically identify the issuer as a "development stage company." Such a classification may be confusing to investors. Therefore, new subsection (f) has been added to this item in order that the definitional terms set forth in Item 7A(a) will be utilized in a consistent manner throughout the textual and financial portions of the registration statement.

The Commission received no adverse comments regarding this proposal and has therefore decided to adopt the item as proposed.

Technical Amendments

Both General Instruction A(a)(5) and Rule 242(a)(5)(ii) currently preclude a company which engages or intends to engage in oil and gas related operations which exceed the criteria for exemption specified in § 201.3-18(k) of Regulation S-X from using Form S-18 or relying on Rule 242. In light of the recent amendments to Regulation S-X⁹ the reference to § 201.3-18(k) is no longer appropriate. The Commission is therefore amending this reference to read § 210.4-10(k).

Text of Amendments

17 CFR Chapter II is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.13 [Removed]

1. By removing § 239.13 in its entirety.
2. By amending the General Instructions to Form S-18, § 239.28 to read as follows:

§ 239.28 Form S-18, optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed \$5,000,000.

* * * * *

General Instruction

A. Rule as to Use of Form S-18

* * * * *

(5) does not engage or intend to engage in oil and gas related operations which exceed the criteria for exemption specified in Section 210.4-10(k) of Regulation S-X;

⁹Release No. AS-280, September 2, 1980 [45 FR 63660].

(6) (delete the text of subsection (6) and insert the text of subsection(7))

(7) (insert the text of subsection (8))

(8) (delete this subsection)

* * * * *

Item 7. Description of Property

[no change]

Item 7A. Description of Property—Issuers Engaged or To Be Engaged in Significant Mining Operations

(a) *Definitions:* The following definitions apply to registrants engaged or to be engaged in significant mining operations:

(1) *Reserve:* That part of a mineral deposit which could be economically and legally extracted or produced at the time of the reserve determination.

Note.—Reserves are customarily stated in terms of "ore" when dealing with metalliferous minerals; when other materials such as coal, oil shale, tar sands, limestone, etc. are involved, an appropriate term such as "recoverable coal" may be substituted.

(2) *Proven (Measured) Reserves:* Reserves for which (a) quantity is computed from dimensions revealed in outcrops, trenches, workings, or drill holes; grade and/or quality are computed from the results of detailed sampling and (b) the sites for inspection, sampling and measurement are spaced so closely and the geologic character is so well defined that size, shape, depth, and mineral content of reserves are well-established.

(3) *Probable (Indicated) Reserves:* Reserves for which quantity and grade and/or quality are computed from information similar to that used for proven (measured) reserves, but the sites for inspection, sampling, and measurement are farther apart or are otherwise less adequately spaced. The degree of assurance, although lower than that for proven (measured) reserves, is high enough to assume continuity between points of observation.

(4) (i) *Exploration Stage*—includes all issuers engaged in the search for mineral deposits (reserves) which are not in either the development or production stage.

(ii) *Development Stage*—includes all issuers engaged in the preparation of an established commercially mineable deposit (reserves) for its extraction which are not in the production stage.

(iii) *Production Stage*—includes all issuers engaged in the exploitation of a mineral deposit (reserve).

Instruction—Mining companies in the exploration stage should not refer to themselves as development stage companies in the financial statements, even though such companies should comply with FASB Statement No. 7, if applicable.

(b) *Mining Operations Disclosure*—Furnish the following information as to each of the mines, plants and other significant properties owned or operated, or presently intended to be owned or operated, by the registrant:

(1) The location of and means of access to the property.

(2) A brief description of the title, claim, lease or option under which the registrant and its subsidiaries have or will have the right to hold or operate the property.

indicating any conditions which the registrant must meet in order to obtain or retain the property. If held by leases or options, the expiration dates of such leases or options should be stated. Appropriate maps may be used to portray the locations of significant properties.

(3) A brief history of previous operations, including the names of previous operators, insofar as known.

(4)(a) A brief description of the present condition of property, the work completed by the registrant on the property, the registrant's proposed program of exploration and development, and the current state of exploration and/or development of the property. Mines should be identified as either open-pit or underground. If the property is without known reserves and the proposed program is exploratory in nature, a statement to that effect shall be made.

(b) The age, details as to modernization and physical condition of the plant and equipment, including subsurface improvements and equipment. Further, the total cost for each property and its associated plant and equipment should be stated. The source of power utilized with respect to each property should also be disclosed.

(5) A brief description of the rock formations and mineralization of existing or potential economic significance on the property, including the identity of the principal metallic or other constituents insofar as known. If proven (measured) or probable (indicated) reserves have been established, state (i) the estimated tonnages and grades (or quality, where appropriate) of such classes of reserves, and (ii) the name of the person making the estimates and the nature of his relationship to the registrant.

Instructions

1. It should be stated whether the reserve estimate is of in-place material or of recoverable material. Any in-place estimate should be qualified to show the anticipated losses resulting from mining methods and beneficiation or preparation.

2. The summation of proven (measured) and probable (indicated) ore reserves is acceptable if the difference in degree of assurance between the two classes of reserves cannot be reliably defined.

3. No estimates or reserves of lesser assurance than proven (measured) and probable (indicated) such as "possible" or "inferred" should be set forth.

(6) If technical terms relating to geology, mining or related matters whose definitions cannot be readily found in conventional dictionaries (as opposed to technical dictionaries or glossaries) are used, an appropriate glossary should be included in the registration statement.

(7) Detailed geological maps and reports, feasibility studies and other highly technical data should not be included in the registration statement but should be, to the

degree appropriate and necessary for the Commission's understanding of the registrant's presentation of business and property matters, furnished as supplemental information.

(c) Supplemental Information:

(1) If an estimate of proven (measured) or probable (indicated) reserves is set forth in the registration statement, furnish:

(i) maps drawn to scale showing any mine workings and the outlines of the reserve blocks involved together with the pertinent sample-assay thereon,

(ii) all pertinent drill data and related maps,

(iii) the calculations whereby the basic sample-assay or drill data were translated into the estimates made of the grade and tonnage of reserves in each block and in the complete reserve estimate.

Instructions—Maps and other drawings submitted to the staff should include:

1. A legend or explanation showing, by means of pattern or symbol, every pattern or symbol used on the map or drawing; the use of the symbols used by the U.S. Geological Survey is encouraged;

2. A graphical bar scale should be included; additional representations of scale such as "one inch equals one mile" may be utilized provided the original scale of the map has not been altered;

3. A north arrow on maps;

4. An index map showing where the property is situated in relationship to the state or province, etc., in which it was located;

5. A title of the map or drawing and the date on which it was drawn;

6. In the event interpretive data is submitted in conjunction with any map, the identity of the geologist or engineer that prepared such data;

7. Any drawing should be simple enough or of sufficiently large scale to clearly show all features on the drawing.

(2) Furnish a complete copy of every material engineering, geological or metallurgical report concerning the registrant's property, including governmental reports, which are known and available to the registrant. Every such report should include the name of its author and the date of its preparation, if known to the registrant.

Any of the above-required reports as to which the staff has access need not be submitted. In this regard, issuers should consult with the staff prior to filing the registration statement. Any reports not submitted should be identified in a list furnished to the staff. This list should also identify any known governmental reports concerning the registrant's property.

(3) Furnish copies of all documents such as title documents, operating permits and easements needed to support representations made in the registration statement.

* * * * *

Item 15. Financial Statements and Instructions

(f) With respect to companies engaged to or to be engaged in the mining business, attention is directed to the instruction to Item 7A(a)(4) concerning the appropriate classification of issuers engaged in the exploratory, development and production stage of mining.

* * * * *

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

1. By revising paragraph (a)(5)(ii) of § 230.242 to read as follows:

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(a) * * *

(5) * * *

(ii) Does not engage or intend to engage in oil and gas related operations which exceed the criteria for exemption specified in § 210.4-10(k) of Regulation S-X.

* * * * *

Statutory Authority

The Commission hereby adopts the amendments to Form S-18 pursuant to Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933.

(Secs. 6, 7, 8, 10, 19(A), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 908, 909; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a))

With respect to the technical amendments to Form S-18 and Rule 242 under the Securities Act the Commission believes that it is appropriate to adopt these technical amendments in order to clarify potentially confusing language therein. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)) for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-5001 Filed 3-23-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Occupational Safety and Health Administration

Office of Federal Contract Compliance Programs

20 CFR Part 655

29 CFR Part 1903

41 CFR Part 60-1

Notice of Further Deferral of Effective Dates of Regulations

AGENCY: Department of Labor.

ACTION: Notice of further deferral of effective dates of regulations.

SUMMARY: The Department of Labor further defers the effective dates of three final rules from March 30, 1981 (see 46 FR 11253, Feb. 6, 1981), until the dates set forth below.

This action is taken in order to permit reconsideration of these rules in accordance with Executive Order 12291

and in order to permit proposed rulemaking.

For complete information on these actions see the following Federal Register documents in the Proposed Rules section of this issue of the Federal Register:

1. 81-9411 (ETA)
2. 81-9412 (OSHA)
3. 81-9410 (OFCCP)

DATE: The effective date of this deferral is March 27, 1981.

ADDRESS: Gail Lively, Director, Executive Secretariat, Room S-2519, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: (1) For the Employment and Training Administration (ETA)—Mr. Kenneth Bell—Telephone: 202-378-8297. (2) For the Occupational Safety and Health Administration (OSHA)—Mr. H. Berrien Zettler—Telephone 202-523-7725. (3) For the Office of Federal Contract Compliance Programs—Mr. James W. Cisco—Telephone 202-523-9426.

these regulations declared invalid. See *Fante and the Upjohn Company v. Department of Health and Human Services, et al.*, Civil Action No. 80-72778. Because of the nature and circumstances of this litigation, the agency has determined that it is appropriate to delay the effective date of these regulations. Therefore, FDA announces that unless the District Court declares these regulations to be invalid, the final rule will become effective 5 months from the date of the District Court's final judgment on the merits of the suit. The agency will publish an appropriate notice in the Federal Register, as soon as the District Court rules.

The regulation is affected by Executive Order 12291, dated February 17, 1981 (46 FR 13193, February 19, 1981). If the District Court holds that the final rule is valid, and a decision is made to put the regulation into effect, the agency will comply with Section 7 of the Executive Order and report this regulation to the Director of the Office of Management and Budget before it becomes effective. The report will be filed under Section 7 (a) or (b) of the Executive Order, depending on the final determination as to whether the regulation is a major rule. Based on the amended regulatory analysis assessment of the regulation, which was prepared before its promulgation, and on the criteria for a major rule in Section 1(b) of the Executive Order, it appears that this regulation may not be a major rule. (It should be noted that FDA-regulated research is being conducted at only three prisons.)

Dated: March 17, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-9005 Filed 3-28-81; 8:45 am]

BILLING CODE 4110-03-M

Rule and agency	Subject	Old effective date	New effective date
1. 20 CFR Part 655 ETA (Originally published on Jan. 16, 1981 at 46 FR 4568).	Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology.	Mar. 30, 1981	Deferred until action taken on today's proposed rules.
2. 29 CFR Part 1903 OSHA (Originally published on Jan. 16, 1981 at 46 FR 3852).	Walkaround Compensation	do	May 30, 1981.
3. 41 CFR Part 60-1 OFCCP (Originally published on Jan. 16, 1981 at 46 FR 3892).	Payment of Membership Fees and Other Expenses to Private Organizations.	do	Deferred until action taken on today's proposed rules.

Signed at Washington, D.C. this 25th day of March, 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81-9523 Filed 3-28-81; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Delay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is delaying the effective date of its regulations on the use of prisoners as subjects in research to a date to be announced in a later issue of the Federal Register.

DATE: The delay is effective March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 5, 1978 (43 FR 19417), the Food and Drug Administration (FDA) proposed to adopt regulations to provide protection for prisoners involved in research activities that fall within the agency's jurisdiction. After considering the comments it received on this proposal, in the Federal Register of May 30, 1980 (45 FR 38386), FDA adopted the final rule on the use of prisoners in research. At that time, the agency announced that the regulations would become effective on June 1, 1981.

On July 29, 1980, suit was brought in the United States District Court for the Eastern District of Michigan to have

21 CFR Parts 74, 81, and 82

[Docket No. 76C-0044]

D&C Orange No. 10 and D&C Orange No. 11

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics. This document responds to a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA) for use of the colors in drugs and cosmetics. This rule

will remove these color additives from the provisionally approved listing for all uses in drugs and cosmetics after April 28, 1981, and D&C Orange No. 10 and D&C Orange No. 11 may not be added to ingested drugs and cosmetics after the date.

DATES: Effective April 28, 1981; objections by April 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the Federal Register of August 6, 1973 (38 FR 21199), FDA announced that a petition (CAP 6C0042) for the permanent listing of D&C Orange No. 10 and D&C Orange No. 11 as color additives for use in drugs and cosmetics had been filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (1133 15th St. NW., Washington, DC 20005), c/o Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A subsequent notice published in the Federal Register of March 5, 1976 (41 FR 9584) amended the filing of this petition to include the additional use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye. FDA did not receive any comments in response to these notices.

FDA has evaluated data in the petition and concludes that D&C Orange No. 10 and D&C Orange No. 11 are safe under the conditions set forth below for use in externally applied drugs and cosmetics, and that certification is necessary for the protection of the public health. This order permanently lists D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics under §§ 74.1260, 74.1261, 74.2260, and 74.2261 (21 CFR 74.1260, 74.1261, 74.2260, and 74.2261), respectively.

The provisional regulations published in the Federal Register of February 4, 1977 (42 FR 6992) required new chronic toxicity studies for D&C Orange No. 10 and D&C Orange No. 11, as a condition of their continued provisional listing for ingested uses. The closing date for the provisional listing of the color additives was postponed until January 31, 1981, for completion of those studies. The petitioner was also notified by letter of

the need for data to support the use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye. The petitioner subsequently notified FDA that it did not intend to test the colors as would be required for continued provisional listing for ingested uses and amended the petition for these colors to request the listing of D&C Orange No. 10 and D&C Orange No. 11 for use only in externally applied drugs and cosmetics. Because there is no petition for the listing of D&C Orange No. 10 and D&C Orange No. 11 for use in drugs and cosmetics that may be ingested, FDA finds that there no longer exists a basis for the continuation of the provisional listing for this use.

The agency therefore concludes that the current provisional listing of these two colors should be terminated when the permanent listing of these color additives for external uses takes effect. In addition, the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in drugs and cosmetics under § 81.1(b), which was extended to January 31, 1981 by regulation published in the Federal Register of February 4, 1977, and which has been further extended to June 25, 1981 by a regulation, will be deleted when this order becomes effective on April 28, 1981 unless it is stayed by the timely filing of objections.

The petitioner was notified in a letter of August 17, 1978, that consideration of the petitioned use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye would require the submission and evaluation of data adequate to support such use. The required data for eye area use have not been submitted to the agency. Therefore, that portion of the petition that was amended by filing on March 5, 1976 (Docket No. 76C-0044), to include the permanent listing of D&C Orange No. 10 for eye area use, is now considered by the agency to be withdrawn without prejudice in accordance with the provisions of § 71.4 (21 CFR 71.4). This section of the regulations requires that such requested information be submitted within 180 days after filing of the petition or will be considered withdrawn without prejudice. Use of D&C Orange No. 10 in the area of the eye has never been covered by provisional listing. Future consideration of the permanent listing of D&C Orange No. 10 for eye area use will require the submission of a new color additive petition for that use. Listing of a color additive for use in externally applied drugs and cosmetics does not encompass eye area use.

All certificates heretofore issued for batches of D&C Orange No. 10 and D&C

Orange No. 11 and their lakes for ingested use are revoked, and the addition of the colors and their lakes to ingested drugs or to ingested cosmetics after April 28, 1981 will cause such products to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (22 U.S.C. 301 et seq.), and the products and the persons causing the violation may be subject to regulatory action. This prohibition applies to the use of the straight colors, their lakes, and color additive mixtures containing D&C Orange Nos. 10 or 11. The agency concludes that the protection of the public health does not require the removal from the market of drugs and cosmetics containing the color additives for ingested use or the destruction of drugs or cosmetics that are being manufactured to which these color additives have been added on or before April 28, 1981.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be ingested and that contain D&C Orange Nos. 10 or 11 may either cease adding the color additives or substitute a different color in accordance with the provisions of § 314.8(d)(3) and (e) or § 514.8(d)(3) and (e) (21 CFR 314.8(d)(3) and (e) or 21 CFR 514.8(d)(3) and (e)), as appropriate. If a substitute color is used, the manufacturer shall file with FDA a Supplemental New Drug Application or Supplemental New Animal Drug Application, which contains data describing the new composition and showing that the change in composition does not interfere with any assay and control procedures used in manufacturing the drug, or that the assay and control procedures used in manufacturing the drug have been revised to make them adequate. The applicant shall also submit data that establish the stability of the revised formulation or, if the data are too limited to support a conclusion that the drug will retain its declared potency for the reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specification for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing the subject color should promptly amend the IND or INAD to indicate that the color additives have been deleted or a different color additive substituted.

The agency is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color," or that specifically identifies D&C Orange Nos. 10 or 11 may continue to be used with uncolored products, or products containing substitute colors, during the time necessary to obtain supplies of revised labeling or until April 28, 1982, whichever occurs first.

The agency has determined under 21 CFR 25.24(b)(12) and 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant effect on the environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

A Regulatory Flexibility Analysis is not required for this final rule. Color additive regulations, such as this one, which are initiated by an industry petition, are promulgated without a proposed rule as specified under section 706(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d)(1)). The requirement to perform a Regulatory Flexibility Analysis under sections 601(2) and 604(a) of the Regulatory Flexibility Act does not apply to final rules that are published without the need for a notice of proposed rulemaking. In addition, the filing notice on which this rule is based was published prior to the January 1, 1981 effective date of the provisions of the Regulatory Flexibility Act that require preparation of initial and final regulatory flexibility analyses (5 U.S.C. 603 and 604).

This final rule is also exempt from the requirement to perform a Regulatory Impact Analysis under section 3(a) of Executive Order 12291 because this rulemaking is subject to the formal rulemaking provisions of 5 U.S.C. 556 and 557 by virtue of sections 706(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d) and 371(e)). See section 1(a)(1) of Executive Order 12291.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))), the formal rulemaking provisions of sec. 701(e), 70 Stat. 919 as amended 21 U.S.C. 371(e)); the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)); and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1, Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. By adding new § 74.1260 to Subpart B, to read as follows:

§ 74.1260 D&C Orange No. 10.

(a) *Identity.* (1) The color additive D&C Orange No. 10 is a mixture consisting principally of 4',5'-diiodofluorescein, 2',4',5'-triiodofluorescein, and 2',4',5',7'-tetraiodofluorescein.

(2) Color additive mixtures for drug use made with D&C Orange No. 10 may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* D&C Orange No. 10 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C) and halides and sulfates (calculated as sodium salts), not more than 8 percent.

Insoluble matter (alkaline solution), not more than 0.5 percent.

Phthalic acid, not more than 0.5 percent.

2-[3',5'-Diiodo-2',4'-dihydroxybenzoyl] benzoic acid, not more than 0.5 percent.

Fluorescein, not more than 1 percent.

4'-Iodofluorescein, not more than 3 percent.

2',4'-Diiiodofluorescein and 2',5'-diiodofluorescein, not more than 2 percent.

2',4',5'-Triiodofluorescein, not more than 35 percent.

2',4',5',7'-Tetraiodofluorescein, not more than 10 percent.

4',5'-Diiiodofluorescein, not less than 60 percent and not more than 95 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 92 percent.

(c) *Uses and restrictions.* D&C Orange No. 10 may be safely used for coloring externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 10 shall be certified in,

accordance with regulations in Part 80 of this chapter.

b. By adding new § 74.1261 to Subpart B, to read as follows:

§ 74.1261 D&C Orange No. 11.

(a) *Identity.* (1) The color additive D&C Orange No. 11 is a mixture consisting principally of the disodium salts of 4',5'-diiodofluorescein, 2',4',5'-triiodofluorescein and 2',4',5',7'-tetraiodofluorescein.

(2) Color additive mixtures for drug use made with D&C Orange No. 11 may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* The color additive D&C Orange No. 11 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C) and halides and sulfates (calculated as sodium salts), not more than 8 percent.

Water-insoluble matter, not more than 0.5 percent.

Phthalic acid, not more than 0.5 percent.

2-[3',5'-Diiodo-2',4'-dihydroxybenzoyl] benzoic acid, sodium salt, not more than 0.5 percent.

Fluorescein, disodium salt, not more than 1 percent.

4'-Iodofluorescein, disodium salt, not more than 3 percent.

2',4'-Diiiodofluorescein and 2',5'-diiodofluorescein, not more than 2 percent.

2',4',5'-Triiodofluorescein, not more than 35 percent.

2',4',5',7'-Tetraiodofluorescein, disodium salt, not more than 10 percent.

4',5'-Diiiodofluorescein, disodium salt, not less than 60 percent and not more than 95 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 92 percent.

(c) *Uses and restrictions.* D&C Orange No. 11 may be safely used for coloring externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

c. By adding new § 74.2260 to Subpart C, to read as follow:

§ 74.2260 D&C Orange No. 10.

(a) *Identity and specifications.* The color additive D&C Orange No. 10 shall conform in identity and specifications to the requirements of § 74.1260(a)(1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 10 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

d. By adding new § 74.2261 to Subpart C, to read as follows:

§ 74.2261 D&C Orange No. 11.

(a) *Identity and specifications.* The color additive D&C Orange No. 11 shall conform in identity and specifications to the requirements of § 74.1261(a)(1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 11 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

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

2. Part 81 is amended:

§ 81.1 [Amended]

a. In paragraph (b) of § 81.1 *Provisional lists of color additives* by removing the entries for "D&C Orange No. 10" and D&C Orange No. 11."

b. In § 81.10 by adding new paragraph (m), to read as follows:

§ 81.10 Termination of provisional listing of color additives.

* * * * *

(m) *D&C Orange Nos. 10 and 11.* In the absence of a petition to list D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics, there no

longer exists a basis for provisional listing for such uses. Therefore, FDA is terminating the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics, effective April 28, 1981.

c. In § 81.30 by adding new paragraph (n), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(n)(1) Certificates issued for D&C Orange No. 10, D&C Orange No. 11, their lakes, and all mixtures containing these color additives are cancelled and have no effect as pertains to their use in ingested drugs and cosmetics after April 28, 1981 and use of these color additives in the manufacture of ingested drugs or cosmetics after this date will result in adulteration.

(2) The agency finds, on the basis of the scientific evidence before it, that no action has to be taken to remove from the market drugs and cosmetics to which the color additives were added on or before April 28, 1981.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended:

a. By revising § 82.1260, to read as follows:

§ 82.1260 D&C Orange No. 10.

The color additive D&C Orange No. 10 shall conform in identity and specifications to the requirements to § 74.1260(a)(1) and (b) of this chapter. D&C Orange No. 10 is restricted to use in externally applied drugs and cosmetics.

b. By revising § 82.1261, to read as follows:

§ 82.1261 D&C Orange No. 11.

The color additive D&C Orange No. 11 shall conform in identity and specifications to the requirements of § 74.1261(a)(1) and (b) of this chapter. D&C Orange No. 11 is restricted to use in externally applied drugs and cosmetics.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 27, 1981 file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance

with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this regulation. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 28, 1981, except as to any provisions that may be stayed by the filing of proper objections. All affected products initially introduced or initially delivered for introduction into interstate commerce on or after April 28, 1982 shall fully comply with this regulation. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

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

Dated: March 24, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9351 Filed 3-24-81; 3:55 pm]

BILLING CODE 4110-03-M

21 CFR Part 81

[Docket No. 76N-0366]

Provisional List of Certain Color Additives; Extension of Closing Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: In response to three citizen petitions, the Food and Drug Administration (FDA) in this document is extending the closing dates for the use of 23 provisionally listed color additives beyond January 31, 1981. The extension is conditioned upon the timely completion of ongoing scientific investigations and the submission of data to FDA on a prescribed schedule.

EFFECTIVE DATE: March 27, 1981.

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

SUPPLEMENTARY INFORMATION: Under Title II of the Color Additive Amendments of 1960, Pub. L. 86-618, sec. 203(a)(2), 74 Stat. 405 (21 U.S.C. 376, note) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), FDA is authorized to extend a closing date for the provisional listing of a color additive on its own initiative or upon the application of an interested person. Section 203(d)(1) of Title II of the Color Additive Amendments requires the issuance of regulations or amended regulations establishing, insofar as practicable, a current listing of color additives and the particular uses considered to be provisionally listed.

In the Federal Register of February 4, 1977 (42 FR 6392), FDA extended the closing dates for 52 provisionally listed color additives based upon the agency's conclusion that the postponement was consistent with the objective of carrying to completion, in good faith, and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376) (the act). This action was part of the agency's publicly stated commitment, published in the Federal Register of January 5, 1976 (41 FR 754), to make final determination about the permanent listing of the provisionally listed colors and to take steps to resolve the status of each of the provisionally listed color additives. Since February 4, 1977, final action has been taken on 24 provisionally listed color additives.

In April 1980, FDA received three citizen petitions from the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1133 15th St. NW., Washington, DC 20005, the Pharmaceutical Manufacturers Association, Inc. (PMA), 1155 15th St. NW., Washington, DC 20004, and the Certified Color Manufacturers Association, Inc. (CCMA), 900 17th St. NW., Washington, DC 20006, requesting the Commissioner to amend §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27) to postpone the closing dates for the provisional listing of 23 color additives for which they have submitted color additive petitions requesting permanent listing. These petitions requested postponements in order that ongoing chronic feeding studies can be completed on each additive.

The February 4, 1977 Federal Register announcement required the initiation of these chronic feeding studies for the 23 color additives because earlier chronic studies in the 1950's and 1960's on those colors were not considered adequate to conclusively determine their safety when judged by contemporary scientific

standards (see 42 FR 6992; February 4, 1977). However, due to unavoidable and unforeseen delays occurring in the conduct of these chronic feeding studies, the petitioners sought the instant postponements.

In response to the CTFA, PMA, and CCMA citizen petitions, the agency in the Federal Register of November 14, 1980 (45 FR 75226) proposed to postpone the closing dates for the 23 provisionally listed color additives under test beyond January 31, 1981, the closing date established in the regulation published on February 4, 1977. In the preamble of the November 14, 1980 proposal, the agency set forth its views on why, under the peculiar circumstances surrounding the ongoing chronic feeding studies, such postponements were reasonable, necessary, and consistent with its statutory mandate of carrying to completion as soon as reasonably practicable the safety determinations for the additives at issue. The specific bases for the postponements set forth in that notice will not be repeated herein, except to the extent necessary to respond to the three comments submitted in response to it.

Although the agency had decided to postpone the closing date for these colors before it expired, FDA did not publish and make effective the final rule before President Reagan signed his Executive Memorandum of January 29, 1981, which directed agencies to postpone for 60 days all pending regulations, with certain exemptions inapplicable to postponements of closing dates for provisionally listed colors. Therefore, the provisional listing of these colors lapsed. However, because the agency fully intended to extend the provisional list at the first opportunity, on February 2, 1981, the agency notified the three trade associations that had petitioned the agency for an extension of the provisional listing of the 23 color additives that it intended to extend the list, and that it would not take any regulatory action against the provisionally listed color additives during the period the list was technically not in effect. The Office of Management and Budget has now granted FDA an exemption to publish these regulations, even though the 60-day period has not expired.

FDA believes that it is appropriate and consistent with Congress's intent in enacting the Color Additive Amendments of 1960 to extend the provisional listing of these color additives at this time. Section 203(a)(1) of Title II of Pub. L. 86-618 states:

The purpose of this section is to make possible, on an interim basis for a reasonable period through provisional listings, the use of commercially established color additives to the extent consistent with the public health, pending the completion of the scientific investigations needed as a basis for making determinations as to listing of such additives under the basic Act [the Federal Food, Drug, and Cosmetic Act] as amended by this Act.

As explained below, FDA has given individual consideration to each color additive and has found no public health reason that requires the immediate cessation of use of any of the colors. The scientific investigations that will provide the basis for a final determination on the safety of these color additives have not been unreasonably prolonged. Therefore, the fact that the agency was prevented from extending the closing date for the provisional list in a timely manner because that closing date, established over 3 years ago, happened to coincide with a Presidential directive not to issue new regulations, provides no basis for not continuing to make these color additives available. FDA has determined that these colors should remain provisionally listed until the agency has had an opportunity to make an appropriate determination about their listing under section 706 of the act (21 U.S.C. 376).

The November 14, 1980 proposal generated the submission of two supportive comments from trade associations and one comment from a citizens group which challenges FDA's legal authority to postpone the closing date of the provisional list for the 23 color additives. These comments and FDA's responses are summarized below.

1. One comment from a trade association agreed with FDA's account in the November 14, 1980, preamble to the proposed postponements concerning the petitioners' good faith efforts to comply with the original timetable for completing the ongoing chronic toxicological studies on the 23 color additives. The association also agreed with each conclusion in the preamble concerning the justification for the postponements and that the postponement of deadlines is consistent with the protection of the public health. This comment further endorsed the proposed staggered extension schedule because it would allow both the agency and the testing laboratories flexibility in allocating their available resources more efficiently to prepare and review the final study reports. In conclusion, the association agreed that the requested postponements are consistent with FDA's "statutory objective of carrying to completion in good faith, as soon as

reasonably practicable, the scientific investigations necessary for making a determination as to listing' the 23 color additives. 21 U.S.C. 376, note." The other trade association reiterated the conclusion made by the first association that the proposed postponements were consistent with FDA's statutory responsibilities under the transitional provisions of the Color Additive Amendments of 1960.

2. The comment from the citizen's group, while alleging that the agency does not possess the authority to make the proposed postponements, did not make a per se challenge to FDA's statutory authority to extend the color additive provisional list. Rather, this comment implied that there exists no rational nexus between the facts found to be underlying the proposed postponements and the choices made by FDA. The comment asserted that FDA had failed to show that any "extraordinary circumstances" exist for granting the proposed extensions. Thus, the comment suggested that FDA would be acting in an arbitrary and capricious manner if it promulgated the proposed postponements. In addition, the comment attempted to bolster its primary legal argument by citing a "Stipulation" between FDA and the Health Research Group (HRG), which was entered into after a district court found that FDA had the authority to postpone the provisional list to allow for the performance of "new" animal feeding studies. See *Health Research Group v. Califano*, Civ. No. 77-293 (D.D.C. 1977). In that stipulation the agency agreed that any further postponement of the closing dates would be made on consideration of each color additive individually. The comment concluded that the proposed postponements are "generic" and based upon "general considerations". Thus, the comment contended that the proposed postponements violate the stipulation. For the reasons set forth below the agency rejects this entire comment.

FDA possesses broad discretion in granting postponements of the provisional listing for color additives. An examination of the legislative history, the statute, and the case law supports this conclusion.

In vesting FDA with the authority to administer the transitional provisions of the Color Additive Amendments, Congress did not impose a rigid formula on the manner in which the agency must apply its expertise to the development and evaluation of safety data on provisionally listed color additives. The House of Representatives' report on the transitional provisions does not express

any intent to constrict the agency's discretionary authority to postpone the provisional list for color additives. It clearly indicated that provisional listings are to be used "pending the development of the scientific data required for a definitive determination as to the listing of those colors under the permanent provisions of the bill." H.R. Rep. No. 1761, 86th Cong., 2d Sess. 10 (1960). Here, the completion of the ongoing chronic-feeding studies are necessary, so that definitive safety determinations can be made based upon the most current and accurate scientific data.

The statute itself also provides for the exercise of judgmental and discretionary functions:

The [Commissioner] may by regulation * * * from time to time postpone the original closing date with respect to a provisional listing * * * for such period or periods as he finds necessary to carry out the purpose of this section, if in the [Commissioner's] judgment such action is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing such additive * * *

Section 203(a)(2) of Color Additive Amendments of 1960.

The case law confirms the broad discretionary powers vested in FDA in making judgments on whether to postpone a color additive provisional listing. In *Health Research Group v. Califano*, supra, the court found that the agency possessed the authority to extend the provisional list not only in cases where the studies are ongoing, as here, but also possesses the authority to extend such listing when new studies are required:

It is clear, then, that the Color Additive Amendments of 1960 do not limit the Commissioner's authority to extend provisional listings only in cases where it is necessary to complete ongoing tests. Rather, the Commissioner has discretion to postpone the closing dates of provisional listings so long as the postponements are consistent with his statutory mandate to protect the public health.

Id. at 4. See also *Certified Color Manufacturers Ass'n v. Mathews*, 543 F. 2d 284, 294 (D.C. Cir. 1976).

Thus, it is clear from the legislative history, the statute, and the case law that if reasonable grounds exist, the extension of the provisional list for the purpose of completing the ongoing chronic feeding studies for the 23 color additives is, as a matter of law, proper.

However, the comment further contended that the proposed postponements violate FDA's own announced standards for evaluating all

further requests for provisional list extensions; namely, the existence of "unavoidable, unforeseen, and extraordinary circumstances." (See 42 FR 6998; Feb. 4, 1977). Therefore, the comment implied that no reasonable grounds exist for the proposed postponements.¹ The agency disagrees.

The November 14, 1980 proposal identified several unanticipated and unavoidable delays surrounding the conduct of the current chronic feeding studies, which lead the agency to conclude, in its considered judgment, that "extraordinary circumstances" exist and warrant extension of the closing date for the 23 color additives. Those unforeseen and unavoidable circumstances are as follows:

1. FDA needed additional time to approve the protocols and dosage levels.

2. FDA changed the high-dose levels after the studies were initiated, necessitating the addition of another dose level to some studies.

3. There were laboratory delays in preparing the test protocols and final reports.

4. There were shortages of some color additives midway through the testing program.

Because of the novel protocols involved in these studies, one source of unexpected delay was the lack of historical data to assist the petitioners and FDA toxicologists in accurately predetermining the dose levels that should be fed to the test animals, including *in utero* exposure. The stringent timetable forced the petitioners to begin the chronic feeding studies before FDA had approved the dose levels to be fed. FDA later disagreed with the choice of dose levels involving 13 of the color additives. The petitioners and FDA agreed at that time that an additional higher dose level with a concurrent control group would be initiated for each of the color additives involved as soon as possible. In each case, however, the data on the first three dose levels were to be submitted to FDA by August 4, 1980. FDA would then evaluate the data on the three dose levels submitted to determine whether provisional listing should continue until the final report containing the data on the fourth and highest dose was submitted.

¹ The comment does not contravene by the submission of data or other evidence any of the factual circumstances set forth in the November 14, 1980, proposal. Rather, it only makes broad conclusory suggestions that such circumstances may not exist. Thus, the factual findings which, in the agency's opinion, constitute "unavoidable, unforeseen, and extraordinary circumstances," stand uncontroverted.

Unavoidable delays were also caused by the shortage of adequate animal testing laboratories and, especially, trained pathologists in this country and abroad at a time when Congress and many Federal agencies are requiring more and more animal safety testing. This shortage has caused large work backlogs in these laboratories. In addition, the implementation of FDA's Good Laboratory Practice regulations in Part 58 (21 CFR Part 58) has increased this backlog by decreasing the number of acceptable testing facilities. These unavoidable occurrences lead the agency to conclude that "extraordinary circumstances" exist, and that the postponement of the provisional list is reasonable.

It must be pointed out that it was not known by FDA at the beginning of these safety studies that these circumstances would occur and necessitate postponing the closing dates. Once these delays occurred they first had to be overcome, so that FDA would be able to make the safety determinations based upon the best available data. Thus, this action is consistent with the overriding objective of Congress in enacting the transitional provisions of Color Additive Amendments.

The final aspect of this comment concerned the FDA/HRG stipulation, which states that FDA must grant further extensions of the provisional list only on an individual basis. Consideration of each individual color additive by FDA has occurred here. The closing dates, as listed in the November 14, 1980 proposal were individually evaluated before proposing these varying dates, including consideration of the original starting date for the study, the need to add additional dosage groups to the study, the difficulties that have occurred in the conduct of specific studies, and the unavailability of pathologists. FDA has also concluded that varying the closing dates is necessary because of the current status of each chronic feeding study, and because a staggered system is better suited to the needs of the testing laboratories.

The agency has established a closing date for each color additive that is 1 year after the date of the final report is due from the petitioner. The agency has established this 1-year period to ensure that there is sufficient time for it to complete its evaluation of the data and for it to take final action on the petition. The agency will endeavor to act on

petitions as quickly as possible, however, and if the agency is able to take final action on a petition before its closing date, FDA will exercise its authority under section 223(a)(2) of Title II of Pub. L. 86-618 and terminate the extension of the closing date at that time.

The staggered final report dates would also allow the four animal testing laboratories sufficient time, considering their available resources, to evaluate and prepare final reports. The agency will be required to review the histopathological slides from these studies, in addition to the related study reports, in order to make its safety determinations. After review of these data, FDA must issue final decisions as to whether these color additives will be listed under section 706 of the act.

In addition to the foregoing, and as also agreed to in the FDA/HRG stipulation, FDA continues to advise HRG when copies of petitioners' progress reports on individual color additive studies are submitted to the agency, when FDA evaluates and makes reports on each of the progress reports, and when applications for extension of the January 31, 1981, closing date for any of the provisionally listed color additives are received.

Progress reports on color additives, FDA's evaluation of those reports, and applications for extensions of the closing date are also placed on file with FDA's Dockets Management Branch for public review. The agency has received no objections or comments stating that the evaluations on the progress reports indicate that a public health problem exists. Indeed, the agency concludes that its review of progress reports on each color under test demonstrates that there continues to be no public health or safety concerns with any of the 23 color additives. Thus, extension of the provisional list is consistent with FDA's

statutory mandate to protect the public health.

Having evaluated the comments, the agency concludes that the extension of the closing dates for provisionally listed color additives in §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27) is reasonable and in the public interest.

The agency notes that this document does not extend the provisional listing for D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel. Elsewhere in this issue of the Federal Register, the provisional listings for these color additives are being extended. With respect to the color additive caramel, this document deletes the requirement for a lifetime mouse skin-painting study to make that listing consistent with the decision on caramel contained elsewhere in this edition of the Federal Register. In addition, this document adds the restriction of "External use only" for D&C Green No. 6 in accordance with the agency's decision found elsewhere in this issue of the Federal Register.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 of Subchapter A of Title 21 of the Code of Federal Regulations is amended as follows:

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

1. In § 81.1 the tables in paragraphs (a), (b), and (c) are revised to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *
(a) * * *

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
FD&C Blue No. 1 (sec. 74.101 of this chapter).	Oct. 30, 1982 ¹	Oct. 30, 1982	
FD&C Blue No. 2 (sec. 74.1102 of this chapter).	Oct. 30, 1982	do	Food and ingested drugs.
FD&C Green No. 3 (sec. 82.203 of this chapter).	Nov. 16, 1982	Nov. 16, 1982	
FD&C Red No. 3 (sec. 74.303 of this chapter).	Oct. 2, 1983 ¹	Oct. 2, 1983	
FD&C Yellow No. 5 (sec. 74.705 of this chapter).	Oct. 7, 1983 ¹	Oct. 7, 1983	
FD&C Yellow No. 6 (sec. 82.706 of this chapter).	Feb. 28, 1984	Feb. 28, 1984	
Lakes (FD&C) (sec. 82.51 of this chapter).			

¹ Lakes only

	Closing date	Restrictions
(b) * * *		
	Closing date	Restrictions
D&C Green No. 5 (sec. 74.1205 of this chapter).	May 30, 1982	
D&C Green No. 6 (sec. 74.1206 (a) and (b) of this chapter).	Jan. 31, 1981	External use only.
D&C Orange No. 5 (sec. 82.1255 of this chapter).	Oct. 30, 1982	Sec. 81.25.
D&C Orange No. 10 (sec. 82.1260 of this chapter).	Jan. 31, 1981	
D&C Orange No. 11 (sec. 82.1261 of this chapter).	.....do	
D&C Orange No. 17 (sec. 82.1267 of this chapter).	Mar. 31, 1983	Do.
D&C Red No. 6 (sec. 82.1306 of this chapter).	Dec. 31, 1982	
D&C Red No. 7 (sec. 82.1307 of this chapter).	.....do	
D&C Red No. 8 (sec. 82.1308 of this chapter).	Sept. 30, 1983	Sec. 81.25.
D&C Red No. 9 (sec. 82.1309 of this chapter).	.....do	Do.
D&C Red No. 19 (sec. 82.1319 of this chapter).	Feb. 28, 1983	Sec. 81.25.
D&C Red No. 21 (sec. 82.1321 of this chapter).	Nov. 30, 1982	
D&C Red No. 22 (sec. 82.1322 of this chapter).	.....do	
D&C Red No. 27 (sec. 82.1327 of this chapter).	Oct. 30, 1982	
D&C Red No. 28 (sec. 82.1328 of this chapter).	.....do	
D&C Red No. 30 (sec. 82.1330 of this chapter).	May 30, 1982	
D&C Red No. 33 (sec. 82.1333 of this chapter).	Mar. 31, 1983	Sec. 81.25.
D&C Red No. 36 (sec. 82.1336 of this chapter).	Sept. 30, 1984	Do.
D&C Red No. 37 (sec. 82.1337 of this chapter).	Feb. 28, 1983	Do.
D&C Yellow No. 10 (sec. 82.1710 of this chapter).	Apr. 30, 1983	Do.
Lakes (D&C) (Sec. 82.2051 of this chapter).		

	Closing date	Restrictions
(c) * * *		
Lake (ext. D&C) (sec. 82.105(1) of this chapter)		

2. In § 81.27 by revising the introductory text of paragraph (d), paragraph (d)(3), the introductory text of paragraph (e), and paragraph (e)(2), to read as follows:

§ 81.27 Conditions of provisional listing.

* * * * *

(d) The closing dates and dates for final reports for the following 23 color additives are postponed in accordance with the following list while chronic toxicity feeding studies are conducted and evaluated and subject to compliance with the requirements of this paragraph:

	Final report due	Closing date
FD&C Blue No. 1.....	Oct. 30, 1981.....	Oct. 30, 1982.
FD&C Blue No. 2.....	Oct. 30, 1981.....	Oct. 30, 1982.
FD&C Green No. 3.....	Nov. 16, 1981.....	Nov. 16, 1982.
D&C Green No. 5.....	May 30, 1981.....	May 30, 1982.
D&C Orange No. 5.....	Oct. 30, 1981.....	Oct. 30, 1982.
D&C Orange No. 17.....	Mar. 31, 1982.....	Mar. 31, 1983.
FD&C Red No. 3.....	Oct. 2, 1982.....	Oct. 2, 1983.
D&C Red No. 6.....	Dec. 31, 1981.....	Dec. 31, 1982.
D&C Red No. 7.....	Dec. 31, 1981.....	Dec. 31, 1982.
D&C Red No. 8.....	Sept. 30, 1982.....	Sept. 30, 1983.
D&C Red No. 9.....	Sept. 30, 1982.....	Sept. 30, 1983.
D&C Red No. 19.....	Feb. 28, 1982.....	Feb. 28, 1983.
D&C Red No. 21.....	Nov. 30, 1981.....	Nov. 30, 1982.
D&C Red No. 22.....	Nov. 30, 1981.....	Nov. 30, 1982.
D&C Red No. 27.....	Oct. 30, 1981.....	Oct. 30, 1982.
D&C Red No. 28.....	Oct. 30, 1981.....	Oct. 30, 1982.
D&C Red No. 30.....	May 30, 1981.....	May 30, 1982.
D&C Red No. 33.....	Mar. 31, 1982.....	Mar. 31, 1983.
D&C Red No. 36.....	Sept. 30, 1983.....	Sept. 30, 1984.
D&C Red No. 37.....	Feb. 28, 1982.....	Feb. 28, 1983.
FD&C Yellow No. 5.....	Oct. 7, 1982.....	Oct. 7, 1983.
FD&C Yellow No. 6.....	Feb. 28, 1983.....	Feb. 28, 1984.
D&C Yellow No. 10.....	Apr. 30, 1982.....	Apr. 30, 1983.

* * * * *

(3) An initial progress report of the studies on the color additives shall be submitted to the Division of Food and Color Additives by December 31, 1977. Further progress reports shall be submitted at 6-month intervals thereafter.

* * * * *

(e) The closing date for FD&C Red No. 3 and D&C Red No. 33 are postponed until October 2, 1983 and March 31, 1983, respectively, while multigeneration reproduction studies are conducted and evaluated, and subject to compliance with the requirements of this paragraph.

* * * * *

(2) An initial progress report of the studies on the color additives shall be submitted by July 1, 1978 and at 6-month intervals thereafter. A full report of the studies conducted on the color additives shall be submitted to the Division of Food and Color Additives in accordance with the scheduled dates in paragraph (d) of this section.

* * * * *

Effective date. This regulation becomes effective March 27, 1981.

(Title II of Pub. L. 86-618, sec. 203(c), (d), 74 Stat. 405 (21 U.S.C. 376 note))

Dated: March 24, 1981.
Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.
[FR Doc. 81-9347 Filed 3-24-81; 3:59 pm]
BILLING CODE 4110-03-M

21 CFR Part 81

[Docket No. 76N-0366]

Extension of Closing Dates for Provisional Listings; D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and Caramel

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

SUMMARY: The Food and Drug Administration (FDA) is extending for 90 days from the date of publication of this document the closing dates for the provisional listings of D&C Orange No. 10 and D&C Orange No. 11 for use as color additives in externally applied drugs and cosmetics. This order will permit the continued use of these color additives until the new closing dates. The new closing date for D&C Orange No. 10 and D&C Orange No. 11 is being established to provide time for completing final action on the petitions for the listing of these color additives for use in externally applied drugs and cosmetics. The agency is also extending for 120 days from the date of publication of this document the closing dates for the provisional listings of D&C Green No. 6 and caramel. The brief extension for D&C Green No. 6 will provide time for FDA to issue a final decision either to approve or to deny the petition for permanent listing of this color additive. The 120-day extension of the closing date for caramel will provide the agency with a brief period that is necessary to complete final action on the petition for caramel as a color additive for general use in cosmetics.

DATES: Effective March 27, 1981, the new closing date for D&C Orange No. 10 and D&C Orange No. 11 will be June 25, 1981, the new closing date for D&C Green No. 6 and caramel will be July 27, 1981.

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

SUPPLEMENTARY INFORMATION: These regulations extend the provisional listings of D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel. The closing date for the provisional listing of these color

additives was January 31, 1981. That date was established by regulations published in the Federal Register of February 4, 1977 (42 FR 6992).

Although the agency had decided to postpone the closing date for these colors before it expired, FDA did not publish and make effective this final rule before President Reagan signed his Executive Memorandum of January 29, 1981, which directed agencies to postpone for 60 days all pending regulations, with certain exemptions inapplicable to postponements of closing dates for provisionally listed colors. Therefore, the provisional listing of these colors lapsed. However, because the agency fully intended to extend the provisional list at the first opportunity, on February 2, 1981, the agency notified the three trade associations that had petitioned the agency for an extension of the provisional listing of 23 color additives that it intended to extend the list, and that it would not take any regulatory action against the provisionally listed color additives during the period the list was technically not in effect. The Office of Management and Budget has now granted FDA an exemption to publish these regulations, even though the 60-day period has not expired.

FDA believes that it is appropriate and consistent with Congress' intent in enacting the Color Additive Amendments of 1960 to extend the provisional listing of D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel at this time. Section 203(a)(1) of Title II of Pub. L. 86-618 states:

The purpose of this section is to make possible, on an interim basis for a reasonable period through provisional listings, the use of commercially established color additives to the extent consistent with the public health, pending the completion of the scientific investigations needed as a basis for making determinations as to listing of such additives under the basic Act [the Federal Food, Drug, and Cosmetic Act] as amended by this Act.

FDA has given individual consideration to each of these color additives and has found no public health reason that requires the immediate cessation of use of any of the colors. The agency is prepared to take final action on each of these color additives within a short period of time. Therefore, the fact that the agency was prevented from extending the closing date for the provisional list in a timely manner because that closing date, established over three years ago, happened to coincide with a Presidential directive not to issue new regulations, provides no basis for not continuing to make these color additives available. FDA has

determined that these colors should remain provisionally listed until the agency has made an appropriate determination about their listing under section 706 of the Act (21 U.S.C. 376).

The regulations set forth below will establish a new closing date for the provisional listings of D&C Orange No. 10 and D&C Orange No. 11 of June 25, 1981, and will extend the closing date for the provisional listings of D&C Green No. 6 and caramel to July 27, 1981.

The extension of the closing dates for D&C Orange No. 10 and D&C Orange No. 11 to June 25, 1981 will provide a brief period within which the agency can complete the procedural requirements in taking final action concerning the petition for the permanent listings of these color additives for use in externally applied drugs and cosmetics. This extension is also necessary to accommodate the 30-day objection period and the evaluation of any objections that may be received in response to a final regulation.

The January 31, 1981 closing date for D&C Green No. 6 was conditioned upon the petitioner, the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1133 15th St., NW., Washington, DC 20005, undertaking and successfully completing chronic feeding studies. These studies were required to support all uses of D&C Green No. 6 involving ingestion of the color.

In a letter dated August 21, 1978, the petitioner advised FDA that, for business reasons only, CTFA would not initiate the chronic feeding studies required under 21 CFR 81.27(d) for permanent listing of D&C Green No. 6 for uses subject to ingestion and requested the agency to discontinue consideration of such uses. In the absence of appropriate data from chronic feeding studies, the agency intended to permit the provisional listing of D&C Green No. 6 for all uses involving ingestion of the color to expire on January 31, 1981. By this notice, FDA hereby removes all ingested uses of D&C Green No. 6 from the provisional list.

However, the petition for permanent listing of this color additive also includes external uses, and FDA has been unable to complete its review and evaluation of the data relevant to these uses. Therefore, FDA has concluded that a short extension is necessary to complete procedural requirements and to publish the required Federal Register documents outlining the final decision by FDA regarding the petition for D&C Green No. 6 for use as a color additive. Therefore, the regulation set forth below will extend the closing date for the provisional listing of D&C Green No. 6 to July 27, 1981.

The agency is also postponing the closing date for the provisional listing of caramel as a color additive for use in cosmetics until July 27, 1981. The brief postponement will provide the agency with an additional period within which to receive comments on the petition and to publish a final order in the Federal Register regarding its decision on whether to approve the color additive petition for it.

The agency concludes that these brief extensions of the closing date for the four color additives are necessary and that no harm to the public health will result.

Because of the need for these regulations to take effect immediately, under 5 U.S.C. 553(b)(3), FDA has concluded that notice and public procedure on these regulations are impracticable, and that good cause exists for issuing this extension as a final rule. This regulation, to be effective on March 27, 1981, will permit the uninterrupted use of the color additives until further action is taken.

In accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on March 27, 1981.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 is amended in § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Orange No. 10" and "D&C Orange No. 11" in paragraph (b) to read June 25, 1981, and by revising the closing date and adding a restriction for "D&C Green No. 6" in paragraph (b) to read "July 27, 1981, External use only" and by revising the closing date for "Caramel" in paragraph (g) to read "July 27, 1981."

Effective date. This regulation is effective March 27, 1981.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: March 24, 1981.

Joseph P. Hile,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 81-0330 Filed 3-24-81; 3:55 pm]
BILLING CODE 4110-03-M

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related
Products; Phenylbutazone Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Sterivet Laboratories, Inc., providing for use of phenylbutazone granules for relief of inflammatory conditions associated with the musculoskeletal system of horses, to add Sterivet Laboratories to the list of sponsors of approved NADA's, and to present conclusions of an NAS/NRC evaluation of the product. **EFFECTIVE DATE:** March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136, filed an NADA (113-510) providing for use of a packet containing 1 gram of phenylbutazone in granules for treatment of horses for inflammatory conditions associated with the musculoskeletal system.

This application concerns a product which is similar to those which were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation published in the Federal Register of August 12, 1970 (35 FR 12790). The product was approved based on bio-equivalence to the NAS/NRC reviewed product. The NAS/NRC review concerned several phenylbutazone products marketed by Jensen-Salsbery Laboratories. The report concluded and FDA concurred that these products are probably effective as a nonhormonal anti-inflammatory agent for use in horses and dogs but noted that the labeling implied certain effects which were not supported by documentation, that controlled experiments did not appear to have been performed in dogs or horses, that disintegration information is needed, and that directions for use need revision. In addition, FDA required the labeling to include the veterinary prescription legend.

In response to the NAS/NRC evaluation, Jensen-Salsbery Laboratories submitted supplemental NADA's which brought their products into compliance with the conclusions of the evaluation. The approvals were codified by publication in the Federal Register of May 26, 1972 (37 FR 10862). That publication failed to designate those conditions of use which reflect the conclusions of the NAS/NRC evaluation. This document amends the current regulation for use of phenylbutazone granules for horses to indicate those portions which comply

with the NAS/NRC review, and that submission of applications for similar products reflecting the same conditions of use need not include certain data and information required by § 514.111 (21 CFR 514.111), but may require bioequivalency and safety information.

In addition, the sponsor has not previously been included in the regulations under the list of approved sponsors (21 CFR 510.600(c)). The regulations are amended to reflect this approval and to add this sponsor to the list of sponsors of approved NADA's.

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

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

This action is governed by the provisions of 5 U.S.C. 558 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

- * * * * *
- (c) * * *
- (1) * * *

Firm name and address	Drug labeler code
* * * * *	
Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136.....	047403
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
047403	Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136.
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, § 520.1720b is revised to read as follows:

§ 520.1720b Phenylbutazone granules.

(a) *Specifications.* The drug is in granular form. It is packaged to contain either 8 grams of phenylbutazone per package or 1 gram of phenylbutazone per package.

(b) *Sponsor.* See 017220 in § 510.600(a) for 8-gram package, see 047403 for 1-gram package.

(c) *NAS/NRC status.* The conditions of use have been NAS/NRC reviewed and found effective. NADA's for approval of drugs for these conditions of use need not include effectiveness data specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use.* (1) *Horses.* (i) *Amount.* 1 or 2 grams per 500 pounds of body weight, not to exceed 4 grams, daily, as required.

(ii) *Indications.* For the treatment of inflammatory conditions associated with the musculoskeletal system.

(iii) *Limitations.* Administer orally by adding to a portion of the usual grain ration. Use a relatively high dose for the first 48 hours, then gradually reduce to a maintenance level of the lowest level capable of producing the desired clinical response. Treated animals should not be slaughtered for food use. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Effective date. This regulation is effective March 27, 1981.

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

Dated: February 6, 1981.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.

[FR Doc. 81-9428 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Dichlorophene and Toluene Capsules

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

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by K. C. Pharmacal, Inc., providing for safe and effective use of dichlorophene-toluene capsules for treating dogs and cats for certain helminth infections, and to add K. C. Pharmacal to the list of approved NADA sponsors.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116, filed an NADA (120-671) providing for use of dichlorophene and toluene capsules for treating dogs and cats for infections of certain ascarids, hookworms, and tapeworms. This product is the generic equivalent of a product that was the subject of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation published in the Federal Register of February 1, 1969 (34 FR 1613) and reflected in § 520.580 (21 CFR 520.580). Approval of K. C. Pharmacal's product does not require submission of data to demonstrate bioequivalency because it is manufactured by the firm currently manufacturing the NAS/NRC-reviewed product. In addition, K. C. Pharmacal, Inc., was not included in the list of sponsors of approved applications found in § 510.600(c) (21 CFR 510.600(c)). The regulations are amended to include this sponsor and their approval.

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

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(a) and (g)(2)) may be seen in the Dockets Management Branch (HFA-305), address above.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *
(c) * * *
(1) * * *

Firm Name and Address and Drug Labeler Code

* * * * *
K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116; 038782

(2) * * *

Drug Labeler Code and Firm Name and Address

* * * * *
038782 K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, § 520.580 is amended by revising paragraph (b)(2), to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

* * * * *
(b) * * *

(2) For single and multiple dose, see 000124, 000859, 011716, and 038782 in § 510.600(c) of this chapter.

Effective date. This regulation is effective March 27, 1981.

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

Dated: February 11, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9247 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Promazine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Anthony Products Co. providing for safe and effective use of promazine hydrochloride injection for horses as a tranquilizer and preanesthetic, and to amend the list of approved sponsors to reflect the new firm address.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006, filed an NADA (119-141) providing for safe and effective intravenous use of a 50 milligram per milliliter promazine hydrochloride injection as a tranquilizer and preanesthetic for the treatment of horses. The drug is one of several phenothiazine tranquilizers that were subject to a National Academy of Sciences/National Research Council (NAS/NRC) report published in the Federal Register of November 18, 1969 (DESI 10782V, 34 FR 18394). The review concluded that certain phenothiazines are probably effective for veterinary use as tranquilizers, but dosage levels should be documented and adjusted to ranges shown to be conclusively effective for veterinary use and certain precautionary statements be added to the labeling. FDA concurred with the NAS/NRC conclusion, and recommended an additional warning statement concerning use with

organophosphates and a veterinary prescription statement. In response to the NAS/NRC review, two firms submitted supplemental NADA's which brought their applications into compliance with the conclusions of the review. The regulations in 21 CFR 522.1962 were amended to reflect the conditions of approval of these supplemental NADA's. The regulations were subsequently amended to indicate those conditions of use which were NAS/NRC reviewed and found effective and that applications for those uses need not include certain types of effectiveness data as specified in § 514.111(a)(5)(ii) (21 CFR 514.111(a)(5)(ii)), but may require bioequivalency and safety information.

The product is a solution for intravenous use in horses. Being a true solution for intravenous use, bioequivalency data are not required.

Based on the information provided in the NADA, the application is approved and the regulations are amended to reflect this approval. In addition, the regulation in § 510.600(c) (21 CFR 510.600(c)) is amended to reflect the sponsor's change of address.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by revising the sponsor name and address for "Anthony Veterinary Products" in paragraph (c)(1) and for 000864 in paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

Firm name and address	Drug labeler code
Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006	000864

Drug labeler code	Firm name and address
000864	Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 522, § 522.1962 is revised to read as follows:

§ 522.1962 Promazine hydrochloride injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 50 milligrams of promazine hydrochloride.

(b) *Sponsor.* In § 510.600(c) of this chapter, see No. 000008 for conditions of use as in paragraph (c)(1)(i) of this section; see No. 000856 for conditions of use as in paragraph (c)(1)(ii) of this section; see No. 000864 for conditions of use as in paragraph (c)(1)(iii) of this section.

(c) *Conditions of use.* (1)(i) To horses either intramuscularly or intravenously at a dosage of 0.2 to 0.5 milligram per pound of body weight, and to dogs and cats 1 to 3 milligrams per pound of body weight, every 4 to 6 hours as a tranquilizer or preanesthetic.¹

(ii) To horses either intramuscularly or intravenously at a dosage of 0.2 to 0.5

¹These conditions are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified in § 514.111 but may require bioequivalency and safety information.

milligram per pound of body weight, and to dogs and cats at 1 to 2 milligrams per pound of body weight, every 4 to 6 hours as a tranquilizer, preanesthetic, for minor operative procedures in conjunction with local anesthesia, as adjunctive therapy for tetanus, and as an antiemetic in dogs and cats prior to worming, or to prevent motion sickness in dogs.¹

(iii) To horses intravenously at a dosage of 0.2 to 0.5 milligram per pound of body weight, as a tranquilizer and preanesthetic, as required.¹

(2) Not for use in conjunction with organophosphates because their toxicity may be potentiated, nor with procaine hydrochloride as its activity may be increased.¹

(3) Not for use in horses intended for food.¹

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.¹

Effective date. This amendment shall be effective March 27, 1981.

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

Dated: February 26, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9249 Filed 3-26-81; 6:45 am]
BILLING CODE 4110-03-M

21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Thiabendazole, Piperazine Phosphate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to codify two previously approved new animal drug applications (NADA's) providing for safe and effective use of equine anthelmintics. The NADA's are held by Merck Sharp & Dohme Research Labs.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Labs., Division of Merck & Co., Inc., Rahway, NJ 07065 is sponsor of NADA 37-410 providing for use of thiabendazole/piperazine phosphate powder for treating horses for infections of large and small strongyles, pinworms, threadworms, and ascarids.

The firm's application was originally approved by letter of January 10, 1968.

Merck is also sponsor of NADA 39-436 providing for use of thiabendazole/piperazine phosphate granules for treating weanling foals over 4 months of age for the same infections as NADA 37-410. The application was originally approved by letter of February 6, 1969.

Approval at those times were not routinely codified by publication in the Federal Register. This action codifies the two previously approved NADA's but does not change the approved uses of the drugs. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this action, codification of previously approved NADA's, does not require reevaluation of the drugs' safety and effectiveness. Because the applications were approved before July 1, 1975, the sponsor has not been required to submit summaries of safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations (§ 514.11(e)(2) (21 CFR 514.11(e)(2))).

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2380f to read as follows:

**PART 520—ORAL DOSAGE FORM
NEW ANIMAL DRUGS NOT SUBJECT
TO CERTIFICATION**

§ 520.2380f Thiabendazole, piperazine phosphate.

(a) *Specifications.* As a water dispersible powder containing 6.67 grams of thiabendazole and 8.33 grams of piperazine (as piperazine phosphate) per ounce for horses; as granules containing 3.0 grams of thiabendazole and 3.75 grams of piperazine (as piperazine phosphate) per ounce for weanling foals over 4 months of age.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of Use—Horses and weanling foals (over 4 months of age)—*

(1) *Amount.* 2 grams of thiabendazole and 2.5 grams of piperazine per 100 pounds of body weight (horses—0.3 ounce of powder; foals—0.67 ounce of granules).

(2) *Indications for Use.* Treatment of infections of large strongyles (genus *Strongylus*), small strongyles (genera *Cyathostomum*, *Cylicobrachytus*, and related genera *Craterostomum*, *Oesophagodontus*, *Poteriostomum*), pin worms (*Oxyuris*), threadworms (*Strongyloides*), and ascarids (*Parascaris*).

(3) *Limitations.* (i) *Horses.* As a water dispersible powder. Use a single oral dose. Administer as a drench or by stomach tube suspended in 1 pint of warm water; by dose syringe suspended in ½ ounce of water for each 100 pounds of body weight; or sprinkled over a small amount of daily feed. Not for animals intended for food use. If the label bears directions for administration by stomach tube or drench, it shall also bear the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; if not labeled for use by stomach tube or drench, the label shall bear the statement, "Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism".

(ii) *Weanling foals (over 4 months of age).* As granules. Use a single oral dose. Sprinkle over the usual grain ration, or mix in a few ounces of warm water and administer by dose syringe. Not for animals intended for food use. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. March 27, 1981.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))
Dated: March 12, 1981.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.
[FR Doc. 81-8251 Filed 3-20-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 520

**Animal Drugs, Feeds, and Related
Products; Monensin Blocks**

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

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations for monensin blocks. In a document reflecting approval of a monensin block,

the product was inadvertently designated as a monensin feed block. This amendment corrects the product designation.

EFFECTIVE DATE: December 12, 1980.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 12, 1980 (45 FR 81738), FDA published a document reflecting approval of a new animal drug application (NADA 109-471) for use of monensin in a molasses-mineral medicated block. The product was designated as a monensin feed block. In § 510.455(a) (21 CFR 510.455(a)), "medicated blocks" are defined as agglomerated feed containing one or more drugs. To be consistent with this definition, the name of the monensin product is revised to read "monensin block".

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448 by revising the section heading, and paragraph (a), and amending the first sentence in paragraph (d)(3) to read as follows:

**PART 520—ORAL DOSAGE FORM
NEW ANIMAL DRUGS NOT SUBJECT
TO CERTIFICATION**

§ 520.1448 Monensin blocks.

(a) *Specifications.* Each pound of molasses-mineral block contains 400 milligrams of monensin (0.088 percent) as monensin sodium.

(d) * * *

(3) *Limitations.* Block to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. * * *

Effective date. December 12, 1980.

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

Dated: February 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9310 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Methocarbamol Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amended the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) for methocarbamol injection providing for deleting sodium bisulfite as an ingredient and revising the pH specification. The amendment failed to provide for the pH revision. This document revises the pH statement.

EFFECTIVE DATE: December 2, 1980.

FOR FURTHER INFORMATION CONTACT:

Bob G. Griffith, Bureau of Veterinary Medicine (HFB-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Inc., 1211 Sherwood Ave., Richmond, VA 23220, filed a supplemental NADA (38-838) providing that methocarbamol injection will no longer contain sodium bisulfite and will have a pH specification of pH 3.5 to 6.0. A document reflecting the approval was published in the Federal Register of December 2, 1980 (45 FR 79757). The document amended the regulations to reflect the deletion of sodium bisulfite and to reflect current format, but did not amend the specifications to reflect the revised pH of 3.5 to 6.0. This document amends the regulations to reflect the amended pH.

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

§ 522.1380 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 [21 U.S.C. 360b(i)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.1380 *Methocarbamol injection* is amended in paragraph (a) *Specifications* by removing "5.2 to 5.6" and inserting in its place "3.5 to 6.0"

Effective date: December 2, 1980.

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

Dated: March 23, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9307 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Spectinomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new drug animal application (NADA) filed for CEVA Laboratories, Inc., providing for subcutaneous use of a 100-milligram-per-milliliter (mg/ml) spectinomycin injectable solution in baby chicks as an aid in the control of mortality and to lessen severity for certain infections.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: CEVA Laboratories, Inc., 10560 Barkley, Overland Park, KS 66212, is sponsor of an approved NADA (40-040) providing for use of spectinomycin injection for the treatment of 1- to 3-day-old turkey poults, baby chicks, and dogs. As the result of a change of sponsor, CEVA Laboratories acquired the NADA from Abbott Laboratories. The supplemental NADA provides for subcutaneous use of a 100 mg/ml spectinomycin injectable in place of a 25 mg injectable in baby chicks to control mortality and to lessen the severity of certain infections. The injectable is diluted to 2.5 to 5.0 mg per 0.2 ml dose before injection for use as currently approved in 21 CFR 522.2120(d)(2)(ii).

Approval of this supplement does not change the currently approved use of the drug nor does it affect the drug's safety and effectiveness. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II change, approval of which does not require reevaluation of the safety and effectiveness data in the parent application.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not

individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 [21 U.S.C. 360b(i)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.2120 by removing paragraph (a)(2) and reserving it for future use, and by revising paragraph (a)(3) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.2120 Spectinomycin Injection.

(a) * * *

(2) [Reserved]

(3) 100 milligrams for use as in paragraph (d)(2), (3), and (4) of this section.

* * * * *

Effective date. This amendment is effective March 27, 1981.

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

Dated: March 16, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9304 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 524

Animal Drugs, Feeds, and Related Products; Nitrofurazone Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Farnam Companies, Inc., providing for the use of nitrofurazone ointment as a topical antibacterial on dogs and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences—National Research Council (NAS/NRC) review of such products.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Farnam Companies, Inc., 2230 E. Magnolia St., Phoenix, AZ 85036, is sponsor of an NADA (100-854) providing for use of an ointment containing 0.2 percent nitrofurazone as a topical antibacterial on dogs and horses. This product is essentially the same as one codified for animal use in 21 CFR 524.1580b. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an ointment; therefore, the requirement for bioequivalency data may be waived under 21 CFR 320.22(b)(2). In addition to the NAS/NRC review, the firm submitted studies conducted with the drug to show safety and effectiveness.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by revising § 524.1580b(b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see No. 000149 in § 510.600(c) of this chapter. For use in dogs and horses

see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective March 27, 1981.

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

Dated: February 5, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9429 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 529

Animal Drugs, Feeds, and Related Products; Enflurane

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

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for safe and effective use of a halogenated, inhalation anesthetic in horses for induction and maintenance of general anesthesia.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc. Washington Crossing, NJ 08560, filed an NADA (121-291) providing for administration to horses of a halogenated, inhalation anesthetic for induction and maintenance of general anesthesia.

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

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The Director's finding of no significant impact and the evidence

supporting that finding are contained in a statement of exemption (21 CFR 25.1(f)(1)(ii)(a) and (f)(1)(ii)(c)), which may be seen in the Dockets Management Branch (HFA-305), address above.

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

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.810 to read as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.810 Enflurane.

(a) *Specifications.* The drug is a clear, colorless, nonflammable, nonexplosive liquid.

(b) *Sponsor.* See 011716 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* For induction of surgical anesthesia: 4 to 5 percent enflurane (with oxygen) for 10 to 15 minutes. For maintenance of surgical anesthesia: 2.2 to 3.5 percent enflurane (with oxygen).

(2) *Indications for use.* For induction and maintenance of general anesthesia in horses.

(3) *Limitations.* Administer by inhalation; not for use in horses sensitive to halogenated anesthetics; increasing depth of anesthesia may produce muscle twitching, particularly about face, neck, and forelimb; not for use in pregnant mares, foals or weanlings; use less than usual amounts of nondepolarizing muscle relaxants with enflurane; not for use in horses intended for food; observe all customary precautions for use of vasoconstrictor substances; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective Date: March 27, 1981.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 19, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9427 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Parts 556 and 558

Animal Drugs, Feeds, and Related Products; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by SmithKline Animal Health Products, Division of SmithKline Corp., providing for the use of virginiamycin in broiler chicken feeds for increased rate of weight gain and improved feed efficiency, and to establish a tolerance for residues of the drug in foods. Virginiamycin is currently approved for use in swine feeds for treatment and control of swine dysentery and for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, filed two supplemental NADA's (91-487 and 91-513) providing for use of virginiamycin premixes for manufacture of broiler chicken feeds containing 5 to 15 grams per ton for increased rate of weight gain and 5 grams per ton for improved feed efficiency, and for a tolerance for residues of the drug in foods. The drug is currently approved for the manufacture of swine feeds for the control and treatment of swine dysentery and for increased rate of weight gain and improved feed efficiency. Effectiveness of virginiamycin as a growth enhancer for broiler chickens is established by data from three controlled clinical studies which also indicate the optimal dose level. The safety of the approved uses of virginiamycin was demonstrated by controlled acute and subacute toxicity studies on three species of laboratory test animals. This document amends the regulations to provide for use of virginiamycin in broiler chicken feeds.

Under the Bureau of Veterinary Medicine's proposed supplemental new animal drug policy (December 23, 1977, 42 FR 64367), the approval of these supplemental NADA's required a complete reevaluation of the safety data supporting the NADA's. The studies submitted were judged to be acceptable, for demonstrating the safety and

effectiveness of virginiamycin under the recommended conditions of use in chickens. Standards prescribed in the agency's proposal of March 20, 1979, (44 FR 17070) on chemical compounds in food-producing animals were not applied to the approval of these NADA's. The approval is based on alternative criteria which assure that the products are safe and on factors which justify the equitable treatment of this sponsor who completed drug development testing adequately according to scientific standards extant prior to March 20, 1979.

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

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch, Food and Drug Administration.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 556 and 558 are amended as follows:

PART 556—TOLERANCES FOR RESIDUES FOR NEW ANIMAL DRUGS IN FOOD

1. In Part 556, § 556.750 is revised as follows:

§ 556.750 Virginiamycin.

Tolerances are established for negligible residues of virginiamycin in edible tissues as follows:

- (a) Swine—
(1) 0.4 ppm in kidney, skin, and fat.
(2) 0.3 ppm in liver.

- (3) 0.1 ppm in muscle.
(b) Broiler chickens—
(1) 0.5 ppm in kidney.
(2) 0.3 ppm in liver.
(3) 0.2 ppm in skin and fat.
(4) 0.1 ppm in muscle.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.635 is amended by redesignating paragraph (f) as (f)(1) and adding new paragraph (f)(2). As revised, paragraph (f) reads as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) *Conditions of use.* (1) *Swine*—It is used in complete feeds as follows:

(i) 100 grams per ton for 2 weeks, for treatment of swine dysentery in nonbreeding swine over 120 pounds.

(ii) 100 grams per ton for 2 weeks, 50 grams per ton thereafter, for treatment and control of dysentery in swine up to 120 pounds.

(iii) 25 grams per ton, as an aid in control of dysentery in swine up to 120 pounds. For use in animals or on premises with a history of swine dysentery but where symptoms have not yet occurred.

(iv) 10 grams per ton from weaning up to 120 pounds followed by 5 grams per ton to market weight, for increased rate of weight gain and improved feed efficiency. For continuous use from weaning to market weight.

(v) 10 grams per ton from weaning up to 120 pounds followed by 5 to 10 grams per ton to market weight, for increased rate of weight gain and improved feed efficiency for swine up to 120 pounds, for increased rate of weight gain for swine from 120 pounds to market weight. For continuous use from weaning to market weight.

(2) *Poultry*—It is used in complete feeds as follows:

(i) 5 to 15 grams per ton for increased rate of weight gain, for use in broiler chickens, not for use in layers.

(ii) 5 grams per ton for improved feed efficiency in broiler chickens, not for use in layers.

Effective date, March 27, 1981.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 9, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9309 Filed 3-26-81; 0:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558**Animal Drugs, Feeds, and Related Products; Melengestrol Acetate****AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing for use of a 200-milligram-per-pound melengestrol acetate premix for making finished feeds for heifers. The application was filed by The Upjohn Company.

EFFECTIVE DATE: March 27, 1981.

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

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (34-254) providing for use of a dry premix containing 200 milligrams of melengestrol acetate (MGA) per pound in addition to the currently approved 100- and 500-milligram-per-pound (mg/lb) premixes. In accordance with the current animal drug regulations, these premixes are used to make finished feeds for feedlot heifers. The animals are administered 0.25 to 0.50 milligram of MGA per head per day from either a supplement or complete ration.

The new 200 mg/lb MGA premix will be used as currently regulated in complete feeds for heifers (see 21 CFR 558.342). Under the Bureau of Veterinary Medicine's supplemental approval policy (see the Federal Register of December 23, 1977; 42 FR 64367), this is a Category II supplement that does not increase the risk of exposure. Accordingly, this approval did not require reevaluation of safety and effectiveness data in the parent application.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under

authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.342 by revising paragraph (a), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**§ 558.342 Melengestrol acetate.**

(a) *Approvals.* Dry premixes containing 100 or 200 milligrams of melengestrol acetate per pound or liquid premix containing 500 milligrams of melengestrol acetate per pound granted to 000009 in § 510.600(c) of this chapter.

Effective date. March 27, 1981.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 13, 1981.

Myron C. Rosenberg,
Acting Associate Director for Scientific Evaluation.

[FR Doc. 81-8308 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 558**Animal Drugs, Feeds, and Related Products; Monensin and Roxarsone Premix****AGENCY:** Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing that portion of the regulations which reflects approval of a new animal drug application (NADA) providing for use of monensin and roxarsone premix in chicken feed. The sponsor, Central Soya Co., Inc., requested the withdrawal of approval.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, approval of NADA 91-912 is withdrawn. The document amends the regulations to remove that portion which reflects approval of this NADA.

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

§ 558.355 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82

Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), § 558.355 *Monensin* is amended by removing paragraph (b)(4).

Effective date. This regulation is effective April 6, 1981.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))).

Dated: March 23, 1981.

Gerald B. Guest
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-8306 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

Animal Drugs, Feeds, and Related Products; Tylosin**21 CFR Part 558****AGENCY:** Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Cadco, Inc., providing for safe and effective use of an 8-gram-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, Des Moines, IA 50322, is the sponsor of supplemental NADA (91-783) providing for use of a premix containing 8 grams of tylosin (as tylosin phosphate) per pound, in addition to existing approvals for use of 4- and 10-gram-per-pound premixes, for making complete swine feeds used to increase rate of weight gain and improve feed efficiency.

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this supplement has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December

23, 1977), approval of this supplemental NADA did not require reevaluation of safety and effectiveness data in NADA 12-491.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(4) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(4) To 011490: 4, 8, and 10 grams per pound; paragraph (f)(1)(vi)(a) of this section.

* * * * *

Effective date. This regulation is effective March 27 1981.

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

Dated: February 10, 1981.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.

[FR Doc. 81-9249 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Seeco, Inc., for use of a tylosin and sulfamethazine premix in the manufacture of swine feeds.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247

SUPPLEMENTARY INFORMATION: Seeco, Inc., Box 1014, North Highway 71, Willmar, MN 56201, is sponsor of an NADA (107-002) filed on its behalf by Elanco Products Co. The NADA provides for safe and effective use of a premix containing 10 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for subsequent manufacture of complete swine feed for (1) maintaining weight gain and feed efficiency in the presence of atrophic rhinitis, (2) lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, (3) prevention of swine dysentery (vibriotic), and (4) control of swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 41-275. Use of this data in NADA 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA 41-275.

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

Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.630 is amended by revising paragraph (b)(3) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(3) To 011490, 011749, 016968, 017255, 017274, 024174, 026188, 034500, 035955, 043743, and 046987: 10 grams per pound each, paragraph (f)(2)(i) of this section.

* * * * *

Effective date. This regulation is effective March 27, 1981.

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

Dated: February 5, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9430 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

22 CFR Part 19

[Dept. Reg. 108.805]

Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System

AGENCY: Department of State.

ACTION: Amendment of rule.

SUMMARY: On February 19, 1981, the Department of State published a final rule on benefits for spouses and former spouses of participants and certain former participants in the Foreign Service Retirement and Disability System (46 FR 12957). This was necessary because those benefits came

into effect on February 15, 1981, but the Department of State undertook to consider subsequent comments for possible amendments. Such comments have been received and considered. The results of the consideration and further review are reflected below.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Gertrude Wieckoski, Chief, Retirement Division, Bureau of Personnel, Department of State, Washington, D.C. 20520, Phone (202) 632-9315.

SUPPLEMENTARY INFORMATION: The comments received by the Department are set forth below together with the Department's response.

1. *Comment:* Several letters were received recommending that the Department honor court orders directing or implying that the employee make payments from annuity to a former spouse or which make no reference to the paying agent.

Response: The Department is amending paragraph (3) of section 19.6-2(a) to permit a finding that a court order is qualified when it makes no reference to the paying agent, i.e. merely directs that payments from a principal's annuity be paid to a former spouse. However, the Department is bound to follow the provisions of each court order, and if an order directs that payment be made by the principal, the Department is not authorized to take over that payment responsibility if the principal objects.

2. *Comment:* Establish procedures for dealing with situations in which the retiree was named payor, but has fallen behind in payments. Such procedures should include a timely review, with minimum delay for appeals by the retiree, and provisions for the Secretary of State to take over the payor role within as short a time as possible.

Response: The Department does not have authority to implement this suggestion, however, annuities of the retiree are subject to garnishment for alimony or child support under 42 U.S.C. 659.

3. *Comment:* Section 19.6-7(b) provides a principal 30 days to initiate legal action to contest a court order in cases where the record contains support for the objection. The phrase "legal action" is vague. It should be made clear that some formal legal action, beyond merely consulting an attorney, is required.

Response: The Department is amending the paragraph to use the phrase "formal legal action."

4. *Comment:* Sections 19.6-6 and 19.6-7 both seem to assume that only the principal would have an interest in

contesting a court order. The regulation should provide for automatic notification to both spouses whenever the Department receives notice of a divorce, with or without a court order, from either spouse. It should also allow a period for response before the Department makes any determination. If neither party objects, the divorce decree will automatically be considered valid.

Response: Section 19.6-6 provides for prompt notice to both the principal and the spouse of pertinent information submitted by either party. There is clearly an opportunity for both to contest any action. Section 19.6-7 does not provide for deferral of payment to a spouse following submission of a divorce decree or court order by a principal because of the adverse impact of such a delay on the spouse. With respect to the last point in the comment, section 19.6-5(b)(1) states that any decree recognized as valid by both parties will be considered valid.

5. *Comment:* The Department cannot determine that a pro rata share is or will be payable, without first giving the principal an opportunity to submit a court order which provides that no such share be paid.

Response: Under the Act, a pro rata share of a principal's annuity becomes payable to a former spouse effective the first of the month in which the final decree of the divorce is obtained. The Act also gives a court up to one year following the divorce to order that some other share be paid to a former spouse. Section 19.6-7 of the regulations provides that payment to a former spouse of a pro rata share will commence promptly after the Department is notified of the divorce—to reduce the need for large retroactive payments—unless the principal has a valid objection. Section 19.6-4(b) provides for adjustment in pro rata share payments when such adjustment is subsequently ordered by a court.

6. *Comment:* There is no indication of how the amount of any proposed payment to a former spouse will be determined. This is a serious omission, because that amount is likely to be the subject of dispute between the parties. There is no justification for withholding all payments to a former spouse when a court order is ambiguous.

Response: A court order directing payment to a former spouse must state the amount to be paid in specific dollar terms or as a percentage of the principal's annuity. If the order is ambiguous on this point, it is not a qualified order. Unless the department is in receipt of a qualified order or a spousal agreement, a division under the pro rata share formula is made. A

sentence has been added at the end of § 19.6-5(b) to make this clear, and the definition in § 19.2(j) has been corrected.

7. *Comment:* Provision should be made for multiple court orders applying to the same former spouse, which could occur when a husband and wife obtain divorces in two different jurisdictions.

Response: In this situation, under a general principle of common law, the most recent qualified court order filed with the Department would supersede any previous order.

8. *Comment:* When two or more former spouses are involved, distribution on a first-come, first-served basis as provided in the regulations, seems inappropriate.

Response: This situation where there are several former spouses must be distinguished from that described in comment 7. The rights of the first former spouse may not be diminished by administrative action of the Department in order to provide for a second former spouse. The latter should be on notice at the time of marriage of the principal's financial obligations.

9. *Comment:* The Department does not have the power to control the provisions of court orders or spousal agreements. It should provide instead that it will not honor orders or agreements to the extent that they exceed the net annuity.

Response: This is the effect of § 19.6-2(a)(1).

10. *Comment:* Substitute the term "spouse" for "wife or husband" in § 19.11-7 which relates to benefits for surviving children.

Response: The phrase "wife or husband" was used to avoid confusion with "surviving spouse" which is a defined term which requires a minimum period of marriage in certain cases.

11. *Comment:* Regarding § 19.6-7, an addition should be made to paragraph (b) to provide that the withheld payments will accrue interest at the rate for Treasury bills during the pendency of any action.

Response: The Department does not have authority to implement this suggestion.

12. *Comment:* Payments should be made to the former spouse upon the issuance of an appropriate interlocutory decree.

Response: The Act authorizes payments to "former spouses." A spouse does not become a former spouse until a final decree of divorce is obtained.

13. *Comment:* The regulations omit a savings clause in section 820(b)(5) of Act which reads as follows: "(5) The 10-year requirement of section 804(b)(6), or any other provision of this chapter, shall not be construed to affect the rights any

spouse or individual formerly married to a participant or annuitant may have, under any law or rule of law of any State or the District of Columbia, with respect to an annuity of a participant or annuitant under this chapter." The burden must be with the parties to bring to the Department's attention more favorable domiciliary State law, but a vested right to retirement benefits must not be regarded as forfeitable solely on the ground of a delay in a notice requirement contained in the Federal statute.

Response: The Department may not make any payment to a beneficiary from the Foreign Service Retirement and Disability Fund not authorized by Federal law. Any right to a Foreign Service retirement benefit granted a beneficiary by a State law not authorized by Federal statute to be paid to the beneficiary must be enforced against the person authorized by Federal law to receive the payment from the Fund. These regulations in Part 19 implement Federal law to which the savings clause in section 820(b)(5) of the Act does not apply.

Amendments

Through inadvertence, the regulations entitled "Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System" were published on February 19, 1981 as Part 18 of title 22 of the Code. Part 18 has been used for other regulations; accordingly Part 18 as published on February 19, 1981 is renumbered as Part 19 and all the section numbers and cross references are changed accordingly.

In addition, the following amendments are made as a result of comments received by the Department or to correct errors in the previous regulations:

§ 19.2 [Amended]

1. Paragraph (j) of § 19.2 as renumbered is amended to strike "a previous spouse" appearing at the end thereof and to substitute "an eligible beneficiary" in lieu thereof.

2. Subparagraph (3) of § 19.6-2(a) as renumbered is revised to read as follows:

§ 19.6-2 Qualifying court orders.

(a) * * *

(3) Direct that payments be made to an eligible beneficiary from a principal's Foreign Service retirement benefit or survivor benefit. If a court directs or implies that a principal, rather than the Secretary of State or the Government, make the payments, the order will not be considered qualified unless the principal does not object during the 30-

day notice period provided under § 19.6-6;

* * * * *

3. Section 19.6-5(b)(3) as renumbered is amended by inserting the following as the next to the last sentence thereof:

§ 19.6-5 [Amended]

* * * * *

(b)(3) * * * If a divorce decree is deemed valid under this paragraph, a pro rata share payment is due a former spouse unless PER/ER/RET is in receipt of a court order which it has deemed qualified under paragraph (a), or a valid spousal agreement providing otherwise. * * *

§ 19.6-7 [Amended]

4. Section 19.6-7(b) as renumbered is amended to insert the word "formal" immediately preceding the phrase "legal action" each time it appears.

§ 19.9-1 [Amended]

5. Paragraph (a) of § 19.9-1 as renumbered is amended by striking the words "on or" immediately preceding the phrase "after February 15, 1981."

§ 19.11-3 [Amended]

6. Section 19.11-3(c) as renumbered is amended by removing all text after the first sentence.

§ 19.11-5 [Amended]

7. The second sentence of § 19.11-5(d) as renumbered is amended by removing "or former spouse" immediately preceding the phrase "of a participant."

Dated: March 18, 1981.

Richard T. Kennedy,
Under Secretary for Management.

[FR Doc. 81-9399 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-15-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Parts 502, 504, 505, 525

Authority Delegations, Organization, and Privacy Act Policies and Procedures; Miscellaneous Amendments

AGENCY: International Communication Agency.

ACTION: Final rule.

SUMMARY: The International Communication Agency amends its general regulations relating to delegations of authority, organization, and privacy. These amendments will update the regulations to reflect organizational changes, office moves, and minor editorial corrections.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jane S. Grymes, Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency, Washington, D.C. 20547, AC 202-523-4308.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of the Director of the International Communication Agency set forth in Reorganization Plan No. 2 of 1977 and Executive Order 12048 of March 27, 1978, 22 CFR, Chapter V is amended as follows:

PART 502—WORLDWIDE FREE FLOW (EXPORT-IMPORT) OF AUDIO-VISUAL MATERIALS

1. In § 502.1(a), the fifth sentence is amended to add the office symbol and will read as follows:

§ 502.1 Summary; general.

(a) * * * Export certification, import certificate authentication, rulings, and information, respecting the Agreement may be obtained from the Chief Attestation Officer of the United States—International Communication Agency, (PGM/TR), Washington, D.C. 20547

* * * * *

2. In § 502.2(a)(1), italics are added to the first sentence to emphasize the title of the Agreement. In § 502.2(a)(1), the first sentence is amended as follows:

§ 502.2 Implementing statute and Executive Order.

(a) * * *

(1) After the heading to Part 6, insert: "Part 6 Headnote:

"1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the *Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character.* * * *

* * * * *

3. In § 502.2(d), the introductory statement is revised to read as follows:

* * * * *

(d) Pub. L. 89-634 further provides:

* * * * *

4. Section 502.3(b) is revised to add italics and will read as follows:

§ 502.3 Procedures.

* * * * *

(b) Imports: Educational/informational audio-visual materials, as identified in the *Substantive Criteria* of the regulations in this part, are permitted duty-free entry into the United

States upon authentication by the International Communication Agency of the Certificate of the Government of the country wherein basic ownership is held, or the certificate of the United Nations Educational, Scientific and Cultural Organization (UNESCO), attesting the educational/informational character of such materials within the meaning of the "Agreement", and compliance with applicable Customs entry procedures (see 19 CFR 10.121).

5. § 502.3(c) is revised to add the office symbol and will read as follows:

(c) In order to establish qualification for entry into the United States under the provisions of Tariff Item 870.30, the Applicant shall forward the foreign certificate directly to:

Chief Attestation Officer of the United States International Communication Agency, (PGM/TR), Washington, D.C. 20547.

6. Section 502.3(f) is revised to add italics and will read as follows:

(f) Exports: U.S. educational/informational audio-visual materials, as identified in the Substantive Criteria of these Regulations, may, if eligible as provided herein, be certified by the International Communication Agency as being "of international educational character," and thus entitled to special import privileges such as duty-free entry abroad in "Beirut countries" [see § 502.7 on history and background, for a list of the countries where there is formal and informal participation under the Beirut Agreement].

7 Section 502.3(g) is amended in the address section to add the office symbol and will read as follows:

(g) For general information and application forms, Applicants should write to:

Chief Attestation Officer of the United States International Communication Agency, (PGM/TR), Washington, D.C. 20547.

8. In § 502.4(a), the first sentence is amended to correct the title of the Chief Attestation Officer and will read as follows:

§502.4 Consultation of experts.

(a) The Chief Attestation Officer of the United States and the Attestation Officers under his/her supervision will routinely and continuously receive Agency policy and legal guidance, and protests of Applicants will be reviewed

by the Review Board and by the Agency's Director as provided below.

9. In § 502.4(b), remove "Department of Health, Education, and Welfare (including U.S. Office of Education and the National Institutes of Health)", and insert in lieu thereof "Department of Health and Human Services (including the National Institutes of Health), Department of Education,"

10. Section 502.5(b) has been amended in the address section to correct the office symbol and will read as follows:

§502.5 Review and appeal.

(b) Any Applicant may ask for formal review of any ruling of a USICA Attestation Officer. The request for review must be made in writing and addressed to the—

Review Board for the International Audio-Visual Program (PGM/T), International Communication Agency, Washington, D.C. 20547.

11. Section 502.6(c)(3) is amended to define maps as being unbound. Section 502.6(c)(3) is revised to read as follows:

§502.6 Substantive criteria.

(3) Photographs, transparencies and slides; models, static and moving; charts, globes, maps (not bound) and posters.

12. In § 502.7(d), the third sentence is amended to include 1980 figures and will read as follows:

§502.7 History and background.

(d) As of December 31, 1980, the U.S. Government had issued over 59,000 certificates covering an estimated 600,000 items of visual and auditory materials (a number of the certificates cover a series of items), and over 4,000 different Applicants had submitted materials for export certification.

13. Section 502.7(d) is amended to remove the fourth (last) sentence.

14. In § 502.7(e)(2), remove "United Kingdom" and "France" from the second list of countries (list of 4 countries), and insert "United Kingdom" and "France" alphabetically in the first list of countries.

PART 504—ORGANIZATION

15. In § 504.2(c), the last full sentence is amended to correct the number of foreign countries in which USICA

maintains posts. Section 504.2(c) is amended to read as follows:

§504.2 Description of central and field organization, established places of which, officers from whom, and methods whereby the public may obtain information.

(c) The International Communication Agency operates field posts in 125 foreign countries.

16. In § 504.2(d), in the flush paragraph which follows subparagraph (1)(i)(3), remove the number "38" and insert in lieu thereof the number "39".

17 In § 504.2(d)(1)(ii), the second, third, and fourth sentences are amended to read as follows:

(d) (1) (ii) The Program Evaluation Staff performs followup for the Agency's inspection activities and evaluates the extent to which media products reflect the Agency's subject priorities. The Planning and Guidance Staff provides both fast daily and in depth background guidance for operating elements of the Agency and those U.S. foreign policy issues which are susceptible to public diplomacy and on those domestic concerns which are relevant to the conduct of it. This staff also reviews program proposals of the Agency's overseas posts and Washington elements to assure that they are consistent with agreed-upon policy and that resources are allocated in accordance with priorities, and represents USICA in interagency meetings on public affairs issues.

18. In § 504.2(d)(1)(iii), the fourth sentence is amended to read as follows:

(d) (1) (iii) The Office of Private Sector Programs works with organizations in the private sector and in some cases provides limited financial assistance for their non-profit activities in support of the Agency's public diplomacy and international exchange of persons objectives.

19. In § 504.2(d)(1)(vi), the first sentence is amended to read as follows:

(d) (1) (vi) The Agency maintains 201 posts abroad in 125 countries.

20. In § 504.2(d)(1)(vii) beginning with the third sentence, the balance of the paragraph is amended to read as follows:

(d) * * * (1) * * * (vii) * * * The Office assists in the drafting of proposed legislation, Executive Orders, regulations, contracts, leases, and other legal documents, and participates in the negotiation of international agreements. The Office represents the Agency in hearings arising from disputes on contracts, equal employment opportunity, grievances, labor disputes, and licensing. The Office provides support to trial counsel in cases tried before domestic and foreign courts. The Office secures the necessary rights clearances for the Agency's activities, recommends waivers of certain visa restrictions, and advises on matters relating to ethical conduct and conflict of interest of Agency employees.

21. Section 504.2(d)(1)(viii) is revised to read as follows:

(d) * * * (1) * * * (viii) The Office of Congressional and Public Liaison, (CPL), directs and carries out activities designed to discharge the Agency's obligation to provide information about USICA policies, mission and programs to the American people, the Congress and the communications media. It publishes news releases, fact sheets and pamphlets; provides Agency speakers in response to invitations from organizations and institutions in the U.S., and holds seminars and workshops with academic, business, professional and public interest institutions and groups. It is responsible for the preparation of the Agency's Annual Report to Congress, dissemination of appropriate Agency-produced material to Congress and publication of the Agency's internal newsletter. The office is responsible for conducting tours of the Agency exhibit at the VOA headquarters and for all USICA actions under the Freedom of Information Act and the Privacy Act. On congressional matters it maintains contact with Members and their staffs and serves as Agency coordinator of hearings on substantive legislation and of Agency programming of Members and staff. The 1982 estimate provides for a staff of 22 positions.

Appendix I [Amended]

* * * * * 22. In § 504.2 Appendix I, in item No. 1, the sixth office listing is revised to read as follows:

(1) * * * Associate Directorate for Management Office of Equal Employment Opportunity Office of Systems Technology;

23. In § 504.2 APPENDIX I item No. (2) (c) is revised to read as follows:

(2) * * * (c) International Communication Agency, Health and Human Services Building, 330 Independence Avenue, S.W., Washington, D.C. 20547; Associate Directorate for Broadcasting (VOA).

Appendix II

24. In § 504.2 APPENDIX II the third office listing is removed.

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

§ 505.3 Procedures for requests pertaining to individual records in a system of records.

25. In § 505.3(b), the first sentence is amended to correct the mailing address and should read as follows:

(b) All requests under the Privacy Act should be directed to the Office of Congressional and Public Liaison, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547, which will coordinate the search of all systems of records specified in the request. * * *

26. In § 505.3(c), the second sentence is amended to read as follows:

(c) * * * All other requests shall be submitted by the post to the Office of Congressional and Public Liaison, as noted in paragraph (b) of this section, and the individual so notified of this action in writing.

27. In § 505.5(b)(1), the second sentence is amended to read as follows:

§ 505.5 Disclosure of requested information to individuals.

(b) Access to Records—(1) * * * All requests for information on whether or not the Agency's system or systems of records contain information about the individual will be acknowledged within

ten working days after receipt of the request by the Office of Congressional and Public Liaison.

PART 525—ADMINISTRATIVE ENFORCEMENT PROCEDURES OF POST-EMPLOYMENT RESTRICTIONS

28. § 525.6 is revised to read as follows:

§ 525.6 Appointment and qualifications of examiner.

When a former Government employee after receiving adequate notice requests a hearing, a presiding official (hereinafter referred to as "examiner") shall be appointed by the Director to make an initial decision. The examiner shall be a member of the bar of a State or of the District of Columbia, who is impartial and who has not participated in any manner in the decision to initiate the proceedings.

29. In § 525.8, the introductory paragraph is amended to add a colon at the end of the paragraph. The paragraph is revised to read as follows:

§ 525.8 Rights of parties at hearing.

A hearing shall include, at a minimum, the following rights for both parties:

30. § 525.14 is revised to read as follows:

§ 525.14 Judicial review.

Any person found to have participated in a violation of statutory or regulatory post-employment restrictions (18 U.S.C. 207(a), (b), or (c) or the regulations compiled in Part 737 of Title 5 of the Code of Federal Regulations) may seek judicial review of the administrative determination.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process. These amendments are administrative in nature, therefore, the rulemaking process involving comment and public procedure is waived and these amendments become effective March 27, 1981.

Issued at Washington, D.C. on March 19, 1981.

John W. Shirley, Acting Director, International Communication Agency.

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration
Office of the Secretary

29 CFR Parts 1, 4, 5, and 6

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division, and Office of the Secretary, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from March 30, 1981 and April 17, 1981 until May 1, 1981. This action is taken in order to permit reconsideration of these rules in accordance with Executive Order 12291.

DATES: The effective dates are deferred until May 1, 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Administration, Frances Perkins, Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone: (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 6, 1981 (46 FR 11253-11254) the Department of Labor published a notice deferring the effective dates of Parts 1, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 5, and 6) until March 30, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of these rules. In the Federal Register of February 12, 1981 (46 FR 11971) this Department published a notice deferring (staying) the effective date of Part 4 (including § 4.133) of title 29 of the Code of Federal Regulations (29 CFR Part 4) until April 17, 1981 to permit further review of the rule.

This document will further defer the effective dates of all of these regulations until May 1, 1981. This action is necessary in order to permit reconsideration of these regulations in accordance with Executive Order 12291. Because these rules raise a great many issues, reconsideration will take additional time. The need for such reconsideration constitutes good cause for this deferral. For this reason and because these rules are scheduled to

become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause

exists for making these postponements effective immediately.

The following chart contains a description of each of the rules being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 1	Procedure for Predetermination of Wage Rates.	Jan. 16, 1931 (46 FR 4306)	Mar. 30, 1981.
2. 29 CFR Part 4	Service Contract Act; Labor Standards for Federal Service Contract.	Jan. 16, 1931 (46 FR 4320) and Jan. 23, 1931 (46 FR 4886).	Apr. 17, 1981.
3. 29 CFR Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).	Jan. 16, 1931 (46 FR 4330)	Mar. 30, 1981.
4. 29 CFR Part 6	Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts.	Jan. 16, 1931 (46 FR 4338)	Do.

Authority

The statutory authority for this action is as follows:

1. As to 29 CFR Part 1:

(5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; and the laws listed in Appendix A of this Part)

2. As to 29 CFR Part 4:

(41 U.S.C. 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301)

3. As to 29 CFR Part 5:

(40 U.S.C. 276a-276a-7; 40 U.S.C. 276; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of this Part)

4. As to 29 CFR Part 6:

(Secs. 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 48 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a-276a-7; 76 Stat. 357-359, 40 U.S.C. 327-332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c)

Signed at Washington, D.C. this 24th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

Craig A. Berrington,
Deputy Assistant Secretary for Employment Standards.

[FR Doc. 81-3633 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until April 30, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received.

On January 21, 1981, OSHA published in the Federal Register (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," No. 79-1048 (August 15, 1980). The supplemental statement of reasons covered nearly 100 pages in the Federal Register, and was originally scheduled to be effective on February

20, 1981. On February 6, 1981, the effective dates of several final regulations were deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). Due to the length and complexity of the document and the numerous petitions for administrative review which have been received, additional time is needed to allow for a full and appropriate review of the supplemental statement of reasons. Therefore, the effective date of this document is hereby deferred until April 30, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.C.S. 533 and 29 U.S.C. 655(b).

DATES: The effective date is deferred until April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room N3817, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-7081.

Signed at Washington, D.C. this 24th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-8392 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1910

[Docket No. H-004M]

Occupational Exposure to Lead; New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection; request for comments on one-year delay of effective date.

SUMMARY: OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (Sec. 1910.1025(k)) from the April 1, 1981 date previously announced in the Federal Register (46 FR 14897) to May 1, 1981. This action is taken upon the request of several industry parties and members of the public to allow more time for the submission and evaluation of additional information from all interested persons concerning any further relief that may be appropriate. All interested persons are again invited to submit information and views on any issues involved in the requests for a one-year delay in the effective date of the new MRP trigger levels.

DATES: The effective date of the new trigger levels is May 1, 1981. All data

and comments must be received by April 15, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. H-004M, Occupational Safety and Health Administration, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-7081.

SUPPLEMENTARY INFORMATION: On March 3, 1981, OSHA published a notice in the Federal Register (46 FR 14897) delaying the effective date from March 1, 1981 to April 1, 1981 of the new removal and return trigger levels for medical removal protection (MRP) under the standard on occupational exposure to lead. That notice summarized the provisions of MRP and explained the need in the standard for progressively phased-in air-lead and blood-lead levels triggering employee removal from and subsequent return to lead-exposed jobs.

The one month delay was granted as an interim measure in response to an application from certain employers and industry groups representing major segments of the lead industry for a one-year delay in the effective date of the new trigger levels provided in the lead standard (29 CFR 1910.1025(k)). In their application industry alleged that the implementation of the new trigger levels is infeasible because: (1) it would require the removal of many skilled employees, including supervisors, foremen, and maintenance workers, whose blood-lead levels currently exceed the new 60 μ g/100g removal level; and (2) in order to achieve the new return level of 40 μ g/100g an unexpectedly long removal time would be needed, which would deprive industry of employees' skills and experiences that could not easily be replaced. The result, they assert, would be serious and adverse to the continued operation and productivity of their plants, including the proper functioning of health and safety controls.

The adequacy and accuracy of these allegations and supporting data as a basis for the requested delay have been challenged in responses by several unions. The unions further state that any delay industry may eventually prove to be justified should be granted only on a plant-by-plant basis.

Since industry's allegations raised serious questions concerning the feasibility of the new trigger levels and what relief would be appropriate to

protect employees, the effective date of the new trigger levels was delayed until April 1, 1981 to enable the agency to obtain and consider the necessary evidence.

To facilitate this process, OSHA in a letter dated March 5, 1981, specifically requested from industry the following information:

Issue: On March 1, 1981 when the provision to remove workers with blood-lead levels in excess of 60 μ g/100 grams of blood becomes effective a portion of the industrial force may be required to be removed. The agency requests that the industry or other interested parties provide information on:

1. Describe the *total* workforce in each plant for which relief from the 60 MRP trigger is requested or is to be considered with specific information on the following:

(a) The number of supervisory or skilled workers exposed to lead in each plant. Of this group, how many will be removed because their blood-lead levels are at or above 60 μ g/100 grams of whole blood?

(b) The number of employees who were transferred because their blood-lead levels were at or above 80 or 70 μ g/100 grams of whole blood.

(c) Were any of these employees removed when their blood lead levels were lower than the triggers? If so why?

All of the above information (a-c) requested for supervisory or skilled workers should also be provided for other employees; i.e., those not classified as skilled or supervisory.

2. For all employees who were removed at triggers of 80 or 70 μ g/100 grams of whole blood *and* those who would be removed at 60 μ g/100 grams of whole blood, please submit the following data:

(a) Blood-lead measures from 1976 to the present, to include dates of testing;

(b) Pre-employment blood-lead levels;

(c) Dates of removal and length (weeks, months, years) of removal period;

(d) Environmental lead levels;

(e) Respiratory protective devices (types of respirators and duration of use, i.e., hours per day);

(f) Efforts and accomplishments in improving hygiene facilities and practices.

Issues: In the medical protection removal provision, OSHA designated the reduced blood-lead level which employees must achieve before they can return to the job from which they were removed. The industry contends that the removal periods are long and burdensome.

To address this issue commentors should provide the following information:

1. Individualized blood lead data, plus the first re-entry blood lead data (including all dates of sampling) for lead exposed employees.

2. Data for employees exposed to lead for each plant for which relief is requested. These data sets must include:

(a) Medical removal protection blood lead level for those undergoing MRP, serial blood-lead levels during the "removal-return-to-job" period, including dates on which blood-lead level determinations were made for employees at all plants;

(b) For all skilled/supervisory employees, the Agency will need information on:

—Individual blood lead levels, records of serial measurements and dates of such measurements;

—Airborne lead levels to which individual workers were exposed;

—Respiratory protective devices used by each employee (specify the type and duration of use in hours);

—Blood-lead levels for community residents who were never employed by the lead industry or otherwise experienced occupational exposure to lead. If available, these data should be related to the proximity of the residents to the plant.

Further, the applicant should address this relevant question: How much time (weeks, months) must elapse before workers removed at the "60 µg trigger" can achieve a blood-lead level of 40 µg/100 grams of whole blood and return to the job from which they were removed; a rationale for the estimates will be helpful.

Issue: The application for relief cites the Lyman and Nelson paper "Predicting Return to Work after Removal Required by Health Standards." This report analyzed the reduction in blood lead levels experienced by 87 workers in a primary lead smelter which was closed because of an employee strike. The petitioners have been asked the following specific questions with regard to this paper:

1. Identify the location of the plants where these workers are employed.

2. Show that percentage of the workforce which was represented by striking employees.

3. Submit blood-lead measurements for all individuals cited in the report. These data should cover the period 1976 to the present.

4. Provide a work history for each employee, including length of time at various job sites.

5. Describe non-occupational lead sources to which the employees were

exposed and the contribution of those sources to the workers' lead burdens.

6. Submit data on type of respiratory protective devices and the duration (hours/day) such devices are worn by the employees.

7. Show the historical MRP pattern for each worker.

8. Submit Figures 5 and 6, referred to in the text, but not included in the application submitted to OSHA.

Finally, commentors should speak to the issue of (a) whether the relief the applicants are seeking can be accomplished by the temporary variance procedure on a plant-by-plant basis, and (b) whether the removal of workers at the trigger will affect the industry's technological ability to comply with the standard to prevent lead induced disease and disability.

To summarize, the five basic issues on which information was requested are as follows:

1. What per cent of workers are affected by the 60 µg/100g trigger?

2. Does this differ by industry or plant? If so, why?

3. How long does it take the blood-lead concentration of workers removed from lead exposure to reach a point at which they can be returned to work? In other words, what is the biological half life of blood-lead of workers removed from lead exposure?

4. Is there a subpopulation of workers, such as supervisors, who do not respond in the above manner?

5. Are there confounding factors with regard to the effect of blood-lead of reduction after removal, such as previous history of exposure, age, type of exposure, etc?

It has now become apparent that more time will be needed to allow adequate submissions of additional data and argument. In response, therefore, to several requests from industry and interested members of the public for additional time, OSHA has decided to further delay the effective date of the new trigger levels, provided in Sections 1910.1025(k)(1)(i)(C) and 1910.1025(k)(1)(iii)(A)(3), until May 1, 1981. This brief additional delay will enable all interested persons to submit their comments and information and will allow the agency to better evaluate the requests and responses to determine what long-term action, if any, is appropriate.

All interested persons are again invited to submit information and views on any issues involved in the requests for delay in the effective date of the new MRP trigger levels. Because of time limitations, all comments must be received by April 15, 1981 to be assured of consideration by the agency. Written

comments should be submitted in quadruplicate, to the OSHA Docket Office, Docket No. H-004M, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523-7894. The requests and comments received so far, as well as the entire March 5 letter and all comments received in response to this notice, will be available for inspection and copying at the Docket Office.

In view of the brief time available and the limited nature of the delay in the effective date provided herein, OSHA has determined that public notice and comment on this extension of the delay of the effective date are impracticable, unnecessary and contrary to the public interest, within the meaning of 5 U.S.C. 553(b) and section 6(b) of the Occupational Safety and Health Act.

Signed at Washington, D.C., this 24th day of March 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-6330 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF EDUCATION

Office of Special Education

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Notice of Interpretation

AGENCY: Department of Education.

ACTION: Notice of postponement of interpretation.

SUMMARY: The Secretary of Education postpones the effective date of the notice of interpretation published in the Federal Register on January 19, 1981 (46 FR 4912). The new effective date is May 10, 1981. The Secretary takes this action in order to provide an opportunity for analyzing this interpretation.

DATE: The effective date of this interpretation is postponed until May 10, 1981.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: On January 19, 1981 (46 FR 4912), the Secretary of Education published a notice of interpretation of Part B of the Education of the Handicapped Act and Section 504 of the Rehabilitation Act of

1973 to require a public educational agency to provide clean intermittent catheterization as a "related service" when it is required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children who are entitled to receive services under these statutes.

Pursuant to a Presidential memorandum dated January 29, 1981, the effective date of this interpretation was postponed until March 30, 1981 (46 FR 12495; February 17, 1981).

The Secretary further postpones the effective date of this interpretation. During the period of postponement the Department will review the interpretation.

(20 U.S.C. 1221e-3, 1401, 1411-1420; 29 U.S.C. 784)

Dated: March 24, 1981.

T. H. Bell,
Secretary of Education.

[FR Doc. 81-8413 Filed 3-26-81; 8:45 am]
BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

34 CFR Parts 200 and 201

Financial Assistance to Local and State Agencies To Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children With Special Educational Needs

AGENCY: Department of Education.

ACTION: Amendments to final regulations.

SUMMARY: The Secretary of Education amends the final regulations for Title I of the Elementary and Secondary Education Act of 1965. The regulations provide for financial assistance to local and state agencies to meet special educational needs and financial assistance to local educational agencies for children with special educational needs. These amendments designate the provisions regarding "excess costs" and "supplement not supplant" as guidelines and make minor changes in these provisions. The Secretary makes these amendments as a result of public comments on these provisions and to relieve burdens on grantees.

DATES: Except for §§ 200.93-200.95 and §§ 201.130-144, the final Title I regulations that were published in the Federal Register on January 19, 1981, as amended by this document will take effect as final regulations on an interim basis on March 30, 1981. As amended by this document, §§ 200.93-200.95 and

§§ 201.130-201.144 will take effect as guidelines 45 days after they are transmitted to Congress. These guidelines will be transmitted to Congress at about the same time this notice is published in the Federal Register. If you want to know the effective date of the guidelines, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. John F. Staehle, Office of Compensatory Education, Department of Education, 400 Maryland Avenue, SW., (Room 3642, ROB-3) Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION:

A. Excess Costs and Supplement, not Supplant Provisions Designated as Guidelines

Final regulations for Title I of the Elementary and Secondary Education Act of 1965 were published in the Federal Register on January 19, 1981 (46 FR 5136-5235). Pursuant to a Presidential memorandum, the effective date of these regulations was postponed until March 30, 1981 (46 FR 12495 (Feb. 17, 1981)).

On the same date that the final Title I regulations were published, the Department published a Notice of Proposed Rulemaking: Cross-reference (46 FR 5236 (Jan. 19, 1981)) which invited public comment on the provisions in §§ 200.93-200.95 (Excess costs) and §§ 201.130-201.143 (Supplement, not supplant). The Department has received a number of comments objecting to the burdens imposed by those provisions. In particular, a number of school administrators expressed the opinion that the final regulations regarding "excess costs" did not provide as much flexibility as the June 11, 1980 proposed regulations.

After further reviewing the final Title I regulations concerning the "excess costs" and "supplement, not supplant" requirements, the Secretary has decided to amend §§ 200.93-200.95 and §§ 201.130-201.144 to designate them as guidelines, rather than regulations. As guidelines, these provisions do not impose any requirements on grantees beyond those specified in the Title I statute. Rather, the guidelines are intended to assist agencies in meeting the statutory requirements. While the guidelines describe permissible ways of meeting the statutory "excess costs" and "supplement, not supplant" requirements, grantees may develop and pursue alternative approaches that comply. Grantees must, of course, continue to comply fully with the "excess costs" requirement in section 126(b) of the Title I statute and the

"supplement, not supplant" requirements in sections 126 (c) and (d) of the Title I statute.

This notice implements the Secretary's decision by amending the final Title I regulations to make §§ 200.93-200.95 and §§ 201.130-201.144 guidelines. These guidelines will take effect 45 days after they are transmitted to Congress.

B. Changes in the Excess Costs and Supplement, not Supplant Guidelines

Section 116.94(d)(2)(ii) of the proposed Title I regulations that were published on June 11, 1980 (45 FR 39726) indicated that, in computing the number of non-Title I staff needed to meet the excess costs requirement, an agency could "disregard a fraction of a full-time equivalent staff member." In contrast, § 200.94(d)(2)(i)(B) of the final regulations reduced agency discretion by only authorizing rounding of the required full-time equivalent staff to the nearest whole number. Based on a number of public comments objecting to the burden imposed by this change, this notice amends § 200.94(d) to permit an agency to disregard a fraction of a full-time equivalent staff member in complying with the excess costs requirement.

Section 200.90 of the June 11, 1980 proposed Title I regulations paraphrased the Title I statutory prohibition against considering Title I funds in determining the amount of State aid to be paid to an LEA. This provision was renumbered as § 201.144 in the final Title I regulations published on January 19, 1981, but was inadvertently omitted in publication. This notice amends the guidelines to include § 201.144.

(Catalog of Federal Domestic Assistance, No. 13,428, Educationally Deprived Children—Local Educational Agencies and No. 13,430, Educationally Deprived Children—State Administration)

Dated: March 24, 1981.

T. H. Bell,
Secretary of Education.

The Secretary amends Parts 200 and 201 of Title 34 of the Code of Federal Regulations, as published in the Federal Register on January 19, 1981 (46 FR 5136-5235), as follows:

PART 200—FINANCIAL ASSISTANCE TO LOCAL AND STATE AGENCIES TO MEET SPECIAL EDUCATION NEEDS

(1) On page 5146, revise § 200.92(b) as follows:

§ 200.92 Supplement, not supplant.

* * * * *

(b) *Guidelines for LEAs.* In addition to meeting the basic requirement in

paragraph (a) of this section, and LEA that receives Title I assistance should refer to the guidelines in 34 CFR 201.130-201.143 to assist it in meeting other supplement, not supplant requirements that apply to certain State and local programs.

(2) On page 5146, revise § 200.93(a) as follows:

§ 200.93 Excess costs: introduction.

(a) *Basic standard.* (1) Except for the exemptions in 34 CFR 201.118, an agency that receives Title I assistance shall use Title I funds in compliance with the excess costs requirement in section 126(b) of Title I. Sections 200.93-200.95 are guidelines to assist agencies in meeting that requirement. While these guidelines describe permissible ways of meeting the statutory requirement, grantees may develop alternative approaches that comply.

(2) An agency complies with the requirement in section 126(b) of Title I if both of the following conditions are met:

(i) The agency provides Title I instruction as described in the guidelines in § 200.94 (Excess costs: instructional services).

(ii) The agency uses Title I funds to provide noninstructional services as described in the guidelines in § 200.95 (Excess costs: noninstructional services).

(3) On page 5147, revise §§ 200.94 (d)(2) and (d)(3) and remove the accompanying example, as follows:

§ 200.94 Excess costs: instructional services.

(2) An agency uses Title I funds for the excess costs of an extended pull out project if either of the following conditions are met:

(i) The agency allocates to the Title I project the full-time equivalent number of non-Title I staff that—in the absence of the Title I service—would have been used to provide the non-Title I funded instructional service that is replaced with the Title I funded service.

(ii) The agency allocates to the Title I project an amount of non-Title I funds required to provide the number of non-Title I funded staff referred to in paragraph (d)(2)(i) of this section.

(3) For purposes of this section, the agency may disregard a fraction of a full-time equivalent staff member. For example, if the full-time equivalent number of staff members is 3.6, the agency is only required to provide the equivalent of 3 non-federally funded staff members.

(4) On page 5147, third column, revise the last paragraph in the example of § 200.94(f) as follows:

The LEA provides the appropriate number of non-Title I funded staff (disregarding a fraction of a full-time equivalent staff member). Alternatively, the LEA allocates to its Title I project the amount of funds that would be required to provide the appropriate number of non-Title I funded staff.

PART 201—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

(5) On page 5175, revise § 201.118(a) as follows:

§ 201.118 Exclusions from the excess costs and comparability requirements.

(a) *General standard.* Subject to the requirements in this paragraph and advance determinations under paragraph (e) or (f) of this section, an LEA may exclude, for the purpose of determining compliance with the comparability requirements in §§ 201.112-201.117 and the excess cost requirement in section 126(b) of Title I—

(6) On page 5177, revise § 201.130 as follows:

§ 201.130 Introduction.

(a) An LEA that receives Title I funds shall use those funds only to supplement, not supplant the level of funds that would, in the absence of Title I funds, be made available from—

(1) Regular non-federal sources and from non-federal sources from State phase-in programs described in section 131(b) of Title I for the education of pupils participating in Title I projects;

(2) Non-federal sources for each of the special programs described in section 131(b) of Title I for the education of educationally deprived children, in the aggregate, in eligible school attendance areas or attending eligible schools.

(b) Sections 201.130-201.144 are guidelines to assist agencies in meeting the supplement, not supplant requirements in sections 126 (c) and (d) of Title I. While these guidelines describe permissible ways of meeting those requirements, grantees may develop alternative strategies that comply.

(7) On page 5185, § 201.144 is correctly added to read as follows:

§ 201.144 Prohibition against considering Title I funds in determining State aid.

(a) Except as provided in paragraph (b) of this section, a State may not consider Title I funds in determining—

(1) The eligibility of an LEA for State aid; or

(2) The amount of State aid to be paid to the LEA for the free public education of children.

(b) The State may provide additional State funds to an LEA on the basis of the LEA's eligibility for, or receipt of, Title I funds.

(Sec. 174, 20 U.S.C. 2814)

[FR Doc. 81-6308 Filed 3-26-81; 8:45]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 2

Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Notice of final regulation.

SUMMARY: This regulation is being amended to show the delegation of authority to the Chairman of the VA Board of Contract Appeals and Contract Appeals Board to certify copies of documents routinely issued by the Boards and to affix the VA Seal thereto.

EFFECTIVE DATES: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Morris Pullara, Jr., VA Contract Appeals Board (001B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 275-1750.

SUPPLEMENTARY INFORMATION: Under § 2.5 of Title 38, Code of Federal Regulations, the Administrator has delegated the authority to certify copies of public documents, records, or papers belonging to or in the VA files to persons occupying four specified positions in the Office of the General Counsel. The Veterans Administration Board of Contract Appeals and Contract Appeals Board are required to transmit authenticated copies of decisions directly to the parties involved and to issue orders and other documents which, under the provisions of 38 U.S.C. 202, require the VA Seal in order to be judicially noticed. Responsibility for certification of such copies, including affixing the seal, cannot practicably depend upon action by other elements in the agency due to geographical and organizational separation. It is therefore necessary that the Chairman be delegated authority to certify those documents which are routinely issued by the Boards.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the regulatory process (38 CFR 1.12). The amendment herein, however, is

primarily a matter of agency practice and procedures and the public regulatory process is deemed unnecessary in this instance.

This regulation is excluded from the provisions of Executive Order 12291, Federal Regulation, since it is strictly related to Veterans Administration internal organization and management.

Approved: March 17, 1981.

Rufus H. Wilson,
Acting Administrator.

Title 38, Code of Federal Regulations, § 2.5, is revised to read as follows:

§ 2.5 Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.

(a) Persons occupying or acting in the following positions in the Office of the General Counsel are authorized to certify copies of public documents, records, or papers belonging to or in the files of the Veterans Administration for the purposes of 38 U.S.C. 202: General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel.

(b) The person occupying or acting in the position of Chairman of the Veterans Administration Board of Contract Appeals and Contract Appeals Board is authorized to certify copies of decisions, orders, subpoenas, and other documents, records, or papers issued by, belonging to, or in the files of the Boards for the purposes of 38 U.S.C. 202. (38 U.S.C. 210(c)).

[FR Doc. 81-9332 Filed 3-26-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW FRL 1789-5]

Requirements for Authorization of State Hazardous Waste Programs; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: In response to a request from the Association of State and Territorial Solid Waste Management Officials, EPA is extending the comment period on its interim final rule amending the requirements for authorization of State hazardous waste programs.

DATES: Comments on the amendments published on January 26, 1981 (46 FR 8298) will be accepted until May 11, 1981.

ADDRESS: Comments should be sent to Docket Clerk (Docket No. 3006), Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John H. Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 755-9107.

SUPPLEMENTARY INFORMATION: On January 26, 1981 (46 FR 8298), EPA published an interim final rule amending the requirements for authorization of State hazardous waste programs under Section 3006(c) of the Resource Conservation and Recovery Act (RCRA). The amendments made changes in the schedule and related requirements of Phase II of interim authorization. The amendments were effective upon publication. EPA announced that it would accept comments on them until March 27, 1981.

EPA has since received a request from the Association of State and Territorial Solid Waste Management Officials to extend the deadline for comments for forty-five days. The Association noted that the regulations "will have far-reaching impacts on the States and the extension will allow time for a more detailed examination and a coordinated consensus response from the Association members."

The Agency agrees that such an extension is warranted, because the January 26 amendments made significant changes in the interim authorization schedule. EPA wants to receive thoughtful and thorough comments from State officials and others and is extending the comment period so that interested persons can provide the Agency with such comments. The requirements in 40 CFR Part 123, as amended on January 26, continue in effect during this extended comment period.

Dated: March 23, 1981.

James N. Smith,
Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-9326 Filed 3-26-81; 8:45 am]
BILLING CODE 6560-30-M

40 CFR Part 180

[PP 9F2198/R303; PH-FRL 1790-3]

Tolerances and Exemptions From Tolerances; Pesticide Chemicals in or on Raw Agricultural Commodities;

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide fluchloralin [*N*-(2-chloroethyl)-a,a,a-trifluoro-2,6-dinitro-*N*-propyl-p-toluidine] in or on the raw agricultural commodities peanuts, peanut forage, and peanut hay at 0.05 part per million (ppm) and peanut hulls at 0.1 ppm. This regulation was requested by BASF Wyandotte Corp. This regulation establishes the maximum permissible levels for residues of fluchloralin in or on peanuts, peanut forage, peanut hay, and peanut hulls.

EFFECTIVE DATE: Effective on March 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, Va 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of December 24, 1980 (45 FR 85102) that BASF Wyandotte Corp., 100 Cherry Hill Rd., PO Box 181, Parsippany, NJ 07054, had filed a pesticide petition (9F2198) with the EPA. The petition proposed the establishment of tolerances for residues of the herbicide fluchloralin [*N*-(2-chloroethyl)-a,a,a-trifluoro-2,6-dinitro-*N*-propyl-p-toluidine] in or on the raw agricultural commodities peanuts, peanut forage, and peanut hay at 0.05 part per million (ppm) and peanut hulls at 0.1 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included an acute oral LD₅₀ study (rat) with an LD₅₀ of 1,550 milligrams (mg)/kilogram (kg); a 90-day feeding study (rat) with a no-observable-effect-level (NOEL) greater than 500 mg/kg/day; a 90-day oral dosing study (dog) with a NOEL of 5.25 mg/kg/day; a 2-year feeding study (rat) with a NOEL of 4,400 ppm (no oncogenicity); a three-generation reproduction study (rat) with a NOEL of 10,144 ppm; a teratology study (rabbit)—negative at 3,000 mg/kg; a dominant lethal mutagenicity study (rat)—

negative at 500 mg/kg; a cytogenicity study (rat)—negative at 10,144 ppm; and an 18-month feeding study (mice) with a NOEL of 4,400 ppm (no oncogenicity).

Desirable data that are lacking are a subchronic oral toxicity study in a nonrodent species longer than 90 days in duration, a teratology study on a second species, and additional mutagenicity testing. Although a subchronic oral toxicity study in dogs has not been submitted, establishment of these tolerances is acceptable, since exposure from peanuts will increase the allowable daily intake (ADI) by only 0.17 percent. The petitioner has been informed of these data deficiencies and has agreed (in his letter of June 13, 1980) to perform the studies and to remove the use from the label should the results of these studies exceed the risk criteria for chronic toxicity as stated in § 162.11 of the regulations.

Tolerances of 0.05 ppm have previously been established for fluchloralin on cottonseed and soybeans for a theoretical maximal residue contribution (TMRC) of 0.0008 mg/day in a 1.5 kg diet compared with a maximal permissible intake (MPI) of 0.1575 for a 60-kg human or 0.51 percent of the ADL. The current action will add 0.0003 mg/day to the diet for a total TMRC of 0.0011 mg/day/1.5 kg or 0.68 percent of the ADL. The ADI is based on the NOEL in the 90-day oral dosing study in dogs and a safety factor of 2,000.

There are no regulatory actions pending against continued registration of fluchloralin. The product contains a nitrosamine at levels of under 1 ppm. Based on the recent agency policy that was published in the Federal Register of June 15, 1980 (45 FR 42854) this falls below the currently acceptable risk criteria. The metabolism of fluchloralin in plants and animals has been adequately delineated for the proposed use. An adequate analytical method (gas chromatography using an electron capture detector) is available for enforcement purposes. There is no reasonable expectation of residues occurring in eggs, milk, meat, and meat byproducts of poultry and livestock, therefore § 180.6(a)(3) applies. There are no other considerations in establishment of these tolerances and it is concluded that the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 27, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify

the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective date: March 27, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 19, 1981.

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

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically adding the following raw agricultural commodities in the table under § 180.363 to read as follows:

§ 180.363 Fluchloralin; tolerances for residues.

Commodities	Parts per million
Peanuts	0.05
Peanut forage	.05
Peanut hay	.05
Peanut hulls	.1

[FR Doc. 81-3325 Filed 3-26-81; 8:45 am]
BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 97

[Docket 21117; FCC 81-118]

Type Acceptance of Equipment Marketed for Use in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule (second report and order).

SUMMARY: This document extends the effective date of the existing regulations that require type acceptance of all external radio frequency power amplifiers and amplifier kits capable of operation below 144 MHz, affecting primarily those amplifiers used in the Amateur Radio Service. This extension is necessary as the present regulations are due to expire on April 28, 1981. The expiration of these regulations would allow the marketing of external

amplifiers designed for illegal operation in and around the Citizens Band Radio Service.

DATES: The effective date of the order is April 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Science and Technology, Washington, D.C. 20554 (202) 653-6288.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Parts 2 and 97 of the Commission's Rules to require type acceptance of equipment marketed for use in the Amateur Radio Service.

Second Report and Order

Adopted: March 23, 1981.

Released: March 26, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Jones absent.

1. On March 20, 1978, the Commission released a Report and Order in the above entitled matter (FCC 78-107, 43 FR 12682). That document implemented type acceptance procedures and certain technical requirements for external radio frequency power amplifiers and amplifier kits that are designed for operation below 144 MHz. The effect of that order was to require type acceptance for the majority of amplifiers used in the Amateur Radio Service (ARS). Type acceptance is a procedure whereby the Commission approves radio transmitting equipment as being capable of complying with the necessary technical specifications. Such approval, where required, is necessary before the equipment may be marketed. See 47 CFR 2.901 *et seq.* In this specific case, the type acceptance procedure allows the Commission to determine whether the external amplifiers are capable of meeting those FCC technical standards that are designed to minimize the possibility of interference and, also, to determine whether the amplifiers are intended for use only in the ARS and not in or around the Citizens Band (CB) Radio Service.

2. As noted above, compliance with the revised technical standards to allow for the commercial manufacture and marketing of these external amplifiers is enforced, in part, through our type acceptance procedures. The standards were implemented due to the large number of amplifiers being marketed and promoted for illegal operation in and around the CB Radio Service. Such illegal use of external amplifiers created a severe interference problem to television reception and to the reception of other radio services. It was estimated that in fiscal year 1976 that about four

million persons and perhaps as many as ten million persons experienced interference to televisions reception from CB radio stations. About half of this interference was caused by or intensified by the illegal use of these amplifiers. It was also predicted that this interference would significantly increase unless countered by Commission action.

3. These interference problems are detailed in earlier reports, as cited in the reference Report and Order in paragraph one and in the Notice of Proposed Rule Making (released February 28, 1977) for this docket, and will not be further repeated here. It was clear that when the Commission issued its Order on the subject in 1978, it was faced with resolving a serious national problem. In fact, the interference caused by the illegal use of external amplifiers was so severe as to require immediate implementation of the technical standards and type acceptance requirement by this Commission. Because of this rapid implementation, the technical regulations and the type acceptance requirement were made effective for only three years so that the effects of this action would be subject to a mandatory review prior to the expiration date of April 23, 1981. It was expected that this three year period would allow the Commission additional time to investigate other methods of controlling the promotion and use of external amplifiers in radio services other than the ARS and to monitor the effectiveness of the new regulations.

4. During this three year investigation period, other methods of controlling the manufacture and marketing of external amplifiers were studied. One such method was to require the showing of an appropriate amateur license prior to the purchase of amateur transmitting equipment (FCC 79-586). However, as we concluded in our first Report and Order in this Docket, no other method was considered to offer the effectiveness provided under the current type acceptance program. The problem with attempting to require retailers to ask potential buyers of amateur equipment to display their amateur licenses before they may make a purchase is that it is uncertain whether this Commission has the legal authority to impose this requirement.¹ Even if the

¹ The provision in the Communications Act of 1934, as amended, that provides the chief support for this requirement is Section 302(a) (47 U.S.C. 302(a)). This Section authorizes the Commission to " * * * make reasonable regulations governing the interference potential of devices * * *" and further states that these regulations apply to the sale of devices. This Section has been relied on by the Commission to establish standards for radio

Commission had such authority, there are two other problems. First, this type of regulation would be burdensome for retailers. Second, it is more effective for the Commission to enforce its regulations through contact with a limited number of manufacturers (i.e., through type acceptance) than with a vast number of sellers.

5. The effectiveness of the current type acceptance program in halting the promotion of external amplifiers for illegal applications has led this Commission to believe that the program should be continued. Numerous manufacturers and distributors of amplifiers designed for illegal operation in and around the CB service have ceased manufacture and marketing, although legal action was required in some instances. The majority of this litigation has already been detailed in previous Commission releases and will not be repeated in this item. Other cases are still under investigation with court actions pending and, therefore, will not be discussed. However, certain manufacturers are still promoting their non-type accepted amplifiers for illegal operations. Some U.S. Attorneys have questioned the advisability of prosecuting these manufacturers for violation of the existing type acceptance requirement due to the impending cut-off date of the regulations. These U.S. Attorneys feel that it would be inappropriate to prosecute a manufacturer for violation of a temporary regulation. Instead, most prosecutions have been for violations of the regulation that prohibits the manufacture and marketing of any external amplifier with amplification capability between 24.00 MHz and 35.00 MHz § 2.815(b) of the Commission's regulations). This form of prosecution would be sufficient provided all of the amplifiers promoted for CB operation operated within that banned frequency range. Unfortunately, many do not operate within that frequency range as manufactured. For example, without the type acceptance requirement, manufacturers would have no restrictions on producing amplifiers that can be easily altered by purchasers to operate with CB radio equipment even though those amplifiers are designed to operate above or below the prohibited frequency range. Thus, it is necessary to invoke a violation of the type acceptance regulation to cover all of the available amplifier models. That action requires a removal of the cut-off date for type acceptance in order for these regulations to be more generally

"devices" and to prohibit retailers from selling noncomplying devices.

effective. In light of this and the information contained in the preceding paragraphs, a continuation of the present type acceptance requirement would be in the public interest.

6. The Administrative Procedure Act permits federal agencies to forgo the usual notice and comment procedures in rule makings if " * * * public procedures thereon are * * * unnecessary." (5 U.S.C. 553(b)(3)(B)). Prior notice and comment procedures concerning a continuation of the current type acceptance requirement are unnecessary for a variety of reasons. First, the possibility of a permanent type acceptance requirement was previously subject to public comments in this Docket in the original Notice of Proposed Rule Making, 42 FR 12204, released February 28, 1977. It is not anticipated that requesting additional comments on the subject would provide the Commission with further useful information. Second, in our Report and Order in Docket No. 21117, adopted February 16, 1978, released March 20, 1978, 43 FR 12682, we indicated that the Commission might make the temporary type acceptance requirement permanent. In paragraph 12 of that Order, we stated "If at the end of this three year period it is determined that the type acceptance requirement is still necessary and that it has indeed reduced the problems caused by these amplifiers, this program can be continued by further Commission action." During this three year period, we have not received any adverse comments regarding the type acceptance requirement. Third, in our Report and Order in Docket No. 21117, we found that the type acceptance requirement itself imposed only a slight burden on manufacturers.

In paragraph 13 of that Order (while discussing § 2.1005(b) of our regulations), we stated:

* * * No piece of radio equipment from any service should be marketed before a number of samples are tested to determine that the equipment is in compliance with our regulations. As these tests should be performed regardless of the requirement for type acceptance, the only additional expense that type acceptance would cost the manufacturer or supplier is the few hours of paperwork to compile the application and the time delay in marketing during which the Commission processes this application.

Fourth, all the Commission is now doing is making a rule permanent that was found to be in the public interest in our Report and Order in Docket No. 21117. Since we are merely continuing an existing rule, there will be no additional impact on manufacturers. Finally, as discussed above, after

extensive and protractive consideration, we do not believe that there are any viable alternatives to a continuation of the type acceptance requirement.

7. The enforcement actions by the U.S. Attorneys and the Commission's Field Operations Bureau against the manufacturers of those amplifiers intended for operation around the CB service and the reduction in the availability of these amplifiers to the public have demonstrated that this method of controlling the illegal operation of these amplifiers is effective. However, the continued, though smaller, illegal market necessitates retaining these regulations. Therefore, the expiration date of the type acceptance requirement for external radio frequency power amplifiers and amplifier kits is deleted, as shown in the attached appendix.

8. Other changes to these regulations, as also shown in the appendix, will be made in accordance with the provisions of Subsections 553(b)(3)(A) and 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553). These subsections allow the Commission to finalize regulations without the necessity of providing prior notice or seeking comments when the changes involve interpretative rules or " * * * when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are * * * unnecessary, or contrary to the public interest." When the regulations establishing type acceptance requirements for external amplifiers were implemented, there was a considerable rush in their preparation in order to place them into effect at the earliest possible time. This rush was due to the large number of manufacturers promoting their amplifiers for illegal operation and because of the severity of the interference problems resulting from the use of those amplifiers. As a result, some editorial errors in the regulations occurred and some regulations that were either awkward or unclear were adopted. The language of these regulations has therefore been reworded to correct the editorial errors, to clarify the requirements and to refine the statement of the requirements. Since the meaning of the regulations remains unchanged, it is considered unnecessary to issue a further Notice of Proposed Rule Making on this matter. Additionally, the prompt clarification of the existing regulations is in the public interest since the changes will make the regulations more understandable and encourage compliance. Any new

problems which may arise in the specific wording of the Part 97 regulations can be considered under Docket No. 80-729 which looks toward a rewrite of the amateur regulations into a "plain language" format.

9. It should also be noted that the Commission's policy concerning waivers of the amplifier technical requirements or the type acceptance requirement is unchanged. The type acceptance requirement may still be waived for those amplifiers designed for industrial, scientific or medical (ISM) applications. Additionally, waivers of the technical requirements will be considered for those amplifiers designed to operate within the frequency range of 50.00 MHz to 54.00 MHz as long as the amplifiers can not be easily converted to operate at lower frequency ranges.

10. In view of the foregoing, this Commission is of the opinion that the amended regulations, as described above and in the attached appendix, are in the public interest, convenience and necessity. The authority for these amendments is contained in Sections 4(i), 302, 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended. Accordingly, it is ordered, effective April 28, 1981, that Parts 2 and 97 of the Commission's Rules and Regulations are amended as set out in the attached appendix. It is further ordered that this proceeding is continued.

(Secs. 4; 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)
Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix
PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. 47 CFR Part 2 is amended as follows:

1. Section 2.815 is amended by revising paragraph (c) to read as follows:

§2.815 External radio frequency power amplifiers.

(c) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of type acceptance in accordance with Subpart J

of this Part and Subpart C of Part 97 or other relevant Parts of this Chapter. No more than 10 external radio frequency power amplifiers or amplifier kits may be constructed for evaluation purposes in preparation for the submission of an application for a grant of type acceptance.

Note.—For the purposes of this part, an amplifier will be deemed incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(1) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(2) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

2. Section 2.1001 is amended by revising paragraph (f)(2) to read as follows:

§2.1001 Changes in type accepted equipment.

(f) * * *
(2) Modifications made pursuant to this Paragraph are limited to equipment used at licensed amateur radio stations.

3. Section 2.1005 is amended by revising the introductory text of paragraph (c) and paragraph (d) to read as follows:

§2.1005 Equipment for use in the Amateur Radio Service.

(c) Any supplier of an external radio frequency power amplifier kit as defined by § 97.3(z) of this Chapter shall comply with the following requirements:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *

(d) Type acceptance of external radio frequency power amplifiers and amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (CB Rule 21 of this Chapter). Examples of features which may result in the denial of type

acceptance are contained in § 97.77 of this Chapter.

PART 97—AMATEUR RADIO SERVICE

B. 47 CFR Part 97 is amended as follows:

1. Section 97.75 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 97.75 Use of external radio frequency (RF) power amplifiers.

(a) Any external radio frequency (RF) power amplifier used or attached at any amateur radio station shall be type accepted in accordance with Subpart J of Part 2 of the FCC's Rules for operation in the Amateur Radio Service, unless one or more of the following conditions are met:

* * * * *

2. Section 97.76 is amended by revising the introductory text of paragraph (a) and subparagraphs (a)(1) and (a)(5) to read as follows:

§ 97.76 Requirements for type acceptance of external radio frequency (RF) power amplifiers and external radio frequency power amplifier kits.

(a) Any external radio frequency (RF) power amplifier or external RF power amplifier kit marketed (as defined in § 2.815 of this Chapter), manufactured, imported or modified for use in the Amateur Radio Service shall be type accepted for use in the Amateur Radio Service in accordance with Subpart J of Part 2 of the FCC's Rules. This requirement does not apply if one or more of the following conditions are met:

(1) The amplifier is not capable of operation on any frequency or frequencies below 144 MHz. For the purposes of this part, an amplifier will be deemed to be incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(i) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(ii) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

(2) * * *

(3) * * *

(4) * * *

(5) The amplifier is purchased in used condition by an equipment dealer from a licensed amateur radio operator who constructed or modified the equipment in accordance with § 2.1001 of the

regulations and the amplifier is further sold to another amateur radio operator for use at their licensed amateur radio station.

* * * * *

[FR Doc. 81-9489 Filed 3-25-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 81 and 83

Stations on Land in the Maritime Services and Alaska—Public Fixed Stations and Stations on Shipboard in the Maritime Services; Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends sections of the Commission's rules in Stations on land and on shipboard in the maritime services to delete obsolete dates and associated language. These dates have since passed and have no present or future utility. This action is being taken to bring the rules up to date.

EFFECTIVE DATE: April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial amendment of Parts 81 and 83 of the FCC Rules and Regulations.

Order

Adopted: March 12, 1981.

Released: March 17, 1981.

1. We are editorially amending a number of sections of Part 83 of the Commission's rules to delete obsolete dates and associated language. These dates have since passed and have no present or future utility or effect. The affected sections are: 81.133, 81.361, 83.103, 83.106, 83.132, 83.133, 83.134, 83.136, 83.137, 83.155, 83.156, 83.233, 83.318, 83.320, 83.321, 83.329, 83.339, 83.359, 83.360, 83.364, 83.367, 83.472, 83.484.

2. Authority for this action is contained in sections 4(i), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. Regarding questions on matter covered in this document contact Charles D. Fisher, telephone (202) 632-7175.

4. In view of the above, it is ordered. That the rule amendments set forth in the attached Appendix are adopted effective April 27, 1981.

(Secs. 4, 303, 307, 48 Stat., as amended, 1080, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. In § 81.133 the table in paragraph (a) is revised and footnote 3 is removed and reserved as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kHz)
A1.....	01C A1	0.9
A2.....	2E8 A2	2.0
A3.....	6 A3	8.0
F1.....	10J F1	*0.8
F3.....	*10 F3	*2.0
PO.....	Variable	Variable
A3A.....	2.8A3A	*0.9
A3H.....	2.8A3H	*0.9
A3J.....	2.8A3J	*0.9

* [Reserved].

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.103 [Amended]

1. Section 83.103, is amended by changing the reference in line 13 from "§ 83.75" to "§ 83.54".

2. In § 83.106, footnote 1 is removed and paragraph (a) is revised to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Except for vessels fitted with radiotelephone installations pursuant to § 83.442, each ship radiotelephone station licensed to operate in the band 1605-3500 kHz shall be able to receive and transmit A3J on the carrier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using A3H emission for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and

transmitting the emission A3A on at least two other frequencies in that band. Ship stations operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, shall be equipped with only one, instead of two other frequencies within the band 1605-3500 kHz in addition to the frequency 2182. Additionally, use of A3 emissions is permitted for distress and safety purposes on 2182 kHz for portable survival craft equipment having the capability to operate on 500 kHz and for transmitters authorized for use prior to January 1, 1972, in accordance with applicable rules of this part.

3. In § 83.132, paragraph (a)(2)(i) is revised; the existing footnote 3 is removed; and footnote 2 is revised to read as follows:

§ 83.132 Authorized classes of emission.

- (a) * * *
- (2) * * *
- (i) For frequencies below 23 MHz designated in § 83.251(a):

Frequency band	Classes of emission
2182 kHz	*A3J
Other	*A3J

* Ship stations are, additionally, authorized to receive and transmit using emission A3A when communicating with coastal harbor stations employing A3A emission.

4. In § 83.133, the table in paragraph (a) is revised and footnote 3 is removed and reserved as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kilohertz)
A1	0.16A1	0.4
A2	2.66A2	2.8
A3	6A3	8.0
A9	3.2A9	25.0. ³
F1	0.3F1 ¹	0.5. ¹
F3	16F3 ²	20.0. ²
F9	14.4F9 ⁵	20.0. ⁵
F9	20,000F9 ⁶	20,000. ⁶
P0	Variable	Variable. ⁶
A3A	2.8A3A	3.0. ⁴
A3H	2.8A3H	3.0. ⁴
A3J	2.8A3J	3.0. ⁴

³ [Reserved].

5. In § 83.134, paragraph (a)(1) is revised and the table in paragraph (d) is revised as follows:

§ 83.134 Transmitter power.

- (a) * * *
- (1) For emissions A3A, A3H, and A3J: Peak envelope power (see § 83.7):
- (d) * * *

Area	Frequency band (MHz)	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2-27.5	Any	150
Other than the above.	2-4	Ship to shore: A3-2182 kHz only. A3H, A3A, A3J...	1500
		Ship to ship: A3-2182 kHz only. A3H, A3A, A3J...	150
	4-27.5	Any	1500

6. In § 83.136, the introductory clauses of paragraphs (a) (1) and (2) are revised as follows:

§ 83.136 Emission limitations.

- (a) * * *
- (1) When using emissions other than A3A, A3H, and A3J:
- (2) When using emissions A3A, A3H, and A3J:

7. In § 83.137, the introductory clause of paragraph (c) is revised; paragraph (d) is removed and reserved; and paragraph (f) is revised as follows:

§ 83.137 Modulation requirements.

- (c) Single sideband transmitters shall be capable of operation in the following modes:

(d) [Reserved]

- (f) Single sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

8. In § 83.155, paragraph (d) is revised to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act, is equipped with a radiotelephone station shall for distress and safety purposes carry at least one qualified operator. Where the power of the station does not

exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

9. In § 83.156, paragraph (b)(3) is revised to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

- (b) * * *
- (3) Where the power of the station does not exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall, as a minimum, hold a radiotelephone second-class operator license.

§ 83.233 [Amended]

10. In § 83.233, footnote 1 is removed and reserved.

11. In § 83.318, paragraph (a) preceding the table is revised to read as follows:

§ 83.318 Digital selective calling frequencies.

- (a) The frequencies set forth in the table below are available for use by ship stations for calls to coast radiotelegraph stations by means of digital selective calling. The associated reply frequencies are also shown.

§ 83.320 [Amended]

12. In § 83.320, paragraph (b) is removed and reserved.

§ 83.321 [Amended]

13. In § 83.321, paragraph (c) is removed.

14. In § 83.329, paragraph (a) is revised to read as follows:

§ 83.329 Calling by narrow-band direct-printing.

- (a) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, ship stations employing narrow-band direct-printing (NB-DP) may use the frequencies designated in § 83.318 to call

United States coast radiotelegraph stations.

* * * * *

15. In § 83.339, the introductory clause of paragraph (a) is revised to read as follows:

§ 83.339 Station documents.

(a) The compulsorily fitted ship radiotelegraph station shall be provided with the following current documents:

* * * * *

16. In § 83.359, the table is revised for the listing under Intership Safety to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

* * * * *

Channel designation	Frequency (Mhz)		Points of Communication
	Ship	Coast	
Intership Safety			
08	156.300		a. Intership. b. For SAR: Ships and aircraft of the U.S. Coast Guard.

* * * * *

17. In § 83.360, the left hand column of the table and footnotes in paragraph (a) are removed, and paragraph (a) is revised to read as follows:

§ 83.360 Frequencies for business and operational purposes.

(a) The following carrier frequencies are available for business and operational communications with limited coast stations and other ship stations using the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section:

Carrier frequency (kHz)		
2096.5	8291.1	16593.3
4125.0	8294.2	22124.0
4143.6	12429.2	22127.1
4419.4	12432.3	22130.2
6218.6	12435.4	22133.3
6221.6	16587.1	22136.4
6521.9	16590.2	

* * * * *

§ 83.364 [Amended]

18. In § 83.364(d), the reference to § 83.40 is corrected to read § 83.50

19. In § 83.367, the introductory clause of paragraph (a) is revised to read as follows:

§ 83.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the

Safety Convention shall be provided with the following current documents:

* * * * *

§ 83.472 [Amended]

20. In § 83.472, footnote 1 is removed, and reference to it in paragraph (c) is removed.

21. In § 83.484, paragraphs (a) and (d)(2) are revised and footnote 1 is removed to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3H and A3J emission on 2182 kHz, and A3J emission on 2638 kHz and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

* * * * *

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable with normal operating voltages applied of delivering not less than 60 watts peak envelope power for A3H and A3J emission on the frequency 2182 kHz and for A3J emission on the frequency 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 picofarads capacitance, or an artificial antenna of 50 ohms nominal impedance. An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

* * * * *

[FR Doc. 81-9324 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[Docket No. 18948; Gen. Docket No. 80-108; FCC 81-97]

Stations on Shipboard in the Maritime Services; Implementation of a Provision of the 1974 Safety Convention Regarding Compulsory Carriage of Radar Onboard Vessels of 1600 Tons Gross Tonnage and Over

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action will amend the rules to implement a provision of the 1974 Safety Convention. The provision requires this country to establish specifications for radar that is carried aboard ships of U.S. registry by reason

of Safety Convention requirements. Additionally, a predecessor proceeding is terminated.

EFFECTIVE DATE: April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: March 11, 1981.

Released: March 23, 1981.

In the matter of amendment of Part 83 of the Commission's Rules to implement a provision of the 1974 Safety Convention regarding compulsory carriage of radar onboard vessels of 1600 tons gross tonnage and over.

By the Commission: Chairman Ferris not participating.

1. On March 12, 1980, the Commission adopted a Notice of Proposed Rule Making, 45 FR 19583, with the object of promulgating regulations to implement a new treaty provision about to come into force on May 25, 1980.¹ This treaty provision—Regulation 12(a) of Chapter V of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), to which the United States is signatory—requires the compulsory carriage of radar by all U.S. vessels of 1600 tons gross tonnage and over on all voyages except certain voyages on the Great Lakes and their connecting and tributary waters.

2. Implementation of the SOLAS radar provision entails the establishment by the Commission of two complementary series of regulations: (1) those that are concerned with the operating characteristics of the required radar equipment, and (2) those specifying the conditions, external to the radar unit, under which the equipment will operate. These external conditions include: (1) routing of power supply wiring to the "radar equipment"; (2) a ceiling on transmitter power and a floor under antenna efficiency; (3) how to make application for inspection of the station; (4) licensing requirements for maintenance and repair personnel; (5) procedures to be followed in the event of equipment breakdown; (6) logging requirements; (7) provision of materiel for maintenance and repair (spare parts, tools, test instruments, equipment manuals); and (8) facilities for plotting.

¹ A predecessor proceeding (Docket No. 18948) also dealing with compulsory radar specifications was in effect superseded by the proceedings in the present Docket No. 80-108. Proceedings in both dockets will be terminated simultaneously.

3. With respect to the first of these sets of regulations—those addressed to the radar unit itself and referred to in the NPRM in paragraphs (a), (b) and (d) of proposed new § 83.465—support by the commenters was near-unanimous. The three specifications incorporated by reference in the three paragraphs of § 83.465 referred to, had been developed by RTCM's Special Committee 65. With a solitary exception,² every participant supported the positions that had been negotiated at the SC-65 meetings.

4. With regard to the second set of regulations, those dealing with administrative questions and with technical matters external to the radar, the comments received were in general of two kinds, either addressing overall questions such as FCC jurisdiction and national specifications, or dealing with specific proposed rule changes. Of the former, most of the commenters supported the proceeding, while calling for minor modifications which will be considered separately below.

5. Two of the commenters questioned the authority of the Commission to proposed rules in this matter, claiming that the Department of State had designated the Coast Guard to assume that responsibility. As noted in paragraphs 1 and 2 of the Notice of Proposed Rule Making in this Docket, the source of the FCC's authority in this matter is section 303(r) of the Communications Act of 1934, as amended. In this matter of radar specifications there was coordination with the Coast Guard. That agency was a party to the inter-agency agreement that eventuated in the U.S. Senate's understanding of the term "radar" as "radio."³ This point was in fact

²In 1974, after protracted negotiations on the subject of the size of the radar scopes to be required in "existing installations," the following compromise was made: Instead of recommending an immediate requirement for 16-inch scopes on all vessels, the RTCM would recommend, for "existing installations" only, a postponement of this requirement for at least three years (but not to extend beyond January, 1, 1980). Although AIMS was a party to the compromise agreement, AIMS and one of its member companies commented in the present proceeding that RTCM had no authority to set a compliance date in the specification. But the Commission, not RTCM, sets the effective date of the regulations.

³It was with this understanding that the Coast Guard issued a notice "Proposed Rules" (CGD 75-074) dated 18 September 1975 Serial 14-P-75, proposing to amend its Vessel Inspection Regulations by requiring, *inter alia*, the compulsory carriage of radar aboard certain U.S. vessels (40 FR #180, 24585 (Sept. 16, 1975)). Thus, for example, section 195.17 reads in pertinent part:

All vessels of 1600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. . . .

specifically recommended to the attention of the Senate by the Department of State with the knowledge and concurrence of the Coast Guard.⁴ The Coast Guard took an active part in the deliberations of SC-85 that formulated the radar specifications presently under consideration.

6. A similar situation holds with respect to the comment "that SC-65 is duplicating requirements of the Occupational Safety and Health Administration (OSHA)". This item was introduced after extensive informal coordination with OSHA by the Chief, FCC Laboratory Division, and it meets with their approval.

7. Thus, the Commission clearly has responsibility and authority in the matter of promulgating regulations to implement a treaty requirement for the compulsory carriage of radar.

8. Some of the commenters have remarked on the differences between the proposed FCC regulations and the minimum performance specifications that the Intergovernmental Maritime Consultative Organization (IMCO) is trying to adopt. (IMCO has not yet adopted specifications and the final recommendations will depend on negotiations still in progress.) These differences reflect a difference in aims of the two organizations and this is made explicit in the text of SOLAS. Regulation 12, Chapter V of SOLAS specifies that the radar shall be "of a type approved by the Administration". ("Administration" means, by Regulation 2(b) of Chapter I of SOLAS, "the Government of the country in which the ship is registered.") Thus each country signatory to SOLAS is called upon to develop radar specifications suitable to its own national requirements.

9. There remain the comments on specific rule proposals. These will be taken up in numerical order.

10. Section 83.107(a)—Antenna requirements. It is suggested "that the words 'good efficiency' should be more clearly spelled out in a quantitative

Unfortunately, the FCC regulations were not issued in time to permit their reference in the final Coast Guard Rules, 28 January 1977 (42 FR #20, 5962, January 31, 1977). As a result the Coast Guard was placed in the position of issuing its final rule requiring compulsory carriage of radar without a sufficient indication of what was expected of the radar's capabilities and installation. The outcome of the present proceeding is intended to alleviate that situation.

⁴See Department of State "Letter of Submittal" respecting "eleven amendments to the Convention for the Safety of Life at Sea, 1960," transmitted to the Senate (92nd Congress, 2nd Session) by the President in his Message of July 24, 1972, seeking advice and consent. It is specifically stated therein "that 'radar' as used in the amendments is 'radio' within the meaning of Section 303(r) of the Act [the Communications Act of 1934] as amended."

technical manner that can be measured, such as in terms of gain, length or other physical parameters". Specifications of this sort for radar antennas (radiation pattern requirements for S- and X-band antennas) may be found in paragraph 7 of the radar specifications referred to in § 83.465(a) of the proposed rules. The text will be found on page 9 of volume II of the RTCM final report there referred to.

11. Section 83.110(b)—Maintenance of transmitter power. The commenter questions the relevance of this paragraph to the proceeding because, unlike § 83.110(a), it does not apply to ship radar stations but only to ship stations. This is true. The sole reason for its appearance in the appendix to this NPRM is that the old rule had to be modified by the addition of the phrase "in a ship station" in order to make clear that radar transmitters were *not* being referred to. ("Ship station" defined in § 83.3(e) of the Commission's rules, is in the maritime mobile service and does not include the radar equipment. "Ship radar station", defined in § 83.4(j) is in the maritime radio determination service and does not include the telegraph transmitters.) The commenter's request for deletion of the item is therefore inappropriate.

12. Section 83.115 (a) and (e).—Retention of radio station logs. A commenter requests clarification as to whether the ship radar station log is a "technical log" or a "radar operations log". The answer to this is that the "ship radar station log" is the "permanent installation and maintenance record" presently required by § 83.405(d)(1) of the regulations. The entries that are required are those given in § 83.405(d)(3) (which is presently being modified to include the contingencies of radar failure, repair and maintenance referred to in paragraphs (b) and (c) of § 83.464, discussed below). It is unnecessary to label this log as "technical" or "operations".

13. The same commenter asks that the requirement of § 83.115(e)—that logs be kept at the principal operating position—be modified to include the possibility of their being kept in the radio room. The Commission agrees and will modify its regulations in accordance with the suggested wording.

14. Section 83.464 (b) and (c).—Requirements of radar installation. Several of the commenters take exception to the proposals in paragraphs (b) and (c) of § 83.464 that radar malfunctions "be reported to the master and to the radio officer and entered into the ship radar station log by the radio officer", and that clearance of faults

"shall be entered into the ship radar station log by the radio officer". They point out that in his normal course of duties the mate on watch always reports to the master the failure of equipment and that clearance of faults may be made by a shoreside technician in which case the clearance should be logged by the technician and not by the radio officer (according to § 83.405 of the present rules). In order to avoid possible conflict with that section, the wording of paragraphs (b) and (c) of proposed § 83.464 has been modified, and § 83.405 has in its turn been modified to include the contingencies referred to in proposed § 83.464.

15. Section 83.465(c).—Requirements for tools, etc. The proposed regulation concerning carriage of tools, spares, test instruments and manuals was unique in one respect: it was based on the only recommendation of RTCM that failed of a consensus. AIMS, the sole dissenter, filed a minority report embodying less extensive lists. Speaking for the radio officers who would be called on in large measure to use these spares and associated materiel, another commenter asserted the equipment was necessary, and already being met on better than 92% of U.S. flag vessels. Accordingly, we think this was a reasonable requirement.

16. In the NPRM, the Commission requested comments "concerning the approval of these radars". However, no comments were received which directly addressed this matter. Three equipment authorization procedures were considered for marine radars: type approval, type acceptance, and verification. Type approval requires 100% testing by the Commission. Type acceptance requires that the manufacturer perform testing and submit the information to the Commission. Verification would require the manufacturer to make measurements or take necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal to the Commission of a sample unit or representative data demonstrating compliance would not be required unless specifically requested by the Commission. In addition, a sample of the equipment could be requested for testing under the type acceptance program or the verification program.

17. After a study of the various equipment authorizations available, the Commission has decided to require type acceptance for marine radars based on the requirements in Part 2 of this chapter. For radars which will be used in compulsorily installed ship-radar stations, test data and measurement

procedures must be submitted to the Commission along with an affidavit stating that the radar has been manufactured and tested to meet the requirements in § 83.465 of the Commission's rules. Since the Commission does not have the facilities to test for the performance requirements specified in § 83.465 and there are no established measurement procedures for these requirements, the Commission feels that this is the most equitable method of assuring compliance with the requirements. The Commission will explore the possibility of using existing test facilities, including those of other Administrations, or establishing a test facility of its own to evaluate the performance requirements. The Commission will also be evaluating the test methods used in demonstrating compliance.

18. The Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

19. Regarding questions on matters covered in this document contact Charles D. Fisher (202) 632-7175.

20. Accordingly, it is ordered, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's rules are amended as set forth in the attached Appendix (B), effective April 27, 1981.

21. It is further ordered, That the proceedings in Docket Numbers 18948 and 80-108 are terminated. (Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307) Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix A

List of Commenters

(Chronologically, by filing date)
Radio Technical Commission for Marine Services (RTCM)
American Radio Association (ARA)
United States Coast Guard (U.S.C.G.)
American Institute of Merchant Shipping (AIMS)
Exxon Company, USA (Exxon)
Atlantic Richfield Company (ARCO)
Sperry Marine Systems (Sperry)
Sun Transport, Inc. (Sun)
National Oceanic and Atmospheric Administration (NOAA)*
Peter M. Talbot (Talbot)*

*Late filings

Reply Commenters

Decca Radar Limited (Decca)
American Radio Association (ARA)
Electro-Nav, Inc. (El-Nav)
Swedish Shipowners Association (SSA)*

Appendix B

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.70, paragraph (b) is amended by adding the following sentence to the end of the text to read as follows:

§ 83.70 Application for inspection and certification.

* * * * *

(b) * * *

In the case of ship radar stations, the license of the service representative shall, in addition, bear the radar endorsement.

* * * * *

2. In § 83.107, paragraph (a) is revised to read as follows:

§ 83.107 Antenna requirements.

(a) The antenna(s) of each ship station and ship radar station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

* * * * *

3. Section 83.110 is revised to read as follows:

§ 83.110 Maintenance of transmitter power.

(a) The actual power of each radio transmitter in a ship station or ship radar station shall, insofar as is practicable, be no more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the power specified in the license.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter in a ship station, rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts, shall be fitted with the instruments necessary to determine the transmitter power during its operation.

4. In § 83.115, paragraphs (a)(1), (a)(2) and (e) are revised to read as follows:

§ 83.115 Retention of radio station logs.

(a) * * *

(1) Station logs involving communications or other entries incident of a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications other matter incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(e) The logs of the bridge-to-bridge and ship radar stations shall be retained at their respective principal operating locations on board the vessel for a period of not less than 30 days from the date of entry. The ship radar station log may alternatively be retained during this period in the radio room. After the 30-day period these logs may be removed from the principal operating locations of their respective stations and filed at a place where they will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

5. Section 83.138 is revised to read as follows:

§ 83.138 Special requirements for ship radar transmitters.

(a) Each radar transmitter authorized in a ship-radar station must be type accepted or type approved by the Commission. After April 27, 1981, radar transmitters will only be type accepted pursuant to the type acceptance procedure set forth in Part 2 of this chapter. Radar transmitters type approved prior to the effective date for type acceptance may continue to be licensed.

(b) In order to license a type accepted or type approved radar for use in a compulsorily installed ship-radar station, it must comply with the requirements in § 83.465. The grantee of such a type accepted or type approved radar transmitter shall demonstrate compliance with the performance requirements by submitting the test data and the measurement procedures employed. The grantee shall also submit a signed affidavit which states:

This radar has been manufactured and tested to meet the requirements specified in Section 83.465 of the Commission's Rules. To the best of my knowledge the test data is correct and the tests have been performed in accordance with the procedures described. Each unit manufactured will conform to the

unit tested within the variations that can be expected due to quantity production and testing on a statistical basis.

(c) In addition to meeting all other applicable requirements, all transmitters shall comply with the following limitations and conditions:

(1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radio determination service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part.

6. In § 83.405, subparagraph (d)(1) is revised by adding a phrase to the end of the text and subparagraph (d)(3) is amended by redesignating present entry (vi) as entry (vii), and inserting a new entry (vi) as follows:

§ 83.405 Special provisions applicable to ship radio stations.

* * * * *

(d) * * *

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph and by paragraph (b) of § 83.464.

* * * * *

(3) * * *

(vi) On vessels with radar installations compulsorily installed, such entries as are required by paragraph (b) of § 83.464.

(vii) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

* * * * *

7. The title of Subpart R is revised to read as follows:

Subpart R—Radiotelegraph and Ship Radar Stations Provided for Compliance With Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention

8. Section 83.442 is revised to read as follows:

§ 83.442 Radio station.

The radio station required to be provided on a ship by reason of the provisions of part II of title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The radio station consists of a radiotelegraph station and a ship radar station. The radiotelegraph station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443, a radiotelephone installation¹ and such other equipment as may be necessary for the proper use and operation of these installations. The ship radar station comprises a radar installation and such other equipment and facilities as may be necessary for its proper use and operation.

9. Section 83.447 is revised to read as follows:

§ 83.447 Routing of power supply wiring.

The conductors connecting the main power supply to the main installation, and those connecting the reserve power supply to the reserve installation, and those connecting the radar power supply to the ship radar station, shall be so routed as to ensure adequate protection from mechanical injury, shall be protected from overload, and shall be kept clear of electrical grounds.

§ 83.460 [Redesignated from § 83.464.]

10. Redesignate present § 83.464 as § 83.460 and add a new § 83.464 as follows:

§ 83.464 Requirements of radar installation.

All radar installations provided to meet the requirements of the Safety Convention shall comply with the following conditions in addition to all other applicable requirements of Part 83 of this chapter.

(a) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off

¹Effective January 1, 1980, radiotelephone installations are required.

and operated from that position. The installation shall be such that the radar functions normally within the guidelines set by § 83.465.

(b) In accordance with the provisions of paragraphs (c) and (d) of § 83.405, an entry shall be made without undue delay in the ship radar station log whenever; (1) the radar becomes inoperative or its output becomes in any way suspect; (2) a radar fault is cleared (the entry to include the means whereby the clearance was accomplished); and (3) routine or extraordinary maintenance is carried out.

(c) A reflection plotter shall be available and facilities for plotting provided as necessary.

11. Add new § 83.465 as follows:

§ 83.465 Ship radar station.

All compulsorily installed ship radar stations shall, in addition to meeting all other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee 65—Ship Radar. These requirements shall take effect on April 27, 1981 and shall not be retroactive. These specifications may be obtained from the Radio Technical Commission for Marine Services, c/o Federal Communications Commission, Washington, D.C. 20554 or from the Commission's Private Radio Bureau. The applicable specifications hereby incorporated by reference in this subpart are the following:

(a) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards, For New Radar Installations." This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC-65 Final Report.

(b) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards For Ships Already Fitted. This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC-65 Final Report.

(c) Requirements for Tools, Test Instruments, Spares and Technical Manuals may be found in Appendixes I, II, III and IV of Part IV of Volume III of the SC-65 Final Report.

(d) Specifications for reliability testing may be found in Part V of Volume III of the SC-65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator—Transponder Equipment".

[FR Doc. 81-9344 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Effect of Strike; Withdrawal of Provisions Relating to Intra-company Transferees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Withdrawal of paragraph of Final Rule.

SUMMARY: In the Federal Register of January 19, 1981 [46 FR 4856], the Service published a final rule which sets forth restrictions on the admission and continued employment of nonimmigrant temporary workers, intra-company transferees, and students in the occupations and at the places of strikes or other labor disputes involving work stoppages. This notice serves as a withdrawal of that provision in the final rule which relates to intra-company transferees. The remaining provisions of the final rule shall be effective on March 30, 1981.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

For specific information: Michael Heilman, General Attorney, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-2620.

SUPPLEMENTARY INFORMATION: On January 19, 1981 [46 FR 4856] the Immigration and Naturalization Service published a final rule which sets forth restrictions on the admission and continued employment of nonimmigrant temporary workers, nonimmigrant intra-company transferees, and nonimmigrant students in the occupations and at the strike sites or other labor disputes involving work stoppages. The rule was to be effective on February 18, 1981, but the effective date was postponed until

March 30, 1981 to comply with the President's Memorandum of January 29, 1981, which required agencies to postpone pending final regulations for a period of 60 days. The Service published notice of postponement of the effective date of the final rule at 46 FR 10901 on February 5, 1981.

After appropriate review of the postponed rule by the Office of Management and Budget and the Service, it has been determined that the provisions relating to the work authorization of nonimmigrant intra-company transferees should be withdrawn from the final rule pending further review. Therefore, paragraph (1)(3a) *Effect of Strike*, § 214.2, relating to intra-company transferees (defined in Section 101(a)(15)(L) of the Act) is removed from the final order before it becomes effective on March 30, 1981.

For the reasons set out in the preamble, 8 CFR 214.2(1)(3a) *Effect of Strike*, in FR Doc. 81-1769 (46 FR 4858, dated January 19, 1981), is withdrawn.

(Secs. 103, 214; 8 U.S.C. 1103, 1184)

Dated: March 25, 1981.

Doris M. Moissner,
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-9348 Filed 3-26-81; 10:40 am]

BILLING CODE 4410-10-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2613 and 2615

Office of Management and Budget Approval of Regulations Under the Federal Reports Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of approval of recordkeeping and reporting requirements.

SUMMARY: This notice announces the effective date of the recordkeeping and reporting requirements of 29 CFR Part 2613, Employer Liability for Single Employer Plan Terminations, and 29 CFR Part 2615, Determination of Plan Sufficiency and Termination of Sufficient Plans. When originally published on January 28, 1981, these regulations noted that the recordkeeping and reporting requirements would be effective on the later of the effective date of the regulation or the date the PBGC published an announcement of OMB approval. On March 7, 1981, OMB approved both of these regulations. Accordingly, the recordkeeping and reporting requirements of 29 CFR Parts 2613 and 2615 are effective on April 1, 1981.

EFFECTIVE DATE: April 1, 1981.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published a regulation on Employer Liability for Single Employer Plans, 46 FR 9520, and a regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 46 FR 9532. Both of these regulations were made effective March 1, 1981, with the proviso that all recordkeeping and reporting requirements of the regulations would be stayed beyond the March 1 date unless, prior to that date, PBGC received the approval of the Office of Management and Budget, as required under 44 U.S.C. Chapter 35, the Federal Reports Act. The regulations further stated that upon receipt of OMB approval, PBGC would publish an announcement of that approval or any modifications to meet OMB requirements. Accordingly, the effective date of the recordkeeping and reporting requirements of both regulations was to be the later of March 1, 1981 or the publication of the announcement of OMB approval.

On February 19, 1981, PBGC published a notice in the Federal Register (46 FR 12970) delaying the effective date of these two regulations until April 1, 1981, pursuant to the President's Memorandum on Postponement of Pending Regulations, dated January 29, 1981, and published in the Federal Register on February 6, 1981 (46 FR 11227).

OMB has now approved the recordkeeping and reporting requirements of both the employer liability and plan sufficiency regulations. The approval was given on March 7, 1981, for use through December 31, 1982. The OMB approval number for 29 CFR Part 2613, Employer Liability for Single Employer Plan Terminations is No. 1212-0017. The OMB approval number for 29 CFR Part 2615, Plan Sufficiency and Termination of Sufficient Plans is No. 1212-0018. Accordingly, the regulations, including all recordkeeping and reporting requirements, will be effective April 1, 1981.

Issued at Washington, D.C. on this 24th day of March, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-9397 Filed 3-26-81; 9:45 am]

BILLING CODE 7708-01-M

Proposed Rules

Federal Register

Vol. 46, No. 59

Friday, March 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Parts 317 and 381

[Docket No. 80-068N]

Prior Labeling Approval Pilot Program

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of pilot program.

SUMMARY: On October 31, 1980, the Food Safety and Quality Service (FSQS) published in the Federal Register a document announcing that, in an effort to streamline its regulatory procedures, it is considering amending the meat and poultry inspection regulations to include the delegation of certain labeling authority to Inspectors-in-Charge in the field. A pilot program began December 1, 1980, in three selected meat and poultry inspection areas. In an effort to obtain additional information and experience in order for the Agency to make an informed decision concerning any amendment to the regulations under consideration, the pilot program is being extended 120 days beyond the March 31, 1981, termination date.

DATE: Pilot program to be extended until July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Moyer Schwing, Deputy Director, Meat and Poultry Standards and Labeling Division, Compliance Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4293.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), FSQS conducts a program for approving labels and other labeling prior to their use on federally inspected meat and poultry products.

In an effort to streamline the prior approval process, which had been operated exclusively at Agency headquarters in Washington, D.C., a joint Compliance/Meat and Poultry Inspection (MPI) Task Force recommended that FSQS delegate certain labeling approval authority to Agency field offices. FSQS published an advance notice of proposed rulemaking on October 31, 1980 (45 FR 72197), in which it announced that it would test the feasibility of this recommendation.

The regulatory changes under consideration would:

1. Allow the Inspector-in-Charge to approve final labeling which is identical to a sketch previously approved by the Washington Office;
2. Separate labeling into two distinct classes—"simple" and "nonsimple" labeling, as described in the advance notice of proposed rulemaking, and;
3. Delegate the labeling approval authority for simple labeling to the Inspector-in-Charge at the field level.

Three areas were selected for the pilot program. They were: Missouri (Southwestern Region), Kentucky (Southeastern Region), and the Hyattsville area, including Maryland, Delaware, and the District of Columbia (Northeastern Region). The comment period closed December 31, 1980, but was reopened January 23, 1981, (46 FR 7387) to February 23, 1981. The pilot program commenced December 1, 1980, and was originally scheduled to terminate March 31, 1981.

Extension

The Agency has decided to extend the pilot program for 120 days beyond March 31, 1981, until July 29, 1981. This extension will permit the continued operation of the pilot program while the Task Force analyzes the data already gathered from the program. The purpose of the extension is to obtain additional information and experience needed by the Agency to make an informed decision concerning any proposed amendment to the meat and poultry inspection regulations. The extension will also permit industry and the Agency to gain additional experience in the field with the pilot program procedures at no additional government expense. Businesses which have found participation in the program to be beneficial can continue to voluntarily submit their labels for approval to the

field inspectors until the pilot program concludes.

After considering the comments received in response to the notice of October 31, 1980, and after evaluating the results of the pilot program, FSQS will determine whether field delegation of certain labeling approval authority should be proposed as an amendment to the meat and poultry inspection regulations. Notice of the Agency's findings, including any proposed rulemaking, will be published in a future issue of the Federal Register.

Dated: March 25, 1981.

Donald L. Houston,
Administrator, Food Safety and Quality Service.

[FR Doc. 81-8237 Filed 3-28-81; 8:45 am]

BILLING CODE 3410-DH-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17644; File No. S7-873]

Customer Complaint Registries

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission has published notice of a proposed rule concerning the establishment of customer complaint registries. In view of several requests to extend the period for public comment received by the Commission from parties with a substantial interest in the proposed rule, the Commission has determined to extend the period for public comment to May 1, 1981.

DATES: Comments must be received on or before May 1, 1981.

ADDRESSES: All comments should refer to File No. S7-873 and should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stuart Strauss, Esq., Division of Market Regulation, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2413.

SUPPLEMENTARY INFORMATION: On February 19, 1981, the Commission published for public comment proposed Rule 17a-24 concerning the establishment of customer complaint registries.¹ The period for public comment with respect to proposed Rule 17a-24 is due to expire on March 20, 1981. The purpose of this release is to extend the comment period on the proposed rule to May 1, 1981. The Commission has recently received requests from the Municipal Securities Rulemaking Board, the Public Securities Association, the Securities Industry Association, the Chicago Board Options Exchange and Waddell & Reed, Inc. to extend the time period for the submission of public comments. In view of requests from these parties, who have a substantial interest in the proposed rule, the Commission has determined that the comment period should be extended in order to ensure an adequate opportunity for all interested persons to comment on the proposed rule.

Accordingly, all interested persons are invited to submit in writing, no later than May 1, 1981, 10 copies of their views concerning proposed Rule 17a-24 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-873 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

By the Commission,
George A. Fitzsimmons,
Secretary.

March 20, 1981.

[FR Doc. 81-9233 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF LABOR**Employment and Training Administration****20 CFR Part 655****Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology; Proposal to Withdraw Revised Rule**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking; withdrawal of rule.

SUMMARY: The Department of Labor proposes to withdraw the final rule published on January 16, 1981, which would have established a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program. Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers.

DATES: The public is invited to file written comments on this proposal to withdraw the final rule. Comments must be filed on or before April 27, 1981. In view of the issuance of this proposed withdrawal of the rule, the effectiveness of this rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect and since the agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, the agency also finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of section 553(b)(3)(B) of the Administrative Procedure Act.

ADDRESS: Written comments on the proposal to withdraw the final rule may be mailed to Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Room 8000—Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell (telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION: On January 16, 1981, a document was published in the Federal Register announcing a final rule revising the adverse effect wage rate methodology for the temporary alien agricultural labor certification program. 20 CFR § 655.207; 46 FR 4568. The effective date of that final rule was deferred through March 30, 1981, in response to the President's January 29, 1981, Memorandum to the Secretary of Labor and other cabinet officials. 46 FR 11253 (February 6, 1981). The revised rule is being withdrawn at this time, however, so that the subject of adverse effect wage rates may be included in the

Department of Labor's broader review of its policies regarding immigration, refugees, and other issues dealing with the admission of aliens to the United States. The rulemaking record preceding the issuance of the final rule will be included in the Department's review process.

The approach of the 1981 harvest season necessitates the issuance of adverse effect wage rates as soon as possible. Since the methodology at 20 CFR 655.207 (1980) remains in effect, and requires that adverse effect wage rates be issued pursuant to it annually, a separate notice document is being published in the Federal Register, announcing agricultural adverse effect wage rates for 1981.

Accordingly, it is proposed that the final rule revising 20 CFR 655.207, published on January 16, 1981, at 46 FR 4568 (FR Doc. No. 81-1623), be withdrawn and the rulemaking closed.

Development of Proposed Rule

The proposed rule was prepared under the direction and control of Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Washington, D.C.

Regulatory Impact

If this proposed rule is adopted, the effect would be to retain the present adverse effect wage rate methodology contained in 20 CFR 655.207 (1980). That regulation impacts upon agricultural employers, in general, less than the rule being withdrawn. At the same time, 20 CFR 655.207 (1980) maintains a system of adverse effect wage rates to protect U.S. workers from the adverse effect of the importation of temporary alien agricultural workers.

The regulatory and economic impact of the rule proposed to be withdrawn and the current adverse effect wage rate methodology were discussed at great length in the document published at 46 FR 4568 (January 16, 1981).

For the above reasons, it has been determined that this proposal to withdraw the January 16, 1981, final rule is not so major as to require the preparation of a regulatory impact analysis. See E.O. 12291 (February 17, 1981). This shall also reflect that the Secretary of Labor has certified, in accordance with 5 U.S.C. 605(b), that the proposed regulation in this document will not have a significant impact on a substantial number of small business entities.

¹ Securities Exchange Act Release No. 17557 (February 19, 1981) 46 FR 14132 (February 26, 1981).

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment." (Immigration and Nationality Act (8 U.S.C. 1101, 1184(c)); 8 CFR 214.2(h)(3)(i); (5 U.S.C. 301))

Signed at Washington, D.C., this 24th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81-9411 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 81N-0004]

Policy for Irradiated Foods; Advance Notice of Proposed Procedures for the Regulation of Irradiated Foods for Human Consumption

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering proposing procedures for regulating irradiated foods. As a first step, FDA is making available to the public for comment the report of an internal agency task force, the Bureau of Foods' Irradiated Food Committee. The agency is publishing this notice to encourage interested persons to submit pertinent data and to express their views to aid in FDA's decisions on this subject. The preamble to any proposed procedures for the regulation of irradiated foods will include consideration of comments received in response to this notice.

DATE: Comments, information, and data by June 25, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Introduction

In 1958, the Congress amended the Federal Food, Drug, and Cosmetic Act (the act) prohibiting the use of a new

food additive until the sponsor establishes its safety and FDA issues a regulation specifying conditions of safe use. This amendment was the result of an extensive examination of the safety of the American food supply and the recognition that substances added to food may have a potential harmful effect.

Congress also showed concern over a new method of food preservation with ionizing radiation and specifically included sources of radiation in the definitions of food additive [section 201(s)] and adulterated food [section 402(a)(7)] of the act. Section 201(s) states: "The term 'food additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), * * * [emphasis added]. The adulteration clause, section 402(a)(7) states: "A food shall be deemed to be adulterated— * * * (a) * * * (7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409." The specific inclusion of irradiated food in the amendment shows clearly that the FDA is responsible for regulating the use of irradiated foods by requiring a rigorous review of the potential hazards associated with this food treatment.

Background

Food irradiation may involve the following sources of ionizing radiation: gamma radiation from radionuclides, high energy electrons derived from electron beam accelerators, and X-rays. A variety of technical effects such as sprout inhibition, insect control, pasteurization, and food sterilization have been demonstrated.

These technical effects are a function of the absolute amount of energy absorbed by food (expressed as radiation dose in rads). In considering the safety of irradiated foods, the agency has considered both the induction of new radioactive species and production of toxic radiolytic products. The question of induction of new radioactive species was resolved in the early 1960's: the accumulated evidence shows that the use of ionizing radiation of appropriate source energy levels does not induce any detectable radioactivity in foods when measured

by methods that can easily detect the presence of radioisotopes that occur naturally in foods. The question of the safety of radiolytic products is addressed in the Bureau of Foods' Irradiated Food Committee report. (A National Bureau of Standards paper, "Radioactivity Criteria for Radiation Processing of Foods" by H. W. Koch and E. H. Eisenhower, is on file with the FDA Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 and may be seen from 9 a.m. to 4 p.m. Monday through Friday. The Bureau of Foods' Irradiated Food Committee report is also on file and copies are available on request from the Dockets Management Branch, (address above).

Applications for food irradiation extend from low doses for limited shelf-life extension to high doses for complete sterilization of foods. Existing alternative methods for achieving these effects in foods require the use of a variety of chemical and physical means. For example, irradiation might be used as a substitute for food additives (nitrite), fumigants (ethylene dibromide, ethylene oxide), and plant regulators (maleic hydrazide), and as a food processing technique for food preservation (canning, pasteurization).

In the 1960's FDA received several petitions for regulation of irradiation processing for various types of foods. At present only irradiation for sprout inhibition of potatoes and insect disinfestation of wheat and wheat flour are approved, and there has been no commercial application of these approved uses.

There have been many difficulties encountered in the process of determining whether irradiated foods are safe. In the past, toxicological indices and protocols were applied to irradiated foods as if the whole irradiated food were a discrete chemical entity similar to a "conventional" food additive. This approach was based on section 409(c)(5)(A) of the act, which states: "In determining * * * whether a proposed use of a food additive is safe, the Secretary shall consider among other relevant factors—(a) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive; * * *." A major problem with the safety evaluation of irradiated foods was the lack of knowledge of the identity, amount, and toxicity of the radiolytic products formed in food by irradiation. Thus, irradiated food, a food containing unknown amounts of radiolytic products formed by the irradiation process, was

tested for safety using chronic animal feeding studies.

Evaluating the safety of irradiated foods by such testing methods was impractical, for several reasons. The most significant problem was the limited ability to obtain a "safety factor" from a classical dose response curve obtained from animal feeding studies. Because irradiated food itself was considered the "chemical" to be tested in these studies, it was very difficult to feed the exaggerated amounts of food that are necessary for the purpose of traditional toxicity testing. For example, it is not possible to obtain a 100-fold safety factor if the food fed to animals is greater than 1 percent of the total human diet. It was further recognized in early studies that increasing the radiation dose (10x, 100x, etc.) as a means of exaggerating the amount of radiolytic products is not a viable alternative for practical as well as theoretical reasons.

The renewed interest in irradiation as a possible safe alternative to chemicals in food led the agency to review the complex issue of irradiated foods. An internal FDA task force, the Bureau of Foods's Irradiated Food Committee, was formed to evaluate the agency's policy on irradiated foods according to the current state-of-the-art knowledge in toxicology and radiation chemistry and to recommend criteria for safety evaluation. The Committee submitted its final report to the Director, Bureau of Foods, FDA, in August 1980.

The Committee has submitted the following recommendations:

a. Food irradiated at doses of 100 kilorads (krad) or less will be considered wholesome and safe for human consumption.

b. Food irradiated at doses exceeding 100 krad will be subject to toxicological testing consisting of a battery of four short-term mutagenicity tests and two 90-day feeding studies (one rodent, one nonrodent mammalian species).

c. A food class comprising no more than 0.01 percent of the daily diet and irradiated at doses of 5 megarads (Mrad) or less will be considered safe for human consumption without toxicological testing.

The work of the Committee did not include a complete evaluation of existing toxicologic data. The Committee focused on how the safety of irradiated foods can be scientifically evaluated, applying scientific principles, and not on whether any irradiated food has been demonstrated to be safe. Hence, these recommendations were based on: (1) projected levels of human exposure, (2) qualitative and quantitative estimates of radiolytic products and how these compare with

common food constituents in the human diet, and (3) state-of-the-art sensitivity of toxicological tests.

The agency has accepted the Committee's report on the safety evaluation of irradiated foods and will supplement this report with recent experimental data relevant to the safety of irradiated foods.

The agency is considering the following actions:

1. Proposal of a regulation on the Commissioner's initiative under section 409 and other provisions of the act permitting irradiation of any food at a dose not exceeding 100 krad. FDA is initially considering monitoring food irradiation at such a dose by a registration process. Alternatively, FDA is also considering requiring a limited petition that demonstrates the intended technical effect of the process but without the additional safety data that would ordinarily be required to support a food additive petition.

2. Publication of guidelines for the preparation of petitions seeking FDA approval for food irradiation at a dose exceeding 100 krad.

3. Adoption of a policy that a food class comprising only a minor portion of the daily diet and irradiated at a dose of 5 Mrad or less may be considered safe for human consumption based upon minimal biological testing.

FDA also will consider the report of the Joint FAO/IAEA/WHO Expert Committee on Wholesomeness of Irradiated Food in its evaluation. This international committee, sponsored by the Food and Agriculture Organization, International Atomic Energy Agency, and the World Health Organization, first met in 1976 to review and assess all data on the wholesomeness of irradiated foods and to identify specific uses of food irradiation where data were sufficient to conclude that the process could be used safely. The most recent meeting of this Committee in Geneva from October 27 to November 3, 1980, was held to review data accumulated worldwide since 1976 to establish the wholesomeness of irradiated foods. The Committee's proceedings will have a direct bearing on any Codex Alimentarius standards that are developed for irradiated foods and sent to member States for approval.

Request for Comments

FDA invites public comment on all aspects of the agency's proposed food irradiation policy. The agency is particularly interested in receiving substantive comments on the Bureau of Foods' Irradiated Food Committee report, pertinent data on the safety of irradiated foods, and suggestions for any

necessary safeguards for the irradiation processing of food. These comments will aid FDA in considering its irradiated foods policy. The agency is also aware of the following issues which may have a bearing on its deliberation:

1. Whether there is need for specific good manufacturing practice regulations, including any necessary safeguards, for the irradiation processing of food.

2. Whether there is need for labeling of irradiated foods. The present regulations require the following labeling declarations: "Treated with ionizing radiation" or "Treated with electron radiation" on retail packages, and "Treated with ionizing radiation—do not irradiate again" or "Treated with electron radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

3. The environmental impact of foods processed by irradiation or of the process itself.

4. The economic impact of the proposed agency actions, including any specific good manufacturing practice regulations and any labeling requirements that may be adopted. The proposed changes in criteria for evaluating the safety of processing of food may impose a less costly burden on food processors while still assuring safety.

Any proposed regulation based on this advance notice would have beneficial economic impact on manufacturers, due to reduced testing requirements. FDA requests information and views on whether any such proposed regulation will be a "major rule" under the criteria in section 1(b) of Executive Order 12291, as well as information to enable the agency to determine whether to prepare an initial regulatory flexibility analysis as required by the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 603 and 604). FDA specifically requests information on the total number of businesses affected by the proposal, the number of small businesses affected by the proposal, and the effect (in quantitative terms, where feasible) on each firm, including any small business.

Interested persons may, on or before June 25, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this advance notice of proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this

document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-9348 Filed 3-24-81; 3:59 pm]

BILLING CODE 4110-03-M

21 CFR Parts 73 and 81

[Docket No. 81C-0023]

Caramel; Proposed Color Additive for Use in Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to permanently list caramel as a color additive for general use in cosmetics and to exempt it from certification. The Cosmetic, Toiletry, and Fragrance Association, Inc., filed a petition for this use.

DATES: Comments by April 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 established a system of premarket approval for all color additives used in foods, drugs, and cosmetics. Under the amendments, the sponsor of a color additive has the burden of demonstrating prior to marketing that the additive is safe for its intended use.

Recognizing that many colors were already in use at the time the amendments were enacted, Congress established transitional provisions to allow for the provisional listing and continued use of those colors where completion of studies was necessary to determine whether they should be permanently listed under the standards established in the new amendments.

Section 81.1 (21 CFR 81.1) of the color additive regulations designates those color additives that are provisionally listed under section 203(b) of the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), along with their respective "closing dates." A "closing date" is the last day upon which a

provisionally listed color may legally be used, absent an approval of the color additive petition and its permanent listing.

A color additive may be permanently listed only if data establish that it is safe under its intended conditions of use. The transitional provisions permit the provisional listing of color additives for a period of time necessary to complete scientific investigations needed to establish their safety.

Caramel was provisionally listed as a color additive for use in cosmetics in 1961 (26 FR 7578; August 16, 1961). In 1976 the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA) submitted a color additive petition (CAP 6C0120) requesting that caramel be permanently listed for use in cosmetics, including ingested cosmetics such as lipsticks and mouthwashes, externally applied cosmetics such as body lotions, hair preparations, baby products, and suntan lotions, and cosmetics for use in the area of the eye.

The petition was not accepted for filing because the data did not include information to support the safety of long-term external applications of this color. For the reasons set forth elsewhere in this document, the agency is now withdrawing its requirement for additional testing on the effects of long-term external use, and, therefore, the petition has now been filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). Normally a notice of filing is published in the Federal Register. However, because the agency is now prepared, as a result of the changed toxicological requirements, to act on this petition, and because the agency wishes to ensure that the comments it receives on this petition are as informed as possible, FDA decided to issue a proposal indicating its tentative decision to permanently list caramel as a color additive for cosmetics before taking final action. This proposal is also intended to satisfy the agency's obligation under § 71.2(b) (21 CFR 71.2(b)) to publish a notice of filing of a petition and a brief description of that petition.

FDA published a proposal in the Federal Register of September 23, 1976 (41 FR 41860) to extend to December 31, 1980 the closing date for the provisional listing of caramel, because of the need for additional toxicity data to assess the safety of caramel for the petitioned uses. The proposal outlined the need for data from the following studies:

1. A short-term eye area study, to provide a measure of assurance of safety for use in eye area cosmetics.

2. A short-term animal skin painting study, to support the use of caramel in externally applied cosmetics.

3. A two-year mouse skin-painting study, to determine whether caramel causes chronic adverse effects, including carcinogenicity, upon external application.

A final rule based on the September 23, 1976, proposal was published in the Federal Register of February 4, 1977 (42 FR 6992). The rule postponed the closing date for caramel until January 31, 1981. (This closing date has been extended to July 20, 1981 by a notice published elsewhere in this issue of the Federal Register.)

CTFA submitted to FDA data from the required eye area study in 1977 and the 90-day dermal test results in 1978. CTFA delayed initiating the 2-year skin-painting study because of questions that had arisen in the international scientific community concerning the chemical identity and purity of various types of caramel. CTFA was uncertain about which type of caramel to use in the skin-painting study. These chemical questions still have not been resolved.

However, research is being conducted at the Ontario Research Foundation on the chemical characterization of caramel colors, and biennial reports on this work are submitted to the agency by the International Technical Caramel Association. Copies of these biennial reports are on file with the Dockets Management Branch.

Reviews of the eye area study and the 90-day dermal study indicate that those data support the safety of caramel. Furthermore, the agency has recently determined that data from a chronic skin-painting study would not contribute significantly to further evaluation of the safety of caramel. The model for carcinogenesis induced by topical application has several disadvantages, one of which is the inherent limitation on dosage. The small area available for skin painting, which avoids oral ingestion in a small animal such as the mouse, imposes restrictions on experimental exposure that make it unlikely that positive results could be elicited by caramel. Because this natural color is composed predominantly of polysaccharides,¹ and because of its molecular size and solubility, the agency concludes that topical application of caramel would result in minimal, if any, skin penetration. This minimal skin penetration is reflected in the absence of

¹ Although caramel is made up predominantly of large molecular weight polymers, it contains a maximum of 15 percent of small molecular substances many of which are as yet unidentified.

local or systemic toxic effects from topical administration. The lack of any local effects in rabbits following repeated (90-day) dermal applications and the lack of positive effects in the Salmonella/Ames test clearly reinforce the view that the proposed skin-painting study of caramel would provide no additional assurance of safety. Accordingly, under § 70.42(b) (21 CFR 70.42(b)), FDA hereby withdraws its requirement for a two-year mouse skin-painting study.

FDA's regulations provide that a color additive is "safe" if there is "convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." (21 CFR 70.3(i).) Caramel is generally recognized as safe (GRAS) (21 CFR 182.1235) for use in foods as a flavor. On the basis of its GRAS status, caramel was permanently listed as a color additive for use in foods (21 CFR 73.85) in the Federal Register of June 25, 1963 (28 FR 6498) and as a color additive for use in coloring ingested and topically applied drugs (21 CFR 73.1085) in the Federal Register of July 14, 1963 (28 FR 8309).

Therefore, in view of the long in-use safety record of caramel and the additional safety data submitted by CTFA, the Commissioner of Food and Drugs hereby withdraws the agency's requirement for a 2-year mouse skin-painting study and proposes to list caramel as a color additive for general use in cosmetics. FDA will consider any comments it receives in response to this proposal and then publish a final rule on this petition in accordance with 21 U.S.C. 706(d) and 701(e).

The agency has determined under 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this regulation would have on small entities, including small businesses. The agency has determined that because the effect of the proposed regulation is to continue current uses that have been permitted by the provisional listing of caramel, no adverse small business economic impact will result from this action.

This proposal is exempt from the requirement to perform a Regulatory Impact Analysis under section 3(a) of Executive Order 12291 because this rulemaking is subject to the formal rulemaking provisions of 5 U.S.C. 556

and 557 by virtue of sections 706(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d) and 371(e)). See section 1(a)(1) of the Executive Order 12291.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706(b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 98-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 73 and 81 be amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. Part 73 is amended in Subpart C by adding new § 73.2085 to read as follows:

§ 73.2085 Caramel.

(a) *Identity and specifications.* The color additive caramel shall conform in identity and specifications to the requirements of § 73.85(a)(1), (2), and (3) and (b).

(b) *Uses and restrictions.* Caramel is safe for use in coloring cosmetics generally, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additives and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirement of section 706(c) of the act.

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

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional listing of color additives*, by removing "caramel" from the list in paragraph (g).

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing*, by removing paragraphs (b)(1), (2), and (3) and (d).

Interested persons may, on or before April 27, 1981 submit to the Dockets Management Branch (HFA-305), Food

and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 24, 1981.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-6343 Filed 3-24-81; 3:55 pm]
BILLING CODE 4110-03-M

21 CFR Part 165

[Docket No. 80N-0439]

Soda Water; Amendment of Standard; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; further extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is further extending the period for submitting comments on a proposal to amend the standard of identity for soda water to accomplish the following: (1) Designate kola nut extract, rather than caffeine from this extract or from other extracts that naturally contain caffeine, as the mandatory ingredient in "cola" and "pepper" type soda water beverages; (2) provide for decaffeinated "cola" or "pepper" soda water beverages under the standard of identity; (3) continue to permit the use of added caffeine in these beverages as an optional ingredient. This action is based on requests received by FDA.

DATE: Comments must be received on or before July 29, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1980 (45 FR 69816), FDA proposed to amend the standard of identity for soda water to delete the requirement that "cola" and "pepper" beverages contain "caffeine

from kola nut extract and/or other natural caffeine-containing extracts." As amended, the standard would designate kola nut extract per se as the mandatory characterizing ingredient in "cola" and "pepper" beverages and allow explicitly for these beverages to be decaffeinated. The amended standard would continue to allow the use of added caffeine as optional ingredients up to maximum total level of 0.02 percent by weight. Written comments were to be submitted on or before December 22, 1980.

FDA received several requests for extension of the comment period. After carefully evaluating the merits of the requests for extension of the comment period, FDA concluded that an extension was necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. Therefore, FDA published in the Federal Register of December 23, 1980 (45 FR 84837) a notice extending the comment period to March 23, 1981.

FDA has now received requests for an additional extension of the comment period from the National Soft Drink Association, PepsiCo, Inc., the Coca-Cola Co., the Dr. Pepper Co., the National Coffee Association of U.S.A., Inc., and the Grocery Manufacturers Association. These requests, and the earlier ones, are on file with the Dockets Management Branch, FDA.

It is apparent from the requests for extension of time that significant review and analysis of this matter is being diligently pursued by interested parties, and that this review and analysis is in part based on records only recently provided by FDA under the Freedom of Information Act. FDA has carefully reviewed these requests for extension of time in this matter and has concluded that an extension of 120 days in which to comment is appropriate.

Interested persons may, on or before July 29, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 20, 1981.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9103 Filed 3-23-81; 11:01 am]
BILLING CODE 4110-03-M

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; further extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is further extending the period for submitting comments on a proposal to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are considered necessary to resolve questions about the safety of caffeine added to food. These questions include the potential fetotoxic and teratogenic properties of caffeine, the comparative metabolism and pharmacokinetic handling of caffeine in humans and experimental animals, the potential behavioral effects of caffeine, particularly in children, the potential reproductive effects of caffeine, and the potential carcinogenicity of caffeine. The studies FDA proposes to require include both animal studies and human epidemiological studies. In addition, there are questions that need to be addressed about the purpose for which caffeine is added to foods, especially soft drinks. This proposal does not directly affect the caffeine that occurs naturally in such foods as coffee and tea.

DATE: Comments must be received on or before July 29, 1981.

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

62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1980 (45 FR 69817), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are considered necessary to resolve questions about the safety of caffeine added to food. The document presents the data on caffeine that raise safety questions, explains the basis for FDA's proposal to remove added caffeine from the GRAS list, and describes the studies FDA considers necessary to resolve the existing questions about caffeine's safety and function as an added food ingredient. Written comments were to be submitted on or before December 22, 1980.

FDA received several requests for extension of the comment period. After carefully evaluating the merits of requests, FDA concluded that an extension was necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. A notice was published in the Federal Register of December 23, 1980 (45 FR 84837) announcing extension of the comment period to March 23, 1981.

FDA has now received requests for an additional extension of the comment period from the National Soft Drink Association, PepsiCo, Inc., the Coca-Cola Co., the Dr. Pepper Co., the National Coffee Association of U.S.A., Inc., the Grocery Manufacturers Association, and the Flavor and Extract Manufacturers Association of U.S.A. These requests, and the earlier ones, are on file with the Dockets Management Branch, FDA. The requests contain justifications for an extension of the comment period and data demonstrating

diligence in seeking to meet the current comment period closing date of March 23, 1981.

In the earlier notice (45 FR 84837) granting extension of the comment period to March 23, 1981, FDA noted that the scientific issues involved are complex, and the agency expressed a desire to ensure that all interested parties are given a fair amount of time to comment. At the same time, FDA expressed a desire to ensure that the rulemaking proceeds in a reasonable and timely manner. In this light, FDA has carefully evaluated the requests for a further extension of the comment period. In the agency's view the justifications represent good faith attempts to diligently participate in this scientifically and legally complex rulemaking. Based on the reasons discussed in those requests as well as the several reasons discussed below, the agency believes an extension of time for comments of 120 days is appropriate.

Several extensive Freedom of Information Act (FOIA) requests have been received from potential commenters. These requests seek large numbers of records and have required extensive search and review efforts on the part of agency personnel. Amongst the records sought are those generated by Dr. Collins in his recent study on the teratogenic potential of caffeine in rats (see Ref. 29; 45 FR 69835, October 21, 1980) as well as agency records that bear on whether a prior sanction exists for soft drinks containing caffeine. Many of these records have been made available; however, some were made available only within the last several weeks. In addition, some of the requested records are in a central Federal records storage facility and have not as yet been received by the agency. Upon receipt of any remaining responsive records which are publicly disclosable, the agency will promptly make them available. The agency believes that the limited extension of time being granted will allow the requestors sufficient time to review relevant records made available to them and will also allow them sufficient time to comment fully on the issues presented in this proceeding.

There is also some new evidence, not available before this time, which bears on the issue of the safety of added caffeine. This new evidence will be placed on the administrative record shortly and, at that time, FDA will describe its significance in this rulemaking through a notice in the Federal Register. This notice will serve to amend and update the original proposal published on October 21, 1980.

When the proposal was published, approximately 12 of the scientific articles relied upon by the agency were in a foreign language only. Since that time, FDA has received the English translations for these articles and recently placed the translations in the record in this matter. These translations are now on file in the Dockets Management Branch under the docket number in the heading of this notice. The translations may be found by using the reference numbers of the original citations in the proposed rule. Those reference numbers are 13, 17, 18, 19, 20, 23, 24, 50, 55, 80, and 89 (see 45 FR 69835; October 21, 1980).

During this extended time for comments, FDA will also place into the record for public comment all relevant publicly available records relating to a recent FDA inspection of the Bureau of Foods laboratories at Federal Office Building 8. The agency routinely inspects its own laboratories to ensure compliance with its Good Laboratory Practice regulations (21 CFR 58.1 et seq.). As part of that inspection, the Dr. Collins study dealing with the teratogenic potential of caffeine on rats (Ref 29) was audited. At this time, the agency is placing in the record both the List of Observations (From FD-483) and the Bureau of Foods' initial response of January 29, 1981. When the agency review of this inspection is completed, the remaining publicly available documents will be placed into the record as well. In addition, the agency intends to have the Collins study (Ref. 29) reviewed by a team of qualified scientists who will evaluate the scientific data derived from that study in light of the recent findings of the FDA inspection team. The report prepared by this group will also be made part of the record. All of these records will be available at the Dockets Management Branch in the record for this rulemaking.

The agency fully recognizes its obligations to proceed with this rulemaking in a timely manner. However, for the reasons discussed above, the agency concludes that an additional period of 120 days in which to comment on this proposal is fully justified. To deny additional time for comments would unjustly deprive interested parties as a full and fair opportunity to participate in this important rulemaking in a meaningful way.

Interested persons may, on or before July 29, 1981, submit to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this

proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m. Monday through Friday.

Dated: March 20, 1981.

Joseph P. Hile,
Associate Commissioner for Regulatory
Affairs.

(FR Doc. 81-0104 Filed 3-23-81; 11:07 am)

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 115

[Docket No. R-81-915]

Recognition of Substantially Equivalent Laws; Two States and Nine Localities

AGENCY: Department of Housing and
Urban Development.

ACTION: Notice of transmittal of
proposed rule to Congress under Section
7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review. This proposed rule would amend 24 CFR 115.11 to add two States and nine localities to the list of jurisdictions which HUD recognizes as having fair housing laws substantially equivalent to Title VIII of the Civil Rights Act of 1968.

FOR FURTHER INFORMATION CONTACT:
Burton Bloomberg, Director, Office of
Regulations, Office of General Counsel,
451 7th Street, SW, Washington, D.C.
20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION:
Concurrently with issuance of this
Notice, the Secretary is forwarding to
the Chairmen and Ranking Minority
Members of both the Senate Banking,
Housing and Urban Affairs Committee
and the House Banking, Finance and
Urban Affairs Committee the following
rulemaking document:

24 CFR Part 115—Recognition of
Substantially Equivalent Laws—Two
States and Nine Localities

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 20, 1981.
Samuel R. Pierce, Jr.,
Secretary, Department of Housing and Urban Development.

[FR Doc. 81-9329 Filed 3-23-81; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-88-79]

Investment Credit for Single Purpose Agricultural or Horticultural Structures; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the investment credit for single purpose agricultural or horticultural structures.

DATES: The public hearing will be held on June 25, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 11, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-88-79), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 48 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, January 23, 1981 (46 FR 7397).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking, March 24, 1981, and also desire to present oral comments at the hearing on the

proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 11, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,
Acting Director, Legislation and Regulations Division.

[FR Doc. 81-9400 Filed 3-23-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman"

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: Final regulations scheduled to become effective February 13, 1981, increasing the salary levels used in determining eligibility for exemption under Section 13(a)(1) of the Fair Labor Standards Act for employees employed in a bona fide executive, administrative or professional capacity were published in the Federal Register of January 13, 1981 (46 FR 3010). On February 12, 1981, a notice was published in the Federal Register announcing that the effective date of these regulations was stayed

indefinitely (46 FR 11972). According to this notice, the purpose of that action was to allow the Department to review the rule fully before it takes effect. The comment period was reopened, and pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 were continued.

That notice is now republished herein as a notice of proposed rulemaking, inasmuch as it is proposed that the regulation scheduled to become effective February 13, 1981 be suspended indefinitely. Comments are invited on the question of whether there should be an indefinite suspension of the regulation, pending further review of the regulation. As indicated in the February 12, 1981 notice, comments are also invited regarding the substance of the regulation itself, and specifically regarding the economic effects of the regulation.

DATES: Comments should be received on or before April 27, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523-8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523-8305.

SUPPLEMENTARY INFORMATION: The notice which was published in the Federal Register on February 12, 1981 made clear the Department of Labor's intention to suspend indefinitely final regulations which were to become effective on February 13, 1981. Those regulations increase the salary levels used in determining eligibility for exemption under Section 13(a)(1) of the Fair Labor Standards Act for employees employed in a bona fide executive, administrative, or professional capacity. Such suspension will provide further time for the Department to consider the economic effects of the regulation, and to determine whether it should go into effect in its present form. That notice did not, however, specifically invite public comment with respect to whether such an indefinite suspension should take place. The Department believes that such comment should be invited and considered before any final decision is made regarding indefinite suspension.

Secondly, although the February 12, 1981 notice reopened the comment period to aid the Department in further review of the regulation, it was not made clear what types of comments were desired on the substance of the

regulation. Comments thus far received have tended to be of a general or rhetorical nature, and have failed to focus on the precise economic impact of the regulation. The Department invites specific comment as follows:

1. Economic data (statistical, not anecdotal) on the probable economic impact of raising the salary tests to the revised levels, with respect to employees who specifically meet the duties and responsibilities tests of the regulation;
2. Extent to which employers have already increased salary levels in anticipation of the regulation;
3. Specific effects of the revised salary tests on various industries, or segments of industries.

Accordingly, the following action is proposed:

29 CFR Part 541, as amended at 46 FR 3010, January 13, 1981, is suspended indefinitely, pending further review by the Department; the applicable sections of Part 541 relating to interim salary tests which became effective April 1, 1975, will remain in effect.

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 comp. p. 1004); Secretary's Order No. 16-75, 40 FR 55913, December 2, 1975; and Employment Standards Order No. 78-1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C., this 23rd day of March 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-9387 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. W-005 A]

Walkaround Compensation; Effective Date Delay and Proposed Revocation

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Delay of effective date of final rule and proposed revocation of the regulation.

SUMMARY: OSHA is delaying the effective date of the regulation requiring compensation for employee representatives participating in the walkaround and related portions of an OSHA enforcement inspection from March 30, 1981, to May 30, 1981. The agency is also proposing to revoke the regulation in its entirety. This action is taken as a result of a reevaluation of the

record and the conclusion that it does not sufficiently establish the need for the regulation.

DATES: The effective date of the regulation is delayed until May 30, 1981. All data and comments regarding the proposed revocation must be postmarked on or before April 30, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. W-005 A, Occupational Safety and Health Administration, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. H. Berrien Zettler, Office of Field Coordination, Occupational Safety and Health Administration, Room N-3603, U.S. Department of Labor, Washington, D.C. 20210; Telephone (202) 523-7725.

SUPPLEMENTARY INFORMATION:

I. History of Walkaround Compensation

On September 20, 1977, a legal interpretation was published in the Federal Register (42 FR 47344) which amended section 29 CFR 1977.21 so as clearly to require the payment of walkaround compensation. Subsequently, on October 31, 1980, that regulation was deleted in response to a District Court Order vacating it. (45 FR 72118). On November 14, 1980, OSHA proposed new regulations requiring walkaround compensation and established a 45 day comment period ending December 29, 1980 (45 FR 75232). On January 16, 1981, OSHA published in the Federal Register a final rule on walkaround compensation. The essential requirement of that rule is that employers must pay their employee representatives for time spent during OSHA compliance inspections (46 FR 3852). The original effective date of February 17, 1981, was delayed to March 30, 1981 (46 FR 11253), pursuant to the President's memorandum.

II. Basis and Purpose of the Proposal

By memorandum dated January 29, 1981, President Ronald Reagan requested that all executive agencies postpone for sixty days the effective dates of final regulations promulgated but not yet effective. As a result, the Acting Secretary of Labor issued a notice of deferral in effective dates of regulations in the Federal Register (46 FR 11253). As a result the effective date of the walkaround compensation regulation was delayed from February 17, 1981, to March 30, 1981.

The purpose of this delay was to allow the agencies to reexamine these regulations in the light of the priorities of the new Administration. A thorough

review of the record relating to the walkaround pay issue has been accomplished. The record developed during the comment period for the regulation tended to show overwhelmingly the usefulness of employee representation during an OSHA inspection. The record does not support adequately the need for a walkaround pay regulation. On the contrary, it rather suggests that the vast majority of employers already do pay their employees who serve as walkaround representatives during OSHA inspections. Consequently, the record fails to show that more than a few employees (mostly limited to one industry) have suffered any economic loss by exercising their statutory right. The record is unclear, even in the cases where the employer refused to pay, that the employee actually lost pay. In most cases the union appears to have paid the representative when the employer did not. There are a few instances where employee representation was cut short or eliminated when the employer refused to pay and the union was unable to do so. These few instances, however, do not establish a clear need for a regulation to remedy the problem. Indeed the issue appears to be one which can best be left to the traditional collective bargaining process in those few cases where the employer refuses to pay.

The proposed revocation of the walkaround pay rule is not a major rule under the criteria established by Executive Order No. 12291 on federal regulations. Since the proposed rulemaking is a withdrawal of a regulation and not the promulgation of one, there will be no economic effect.

III. Public Participation

Interested persons or groups are invited to submit written data, views and arguments with respect to this proposal and all issues involved therein. These comments must be postmarked on or before April 30, 1981, and submitted in quadruplicate to: Docket Officer, Docket No. W-005 A, Room S-6212, 200 Constitution Avenue, NW., Washington, D.C. 20210. Comments previously submitted on this regulation need not be resubmitted. The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding and will be considered in formulating the final rule.

IV. Further Delay of the Effective Date of the Rule

In view of the issuance of this proposed revocation of the rule, the effective date of the rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect, and since the Agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, OSHA finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of section 553 (b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (e) and (g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8-76, (41 FR 25059) OSHA is proposing to amend 29 CFR 1903.8 by removing paragraph (e).

Signed at Washington, D.C., on this 24th day of March, 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

§ 1903.8 Representatives of employers and employees.

* * * * *
(e) *Walkaround compensation.*—
Removed.

[FR Doc. 81-0412 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-26-M

29 CFR Parts 1952 and 1955**Withdrawal of Complaint To Withdraw Indiana State Plan**

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Withdrawal of Complaint.

SUMMARY: This notice publishes the Assistant Secretary's decision to withdraw the complaint initiating the withdrawal of approval of the Indiana State plan, which was published in the Federal Register on January 16, 1981 (46 FR 3919-3920).

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Bryant, Chief, Eastern Division, Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-8045.

SUPPLEMENTARY INFORMATION:

Pursuant to Section 18(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(f)) and Part 1955 of this Chapter, on April 2, 1980, the Assistant Secretary initiated an administrative action for withdrawal of approval of the Indiana plan for occupational safety and health. This action was based upon OSHA monitoring activity through June 30, 1979. The formal Notice of Initiation of Withdrawal Action was published in the Federal Register on January 16, 1981 (46 FR 3919-3920). The period for response by the State was extended on February 6, 1981 by Federal Register notice delaying the effective dates of certain administrative actions (46 FR 11253).

Based upon a reevaluation of the evidence, and upon consideration of the substantial passage of time since that evidence was obtained together with a review of the information collected subsequently, the Assistant Secretary has determined that continuation of the withdrawal action is not warranted. Accordingly, notice is hereby given that a Notice of Withdrawal of Complaint is being filed with the Chief Administrative Law Judge and served on the Commissioner of the Indiana Division of Labor.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of March 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-0389 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-26-M

29 CFR Part 1990**Identification, Classification and Regulation of Potential Occupational Carcinogens; Withdrawal of Proposed Amendments**

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Withdrawal of proposed amendments.

SUMMARY: On January 19, 1981 (46 FR 4889) OSHA issued a notice listing deletions from its standard, for Identification, Classification and Regulation of Potential Occupational Carcinogens (29 CFR Part 1990) to conform the standard to the Supreme Court's decision regarding OSHA's benzene standard, *Industrial Union Department, AFL-CIO v. American Petroleum Institute, et al.* 65 L. Ed. 2d 1010, 100 S. Ct. 2844 (July 2, 1980). The notice deleted the requirement that worker exposure to Category I potential

carcinogens automatically be reduced to the lowest feasible level. With this deletion, exposure levels to Category I carcinogens would be set on a case-by-case basis in conformance with law. The deletions will become effective on March 30, 1981, pursuant to 46 FR 11253 (February 6, 1981). As a result, 29 CFR Part 1990 will, at that time, be consistent with the Supreme Court's decision.

On January 19, 1981, the Assistant Secretary for OSHA signed a notice proposing various amendments to 29 CFR Part 1990. This notice was published on January 23, 1981 (46 FR 7402). The proposed amendments included requirements for making an assessment of the risk based on a consideration of all relevant data and for reducing exposure levels sufficiently to eliminate significant risk.

The proposed amendments and the request for public comment published at 46 FR 7402 are hereby withdrawn.

This withdrawal action will permit the Department to address alternatives that had not been fully considered and then later, if appropriate, to repropose the amendments.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-8151.

Signed at Washington, D.C., this 24th Day of March 1981.

Thorne G. Auchter,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-0388 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-26-M

DEPARTMENT OF EDUCATION**Office of the Secretary**

34 CFR Parts 75, 76, 78, 104, 200, 201, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 338, 361, 362, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 395, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 668, 674, 675, 676, 682, 690, 726, 735, 740, 753, 757, 776, and 778

Review of Certain Regulations and Interpretations

AGENCY: Department of Education.

ACTION: Notice of intent to review and amend certain regulations and interpretations.

SUMMARY: The Secretary of Education provides notice of his intent to review and, as appropriate, amend certain regulations and interpretations that take effect March 30, 1981. The Secretary takes this action to analyze regulatory burdens and to identify opportunities for de-regulation and possible alternative approaches to achieving program objectives, in accordance with Executive Order 12291. Based on this review for each regulation or interpretation, the Secretary intends, by particular target dates, to publish a notice indicating that the regulation or interpretation will remain in effect, issue a revised regulation or interpretation, or provide other guidance needed by organizations and persons affected by the regulation or interpretation.

DATE: All comments received on or before May 31, 1981 will be considered.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Pursuant to a January 29, 1981 memorandum from the President, the Secretary published two notices in the Federal Register postponing until 60 days from the date of the memorandum the effective date of all Education Department final regulations scheduled to become effective during the 60-day period (February 4, 1981 at 46 FR 10721; February 17, 1981 at 46 FR 12496). During this period the Secretary initiated a review of the regulations to analyze regulatory burdens and identify opportunities for de-regulation. Additional time is now required to complete this review.

This notice indicates the Secretary's intent to implement this review thoroughly under Executive Order 12291 and with an opportunity for public comment.

The purpose of this notice is not to repeal the regulations and leave the affected programs without any regulations. On the contrary, the purpose is to provide for an orderly review of regulations in a manner that avoids disruption of programs and confusion for participants under the programs.

To permit the orderly implementation of the subject programs in Fiscal Year (FY) 1981 (which ends September 30, 1981), the regulations and interpretations will take effect March 30, 1981, even though a review of them has not been completed.

The Secretary intends to communicate to program participants decisions with

respect to future regulations governing these programs well in advance of the target dates indicated below. For example, if, upon review (and in the light of any public comments), the Secretary decides that no changes are appropriate in a particular regulation, a notice will be published to this effect. On the other hand, if the Secretary decides to change the regulation in order to eliminate regulatory burdens on program participants or to take an alternative approach to achieving program objectives, modified regulations will be issued. The Secretary also will provide other guidance needed by program participants.

Regulations and interpretations subject to this notice will govern pertinent program activities for the duration of FY 1981, and they will remain in effect until further notice.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding each of these regulations. Respondents are particularly encouraged to address their comments to burdens imposed by the regulations, opportunities for de-regulation and alternative approaches to addressing these concerns. These comments will assist the Secretary in reviewing the regulations in accordance with Executive Order 12291. Oral and written comments should be directed to the contact person listed in the preamble of the regulation on which the comment is made. A Federal Register citation is provided for each regulation included in this notice. Any general comments should be directed to the contact person listed in this notice. All comments received on or before May 31, 1981 will be considered in deciding whether to revise these regulations and, if so, how to revise them.

Regulations To Be Reviewed by Target Date of September 30, 1981

The Secretary establishes a target date of September 30, 1981 to review the following regulations:

Title of Regulations or Interpretation; Published in the "Federal Register"

Rehabilitation Training; 34 CFR Parts 387, 388, 389, 390; Dec. 30, 1980, at 45 FR 86378

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children; 34 CFR Parts 104, 300; Dec. 30, 1980, at 45 FR 86390

International Education Programs; 34 CFR Parts 655, 656, 658, 660, 667; Dec. 31, 1980, at 45 FR 86872

Education Appeal Board; 34 CFR Part 78; Jan. 5, 1981, at 46 FR 881

Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; 34 CFR Part 75; Jan. 14, 1981, at 46 FR 3205

Instructional Media for the Handicapped; 34 CFR Part 332; Jan. 14, 1981, at 46 FR 3206

Graduate and Professional Study Fellowships; 34 CFR Part 649; Jan. 14, 1981, at 46 FR 3400

Assistance to States for Education of Handicapped Children; 34 CFR Part 300; Jan. 16, 1981, at 46 FR 3865

Minority Institutions Science Improvement Program (MISIP); 34 CFR Part 735; Jan. 16, 1981, at 46 FR 3873

Law-Related Education Program; 34 CFR Part 757; Jan. 18, 1981, at 46 FR 3877

Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; 34 CFR Parts 230, 231; Jan. 16, 1981, at 46 FR 4536

Arts in Education Program; 34 CFR Parts 753; Jan. 16, 1981, at 46 FR 4606

Training Programs for Teachers of Handicapped Children in Areas with a Shortage; 34 CFR Part 322; Jan. 19, 1981, at 46 FR 4913

Selection Criteria for Fiscal Year 1981; 34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740; Jan. 19, 1981, at 46 FR 5372

Centers for Independent Living; 34 CFR Part 368; Jan. 19, 1981, at 46 FR 5410

Vocational Rehabilitation Service Projects; 34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395; Jan. 19, 1981, at 46 FR 5416

Assistance to States for Education of Handicapped Children; Interpretation; 34 CFR Part 300; Jan. 19, 1981, at 46 FR 5460

State Vocational Rehabilitation and Independent Living Rehabilitation Programs; 34 CFR Parts 361, 365; Jan. 19, 1981, at 46 FR 5522

Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; 34 CFR Part 223; Jan. 22, 1981, at 46 FR 7196

Education Department General Administrative Regulations (EDGAR)—Grant Programs Without Specific Regulations; 34 CFR Parts 75, 76; Dec. 22, 1980, at 45 FR 84058

Library Career Training Program; 34 CFR Part 776; Dec. 24, 1980, at 45 FR 85422

Strengthening Research Library Resources Program; 34 CFR Part 778; Dec. 24, 1980, at 45 FR 85430

Regulations To Be Reviewed By Target Date of January 31, 1982

The Secretary establishes a target date of January 31, 1982 to review the following regulation:

Title of Regulations or Interpretation; Published in the "Federal Register"

Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with

Special Educational Needs; 34 CFR Parts 200, 201; Jan. 19, 1981, at 46 FR 5136

Regulations To Be Reviewed By Target Date of June 30, 1982

The Secretary establishes a target date of June 30, 1982 to review the following regulations:

Title of Regulations or Interpretation; Published in the "Federal Register"

Pell Grants Program; 34 CFR Part 690; Dec. 30, 1980, at 45 FR 86394

Student Assistance General Provisions; 34 CFR Part 668; Dec. 31, 1980, at 45 FR 86854
Guaranteed Student Loan Program; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3866
Guaranteed Student Loan Program; Refund of Tuition Charges and Other Fees; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3871
National Direct Student-Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program; 34 CFR Parts 674, 675, 676; Jan. 19, 1981, at 46 FR 5238

(20 U.S.C. 1221e-3)

(Catalog of Federal Domestic Assistance Numbers 84.002; 84.007; 84.008; 84.012; 84.014; 84.015; 84.016; 84.017; 84.113; 84.118; 84.023; 84.024; 84.025; 84.026; 84.027; 84.028; 84.029; 84.032; 84.033; 84.038; 84.041; 84.051; 84.063; 84.069; 84.077; 84.078; 84.080; 84.081; 84.084; 84.092; 84.093; 84.094; 84.095; 84.097; 84.099; 84.100; 84.101; 84.114; 84.120; 84.123; 84.126; 84.128; 84.129)

Dated: March 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-0401 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-44

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; Notice of Interpretation

AGENCY: Department of Education.

ACTION: Notice of proposed suspension of interpretation.

SUMMARY: The Secretary proposes to suspend indefinitely the effective date of the notice of interpretation published in the Federal Register on January 19, 1981. The effective date of this interpretation is postponed until May 10, 1981 in a separate notice published in this issue. The Secretary takes this action in order to provide an opportunity for public comment on this interpretation and the proposed suspension. Based on the comments received the Secretary will decide whether or not to suspend this interpretation indefinitely.

DATES: Comments must be received on or before April 27, 1981.

ADDRESSES: Comments should be addressed to A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, (Room 2129 FOB-6) 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: On January 19, 1981 at 46 FR 4912 the Secretary of Education published a notice of interpretation of Part B of the Education of the Handicapped Act and Section 504 of the Rehabilitation Act of 1973 to require a public educational agency to provide clean intermittent catheterization as a "related service" when it is required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children who are entitled to receive services under these statutes.

Pursuant to a memorandum from the President dated January 29, 1981, the effective date of this interpretation was postponed until March 30, 1981 (46 FR 12495; February 17, 1981). In a separate notice in this issue the Secretary further postpones the effective date of this interpretation until May 10, 1981. This notice proposes an indefinite suspension of the interpretation.

No public comment has previously been requested on this interpretation. The Secretary believes that the potential economic and administrative burdens which may be imposed upon public educational agencies by this interpretation justify the postponement of the effective date of the interpretation for a period of further review. The Secretary also requests public comments on whether the effective date of this interpretation should be suspended indefinitely.

After review of this interpretation and in light of the public comments received, the Secretary will decide whether to let this interpretation take effect on May 10, 1981 or to suspend it indefinitely.

(20 U.S.C. 1221e-3, 1401, 1411-1420; 29 U.S.C. 794)

Dated: March 25, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-8504 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-44

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Reduction of Aid and Attendance Allowance

AGENCY: Veterans Administration.

ACTION: Proposed Regulation Change.

SUMMARY: The Veterans Administration is proposing to amend its regulation governing reduction of the aid and attendance allowance to a veteran hospitalized by the Veterans Administration. The need for this action results from the lack of specificity in the current regulation concerning the effective date of reduction of the aid and attendance allowance when this benefit is first granted during hospitalization. The current regulation only provides aid and attendance reduction rules for a veteran already in receipt of the aid and attendance allowance at the time of hospital admission.

DATES: Comments must be received on or before April 27, 1981. The Veterans Administration proposes to make this change effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until May 6, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202-389-3005).

SUPPLEMENTARY INFORMATION: Under 38 CFR 3.552(b) the aid and attendance allowance is discontinued when a veteran in receipt of this benefit is hospitalized at Veterans Administration expense, effective the last day of the month following the month of hospital admission. This regulation is applicable to a veteran in receipt of the aid and attendance allowance at the time of admission to hospitalization at Veterans Administration expense. Section 3.552, Title 38, Code of Federal Regulations, does not cover the situation that arises when a veteran establishes entitlement to the aid and attendance allowance during a period of hospitalization at Veterans Administration expense.

The Veterans Administration has determined that when initial entitlement to the aid and attendance allowance is established on or after the date of admission to hospitalization at Veterans Administration expense, the additional pension or compensation payable by reason of need for aid and attendance should not be paid until discharge or release from hospitalization. Consequently, we are proposing to amend 38 CFR 3.552 to implement this determination.

There are two reasons why the aid and attendance allowance payable to a hospitalized veteran at time of

admission is not reduced until the end of the month following the month of admission. First, the veteran is in reliance upon this benefit and it would be inequitable to discontinue it for short periods of hospitalization. Second, immediate reduction of the aid and attendance allowance might deter a veteran from seeking needed hospital treatment.

Neither of these reasons is applicable to a veteran whose eligibility for the aid and attendance allowance is established during hospitalization. The veteran would not be in reliance upon the additional amount payable by reason of need for aid and attendance and consequently could not be deterred from seeking hospitalization by fear of loss of aid and attendance benefits. Since a hospitalized veteran is already receiving aid and attendance from the hospital staff, there is no justification for payment of aid and attendance benefits during hospitalization to a veteran who establishes entitlement to the aid and attendance allowance during hospitalization.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 6, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 13, 1981.

Rufus H. Wilson,
Acting Administrator.

The Veterans Administration proposes to amend Part 3 as follows:

In § 3.552, paragraphs (a)(1) and (b)(3) are revised and paragraph (k) is added so that the added and revised material reads as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

(a)(1) When a veteran who is already entitled to the aid and attendance allowance is hospitalized, the additional compensation or increased pension for aid and attendance shall be discontinued as provided in paragraph (b) of this section except as to disabilities specified in paragraph (a)(2) of this section. (See paragraph (k) of this section for rules applicable to a veteran who establishes entitlement to the aid and attendance allowance on or after date of admission to hospitalization).

(b) * * *

(3) Where a veteran affected by the provisions of paragraph (b)(1) and (2) or paragraph (k) of this section is discharged or released from the hospital against medical advice or as the result of disciplinary action, and is readmitted to such hospitalization within 6 months after that date, the allowance, additional compensation, or increased pension will be discontinued effective the day preceding the date of readmission. A readmission 6 months or more after such discharge or release will be considered as a new admission. (38 U.S.C. 3203(e)).

(k)(1) This paragraph is applicable to hospitalized veterans who were not entitled to the aid and attendance allowance prior to hospital admission but who establish entitlement to it on or after the date of hospital admission.

(2) If the effective date of entitlement to the aid and attendance allowance is on or after the date of admission to hospitalization, the aid and attendance allowance shall not be paid until the date of discharge or release from hospitalization, unless the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section. If the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section, the aid and attendance allowance shall be paid during hospitalization.

(3) If the aid and attendance allowance is not payable to a veteran under paragraph (k)(2) of this section, the veteran shall receive the appropriate reduced rate under paragraphs (d) through (j) of this section while hospitalized.

[FR Doc. 81-6330 Filed 3-26-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1784-6]

Air Quality; Commonwealth of Virginia State Implementation Plan; Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal of previously proposed revision.

SUMMARY: On August 18, 1977, the Commonwealth of Virginia submitted a proposed revision to the State Implementation Plan (SIP) consisting of a variance request (in the form of a Consent Agreement) for boilers Nos. 4 and 5 at Avtex Fibers, Inc. in Front Royal, Virginia. The variance would permit boilers Nos. 4 and 5 to continue burning coal in excess of the emissions permitted under Rules 2 and 3 of the Regulations for the Control and Abatement of Pollution in the Commonwealth of Virginia which limit visible emissions and particulate matter. The Consent Agreement required that Avtex Fibers, Inc. achieve compliance with the above regulations on or before July 1, 1980. This document withdraws the proposed changes to the Virginia State Implementation Plan from further consideration by the EPA.

DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Project Officer (3AH11), U.S. Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, (215) 597-8187, REF: AH014VA.

SUPPLEMENTARY INFORMATION: On August 18, 1977, the Secretary of Commerce and Resources, on behalf of the Commonwealth of Virginia, submitted a variance request, in the form of a Consent Agreement, to the Administrator of the Environmental Protection Agency and requested that it be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The variance would permit Boilers Nos. 4 and 5 at the Front Royal Plant of Avtex Fibers, Inc. to continue burning coal in excess of federally-approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia as specified in Section IV, Rule 2 (Emission Standards for Visible Emissions) and Rule 3 (Emission Standards for Particulate Emissions from Fuel Burning Equipment).

On August 22, 1977, the Executive Director of the State Air Pollution Control Board transmitted to the EPA

six (6) copies of the revision and supporting documentation. Following a review of the information, the EPA advised the Commonwealth in April, 1978, that the variance could not be approved as a revision of the Virginia SIP due to deficiencies in the control strategy demonstration. In a letter dated April 21, 1978, the Commonwealth requested EPA to withhold any formal action until a revised demonstration could be completed to remedy the modeling deficiencies. This revised demonstration was submitted as additional support documentation by the Commonwealth on July 12, 1978. Further technical difficulties associated with the modeling demonstration were raised, and EPA and Avtex Fibers subsequently entered into a Consent Agreement which is now being reviewed by the Department of Justice.

The original variance was proposed for approval as a SIP revision on May 11, 1979 (44 FR 27699) and no public comments were received. The baghouses have been installed, the boilers are now in compliance with the SIP, and the variance expired on July 1, 1980.

For the above stated reasons, the EPA does not plan to continue to process the variance and is withdrawing it from consideration as a SIP revision.

Note.—This is not a rule under Executive Order 12291 and therefore has not been submitted to OMB for review.
(42 U.S.C. 7401-7642)

Dated: February 25, 1981.

Jack J. Schramm,
Regional Administrator.

[FR Doc. 81-8875 Filed 3-26-81; 9:45 am]
BILLING CODE 6560-38-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60-1

Payment of Membership Fees and Other Expenses to Private Organizations; Proposed Rule Withdrawal

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed withdrawal of rule.

SUMMARY: On January 16, 1981, the Department of Labor published a new rule (46 FR 3892), to be codified at 41 CFR 60-1.11, affecting contractor payments for employee memberships in private clubs and organizations which discriminate in membership policies. The rule originally was to go into effect

on February 17, 1981, but pursuant to notice published in the Federal Register on February 6, 1981 (46 FR 11253), the effective date was deferred until March 30, 1981. The proposal published today seeks public comments on withdrawing the rule published on January 16, 1981.

DATES: Comments will be received until April 27, 1981.

ADDRESS: Comments should be sent to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Department of Labor published a final rule codifying a new section 41 CFR 60-1.11 affecting payments by Federal contractors of membership fees to private organizations which discriminate in membership on the basis of race, color, religion, sex, or national origin. That regulation was to take effect on February 17, 1981.

On January 29, 1981, President Reagan requested that the executive agencies postpone for 60 days the effective date of new regulations to allow full review of the new regulations by the incoming administration. On February 6, 1981, at 46 FR 11253, the Department of Labor published a notice in the Federal Register deferring the effective date of section 60-1.11 until March 30, 1981.

The proposed rule published today seeks public comments on withdrawing the rule published on January 16, 1981.

I. Reasons for the Proposed Withdrawal

Executive Order 11246, as amended, prohibits employment discrimination by Government contractors on the basis of race, color, religion, sex, or national origin. The Executive Order also requires that Government contractors take affirmative action to ensure that employees and applicants for employment are treated without regard to their race, color, religion, sex or national origin. The Department of Labor's position, after a full review of the deferred regulation, is that the payment of dues for individual employees to an outside membership organization by an employer is not itself a violation of the Executive Order. Indeed, the regulation of such payments may raise serious legal problems. The prohibition against discrimination and the affirmative action requirement under

the Executive Order are, however, adequate to prevent an employer from using such memberships to structure the conduct of its business in a manner which creates employment discrimination.

Accordingly, withdrawal of the rule will not affect the interests of minorities, women and other employees of Government contractors.

In order to publish the proposal in the Federal Register prior to March 30, 1981, and to avoid an additional postponement prior to publishing the proposed withdrawal notice, the Department of Labor requested EEOC to grant a waiver of the consultation process under Executive Order 12067. EEOC responded to the request, in part, as follows:

The Equal Employment Opportunity Commission has granted a waiver from the normal coordination requirements of Executive Order 12067 and its regulations because the Department of Labor has demonstrated an urgent need to publish a notice on this subject which will have the effect of delaying implementation beyond the scheduled March 30, 1981 effective date of the regulation.

The Department of Labor and EEOC will continue to consult on the subject matter of the proposed withdrawal during the public comment period. Both agencies also will review the public comments received.

EEOC has previously expressed its concurrence with the regulation published on January 16, 1981. The granting of this waiver does not constitute a change in EEOC's views or original concurrence on the underlying regulation. The EEOC also has not reviewed the reformulation of Department of Labor policy as stated in this proposed withdrawal.

II. Further Suspension of the Effective Date of the Rule

In view of the issuance of this proposed withdrawal of the rule, the effectiveness of this rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect and since the agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, the agency also finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of 53(b)(3)(B) of the Administrative Procedure Act.

III. Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, certify, pursuant to 5 U.S.C. 605(b), that the

proposed rule published herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule would eliminate for all Government contractors subject to Executive Order 11246, including small entities, an existing rule which imposes recordkeeping and reporting requirements. Removal of these requirements is expected to reduce burdens on all covered Government contractors, including small entities.

IV Preparation of This Document

This document was prepared under the direction and control of Craig Berrington, Acting Assistant Secretary for Employment Standards.

V Proposed Rule

Accordingly, it is proposed that 41 CFR Part 60-1 be amended by removing § 60-1.11.

§ 60-1.11 [Removed]

Signed at Washington, D.C., this 24th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

Craig A. Berrington,
Deputy Assistant Secretary, Employment Standards Administration.

[FR Doc. 81-9410 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-756]

Digital Communications Protocols; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments to Notice of Inquiry.

SUMMARY: The Commission extends the date for the filing of comments to the Notice of Inquiry in General Docket No. 80-756, Digital Communications Protocols, released on December 8, 1980. The deadline for filing reply comments remains unchanged. This action is taken in response to a Motion for extension of time.

DATES: The filing date for comments is extended two additional weeks. Comments must now be filed on or before March 30, 1981. Reply comments must still be filed on or before May 15, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael D. Kennedy, Technical Planning Staff, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554 (202) 632-7073—Room 7334.

SUPPLEMENTARY INFORMATION: In the Matter of Digital Communications Protocols, Order Extending Time for Filing Comments (See 45 FR 84140).

Adopted: March 13, 1981.

Released: March 18, 1981.

1. On March 11, 1981 GTE Telenet Communication Corporation (Telenet), by its attorneys, pursuant to Section 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, filed a request to extend the time for filing comments to March 30, 1981 in the above-captioned matter. Comments on the Notice of Inquiry in this matter, released by the Commission on December 8, 1980 are currently due on or before March 16, 1981.

2. Because the Inquiry raises substantial and complex questions relating to the implementation of the Commission's decision in the Second Computer Inquiry, Telenet feels that they will not be in a position to file comments which will do justice to the issues by March 16. Telenet's personnel are presently developing a technical discussion of the protocol issues which Telenet believes will make a significant contribution to the Commission's consideration of the matters raised in the Notice of Inquiry.

3. On March 12, 1981 Tymnet, Inc. (Tymnet), by its attorneys, filed comments supporting Telenet's motion for an extension of time.

4. The Commission is aware that the questions presented in this proceeding involve highly complex technical and policy issues. By developing the fullest record practicable, the Commission can insure that the issues will be examined and evaluated thoroughly. Therefore, for the above reasons and because we do not anticipate harm to any party, the request for extension of the comment period to March 30, 1981 is granted.

5. Therefore, it is ordered, pursuant to § 0.241(d) of the Commission's Rules and Regulations, that the date for filing comments in this proceeding is extended. Comments must now be filed on or before March 30, 1981. The deadline for filing reply comments remains May 15, 1981.

Federal Communications Commission.
S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-9431 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-170; RM-3712]

TV Broadcast Station in Lander, Wyo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of VHF television Channel *5 to Lander, Wyoming, as its first noncommercial educational station, in response to a petition filed by Central Wyoming College.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Lander, Wyoming), BC Docket No. 81-170 RM-3712.

Notice of Proposed Rule Making

Adopted: March 13, 1981.

Released: March 19, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rulemaking¹ filed by Central Wyoming College ("petitioner"), which seeks the amendment of Section 73.606(b) by reserving VHF television Channel 4 at Lander, Wyoming, for noncommercial educational use. Petitioner stated it would apply for Channel 4, if it were reserved. Supporting comments were filed by Harriscope Broadcasting Corporation (licensee of AM Station KTWO and VHF Station KTWO-TV, Casper, Wyoming). Opposing comments were filed by the Chrysostom Corporation (permittee of UHF Station KCWY-TV, Casper, Wyoming).

2. Lander (pop. 7,125),² in Fremont County (pop. 28,352), is located in the western portion of Wyoming, approximately 32 kilometers (20 miles) southwest of Riverton, Wyoming. It is presently assigned VHF Channel 4 (unoccupied and unapplied for).

3. Petitioner claims that the public interest would be served by reserving

¹ Public Notice of the petition was given on August 6, 1980. Report No. 1242.

² Population figures are taken from the 1970 U.S. Census.

Channel 4 for noncommercial educational use. It would allow an expansion of the hands-on experience program for students enrolled in Radio/Television Broadcasting at the College, in addition to providing educational and cultural programming to Lander and the Wind River Basin area. It contends that no interest has been shown in operating a commercial station on Channel 4 since it was assigned.

4. Chrysostom, in opposition, argues that of all the reserved channels assigned in Wyoming, none has ever been applied for. It further claims that Lander would lose its only commercial channel, if this proposal is adopted. Chrysostom states that it intends to apply for authority to operate Channel 4 as a satellite of KCWY-TV, within the next sixty days, noting that its concrete expression for use of the channel, warrants denial of the proposal.³

5. It appears that Chrysostom's opposition stems from a desire to have a commercial channel available should it desire to apply for its use. However, there appears to be a need for a first noncommercial television service in western Wyoming. A staff study shows that Channel 5 is available for assignment to that community, thus leaving Channel 4 for commercial use. Since another channel can be assigned to Lander, we believe the public interest would be served by assigning and reserving Channel 5 for noncommercial educational use.

6. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Lander, Wyoming, as follows:

City	Channel No.	
	Present	Proposed
Lander, Wyoming.....	4	4, *5

7. The Commission's authority to institute rulemaking 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.

8. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

9. The Commission has determined that the relevant provisions of the

Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the Television Table Assignments, Section 73.606(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. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission
Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

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

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

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

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

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

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

[FR Doc. 81-9353 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

³No application for such use has been received.

47 CFR Part 83

[Gen. Docket No: 78-185; FCC 81-96]

Compulsory Telegraph Vessels; Requirement To Be Capable of Generating a Field Strength of 30 mV/m at a Distance of One Nautical Mile

AGENCY: Federal Communications Commission.

ACTION: Order Terminating the Proceeding.

SUMMARY: The Report and Order vacates without prejudice the proposal in this docket to establish a minimum field strength for compulsory telegraph installations, and looks toward gathering information on the efficiency of modern vertical antennas as compared with that of long-wire antennas used on vessels equipped with these compulsory installations. The question of whether to establish a minimum emitted field strength for these vessels will be reexamined after sufficient data has been amassed with respect to present day antenna efficiencies.

EFFECTIVE DATE: April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER*(Proceeding Terminated)*

Adopted: March 11, 1981.

Released: March 24, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of amendment of Part 83 of the Rules to require all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile.

1. On June 27, 1978, the Commission released a Notice of Proposed Rule Making in Docket 78-185 (43 FR 28840) on the above-captioned subject. This rulemaking was initiated in an attempt to update regulations that had been adopted by the Commission soon after the Ship Power Hearing (Docket) 5212 was completed late in 1938.

Background

2. The Ship Power Hearing was held in order to determine the minimum power that the FCC should require of radio transmitters compulsorily installed on vessels subject to the Communications Act of 1934, as amended (Act). The Act did not directly specify transmitter power on these

vessels; instead it called for (Section 355, paragraph (e)):

The main and reserve installations shall when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; that is, they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.

3. The purpose of the Ship Power Hearing was to translate these range requirements into transmitter power requirements. The conclusion that was agreed upon (200 watts output for the main transmitter; 25 watts for the reserve transmitter) was arrived at by construing the phrases from the Act quoted above in the following manner:

a. "Normal conditions and circumstances" was interpreted to mean calm seas, clear weather and average values of noise— atmospheric, galactic and man-made—for the frequencies involved.

b. "By day" restricted consideration to groundwave propagation—sky-wave did not have to be allowed for.

c. "Clearly perceptible signal" was taken to be 82.5 microvolts per meter (uV/m). This figure was reached in two stages: first, by agreeing on a signal-noise ratio of 5 to 1 and, second, by taking the value of noise at the antenna to be 16.5 uV/m. A determination of these values was essential for the following reasons:

(i) The signal-noise ratio tells us how strong an incoming radio signal must be—if it is to achieve a specified level of intelligibility—compared to the radio noise in the vicinity. Obviously, if the noise level is high, it will tend to interfere with the desired incoming signal unless the signal level is high enough to overcome the effect of the noise.

The factor by which the desired incoming signal must exceed the surrounding radio noise level, if it is to achieve a specified measure of intelligibility, is the signal-noise ratio referred to in the last paragraph. Experimental tests have shown that for some purposes and under some conditions it might be advisable to take it as high as 10 to 1; for other purposes and under other conditions, a ratio as low as 2 to 1 is adequate. These figures were in general derived by subjecting groups of radio operators to tests made up of incoming signals mixed with varying levels of artificially introduced noise; the scores they made on the tests were used to specify the intelligibility of the transmission. For a specified intelligibility, the different signal-noise ratios required by the individual operators were then averaged to arrive at a single figure. Of the various signal-noise ratios suggested at the Ship Power Hearing, a compromise figure of 5 to 1 was finally adopted by the Commission in order to take into account a possible lowering of operator competence as a result of the stresses engendered by a distress situation.

(ii) It was also essential to arrive at a reasonable figure for the external noise level. Noise varies with geographical location, time of day, season of the year, solar phenomena,

and the amount and nature of the electrical equipment on board the vessel. To arrive at a reasonable average value of noise, FCC engineers recorded continuously the noise levels encountered on commercial vessels during eight separate voyages plying routes over different parts of the earth's surface. When these noise values were averaged and the seasonal variations of atmospheric noise taken into account, the figure arrived at was 16.5 uV/m.

These two average values, the noise and the signal-noise ratio were then multiplied together to yield a value for "clearly perceptible signal" of 82.5 uV/m. This meant that if a vessel were in an average noisy location (noise=16.5 uV/m) and that if a signal came in that was five times as great (82.5 uV/m), this would be considered for purposes of the Act (and, in practice, actually was) a "clearly perceptible signal."

d. Knowing that a signal of 82.5 uV/m was required at 200 nautical miles for the main transmitter (and at 100 miles for the reserve transmitter) it became a simple matter to calculate, within the statistical limits of accuracy of published propagation curves, that for the main installation the field strength at one nautical mile should be 30 mV/m (approximately 10 mV/m for the reserve installation).

e. The efficiencies of the antennas on board some 80 vessels were then measured.

f. Taking the median of these values, the investigator found that a main transmitter with a power output of 200 watts could be expected to generate a field strength of 30 mV/m at a mile and, similarly, a reserve installation with an output of 25 watts could be expected to generate a field strength of about 10 mV/m.

4. It was in this way that the statutory requirements of 200 miles (main installation) and 100 miles (reserve installation) were translated into transmitter powers of 200 watts and 25 watts respectively.

5. There was no attempt made at the time or subsequently to ensure that all vessels would under all conditions be able to communicate with other vessels at a distance of 200 miles. This, as the report of the hearing pointed out, could not be guaranteed by the state of the art at that time given the constraints of the problem (frequency, power, etc.). It still cannot be. All that was attempted was to achieve a likelihood that transmissions from a vessel with an average antenna in a location with average noise could be heard 200 miles away by an operator with average skill and equipment when conditions were "normal." The nature of radio and of radio propagation, taken in conjunction with the power levels involved, dictated a statistical approach and a resorting to averages.

6. Over the past forty years, most of the considerations leading to the established transmitter power values

remained constant. Geographical noise levels, signal-noise ratios, propagation characteristics showed little change. The one exception was antenna efficiencies. Because many of the newer vessels were built without kingposts or other structures to which long wire antennas might be attached, a shift was made by about a third of the U.S. fleet to vertical antennas. Vertical antennas are, in general, self-supporting metal masts approximately 50 feet in height (roughly 10% of a quarter wave-length); they are inherently less efficient than the long-wire antennas of thirty and forty years ago. And so the question arose whether the efficiency of the "average antenna" had been substantially reduced. Tests on about 10 vertical antennas installations carried out during the period 1970-73, showed none of them to be emitting a field strength as large as 30 mV/m at a mile. These tests were held under the auspices of the International Radio Consultative Committee (CCIR), a technical arm of the International Telecommunication Union.

7. As a result of these concerns, we proposed to make the criterion of 30 mV/m at a mile obligatory on all vessels instead of only on a mythical "average" vessel. A recently developed and tested vertical antenna which was expected to meet the 30 mV/m field strength served as an impetus for the proposal.

Comments

8. Comments in this Docket were received from the following organizations:

American Institute of Merchant Shipping (AIMS)
 American Petroleum Institute (API)
 Council of American-Flag Ship Operators (CASO)
 ITT Mackay Marine (Mackay)
 Rockwell International Corporation (Rockwell)

There were no reply comments. With the exception of Rockwell, all commenters were opposed to the proposal.

9. Rockwell, who strongly supports the Commission's proposed rule change, produces the "Collins 938G-1" MF/HF maritime vertical antenna which is instrumental in developing. This is a new vertical mast antenna which, for some azimuth angles, can meet the FCC criterion of 30 mV/m at a nautical mile when fed with a telegraph signal of 200 watts. Tests have shown, however, that under some conditions radiation from the new antennas fall short of this goal by better than 15%.¹ In fact, all that is

claimed in the Rockwell Symposium Paper (page 5) is "that the antenna, at some azimuth angles, can meet the 30 mV/m field strength requirement with 200 watts of input power," (emphasis added).

10. The opposing comments may be summarized as follows (proponents of the several arguments are given in parentheses):

A. The proposed regulation is in conflict with SOLAS—the Safety of Life at Sea Convention (AIMS, API, CASO). It is argued that the proposal ignores the continuously updated advances in SOLAS over the past 40 years (AIMS). Hence, it is discriminatory, since its provisions are more stringent than those of SOLAS (AIMS, CASO) and might contribute to driving U.S. vessels off the market (CASO). There is no rationale why the U.S. should be burdened with excessive requirements (API). Let us adopt the SOLAS provisions,² unless the Commission can document its proposed position with substantial evidence (CASO).

B. The present rulemaking does not take into account technical advances in the last 40 years especially with regard to receiver sensitivity (AIMS, API, CASO). We would be better off replacing our present receivers with those of higher sensitivity (API). We should take advantage of the increased selectivity of present day receivers which make the proposed field strength figures needlessly high (Mackay).

C. Only one company manufactures the new antenna; there may be a possibility of the Commission encouraging monopolistic practices through regulatory mandate (AIMS).

D. This would be the first time a definitive figure for field strength was being incorporated into the rules. No evidence has been adduced that the old rule is unsatisfactory (AIMS).

E. Since the new antenna is the only one that purportedly meets the criterion (200 watts input/30 mV/m output at 1 nautical mile), and is just barely meets it with little margin for deterioration due to aging, environmental and other considerations (API), AIMS raises the question of what the FCC would do if the antenna's performance was reduced to the point where its output dipped below 30 mV/m at 1 nm. They want to know if the companies would have to go to the expense of replacing them in spite of their operating satisfactorily (even if marginally) now.

F Replacing present day vertical antennas with a new vertical antenna

capable of meeting the proposed requirements will be expensive. Estimated cost per installation will be \$18,000 to \$27,000 (API, Mackay, AIMS, CASO). For vessels using two such antennas the cost would be doubled (API). The total cost to the industry may well be over \$6,000,000 (Mackay). Anticipated improvements in the distress system make the cost of implementing the instant proposal an unjustified expenditure (API).

G. The FCC has given no indication of how or under what conditions it intends to measure the field strengths which is a necessary adjunct to the legal enforcement of the regulation (AIMS).

Discussion

11. An evaluation of these arguments follows. It is presented in the order in which they are summarized above.

A. *Conflict with SOLAS.* The provisions of the Communications Act of 1934, as amended, where more stringent, are not in conflict with SOLAS, but supplementary to it.³ The United States did in fact, agree to the minimum provisions on which agreement could be reached by all the SOLAS countries. But agreement to require no more of foreign-flag vessels than that they meet these minimum requirements, did not mean that the U.S. lowered safety standards for its own U.S.-flag vessels to those minimum requirements. As we have noted, this proceeding was instituted to implement the requirements contained in Section 355 of the Act.⁴

³That this was the intent of Congress is demonstrated by the Act's legislative history. When in 1937 Congress added Title III Part II to the Act (Public Law 97), the committee reported:

Your committee assert generally that we have written into the bill the standards of the world, that in some respects we have raised such standards * * *. Page 3 Senate Report 198 on S. 695 (Pub. L. 97), March 17, 1937, 75th Congress, 1st Session.

Further, when Title III Part II was amended in 1954 after the 1948 Safety Convention came into effect, the Senate and House Reports on S. 2453 (Pub. L. 584), in identical language, contain the following:

This amendment also went beyond the radio provisions of the Convention of applying higher technical radio standards to United States vessels * * *. Page 2 of Senate Report No. 1053 (June 11, 1954) and page 2 of House Report No. 2205 (July 10, 1954) on S. 2453 (Pub. L. 584) 83rd Congress 2nd Session.

⁴With respect to the argument by AIMS that the proposal ignores the continually updated advances of SOLAS over the past forty years, the only changes made in this connection were as follows. SOLAS of 1929 reads (Article 31, 8):

"The main transmitter shall have a normal range of 100 nautical miles, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 nautical miles by day under normal conditions and circumstances, the receiver being assumed to be one

Continued

¹See RTCM Symposium Papers, 1978, Vol III, Page 11 of "MF/HF Vertical Antenna Meets the Tests" by A. I. Osborne, Jr., Rockwell International.

²SOLAS provides for a range of 150 nautical miles in lieu of the 200 miles required by the Act. It defines a "clearly perceptible signal" as 50 uV/m instead of the 82.5 uV/m that is the U.S. standard.

B. No account is taken of recent technical advances. (i) *Sensitivity.* Sensitivity is a measure of the noise generated by a receiver's own low-level circuitry. If it were possible to reduce this low-level noise by 50%, a signal could be amplified twice as much as previously before the noise would be amplified to the same level which previously interfered with intelligibility. Thus the required strength of a usable signal would be halved. The commenters are correct in saying that receiver sensitivity has been improved over the years.

But in the case we are considering, amplification has never been limited by receiver low-level noise. Amplification of weak telegraph signals at these frequencies is normally limited by external, usually atmospheric noise. That noise comes into the receiver antenna along with the signal, and the receiver does not distinguish between the two and amplifies them both. Thus, increasing the receiver sensitivity will not reduce the noise, and the usability of a signal (which depends on the ratio of its amplitude to this noise amplitude—the signal-noise ratio) will not be improved.⁵

Unfortunately, although it has been possible over the years to reduce low-level receiver noise and so improve sensitivity, external noise has increased. Thus more sensitive receivers do not alleviate the problem:

employing a rectifier of the crystal type without amplification."

The SOLAS increase from 100 to the present requirement of 150 nautical miles was made in 1948 at which time the restriction to crystal rectifiers was dropped and "clearly perceptible signal" was spelled out in terms of the R.M.S. value of the field strength at the receiver being at least 50 microvolts per meter. The United States, which had adopted in 1939 a value for "clearly perceptible signal", of 82.5 microvolts per meter as a result of much testing and experimentation, was unable to get international agreement on this value. (For details of this testing and experimentation by the United States and of the rationale supporting them, see FCC *Ship Power Hearing*, November 14-18, 1938, *Report of Commissioner T.A.M. Craven in Docket 5212*, dated May 9, 1939, and *Order* dated July 27, 1939, in Docket 5212. A portion of this material has been summarized in paragraph 3 above.) Accordingly, the United States agreed to the use of the lower value by foreign-flag vessels. It has retained the higher value for application to U.S.-flag vessels since no comparable subsequent study has come up with a more trustworthy value.

⁵These considerations are well known and often lead to the selection, in some circumstances, of less sensitive (and less expensive) receivers than the maximum than the state of the art affords. For example, CCIR recommends:

"When, however, either the external noise level or the input signal level is high, the internal receiver noise is less important. For this reason, some receivers (e.g., many broadcast receivers) are not designed to have the best possible relative values of reference sensitivity." Paragraph 5, Annex II of Recommendation 331.4 of Volume I of CCIR XIV Plenary Assembly, Kyoto, 1978.

(ii) *Selectivity.* The commenter correctly pointed out that the effect of external atmospheric noise can be reduced by narrowing the bandwidth of the receiver. However, there are constraints on the necessary bandwidth of the receiver.

First, it must be broad enough to accept a properly sent signal. This means " . . . effectively receiving A1 and A2 emissions on all frequencies within the bands 100-200 kHz and 405-535 kHz. . . ." ⁶The modulating frequency of an A2 signal must be between 450 and 1350 Hz, ⁷ and a common speed of sending is 25 words a minute which equals 20 bauds. The necessary bandwidth to accommodate a properly sent A2 signal modulated with a tone of 1350 Hz and sent at a speed of 25 words per minute is 2760 Hz. ⁸

This figure, however, does not take into account transmitter tolerances which in the present case would be 2500 Hz. ⁹The bandwidth of the Assigned Frequency Band would therefore be 7760 Hz ¹⁰ and the band would extend under these conditions from 498.120 kHz to 503.880 kHz. Consequently, a minimum bandwidth of close to 8 kHz is required.

Thus, although it is true that a receiver with a 0.4 kHz bandwidth can tolerate many times as much noise as the old receivers, to employ them means paying an unacceptable price: the possibility of remaining unaware of the existence of an SOS issuing from a lifeboat in distress whose transmitter has strayed off 500 kHz by an amount only 1/5 of what this government has committed itself to regard as permissible. Since the U.S. agreed in an international convention to abide by these tolerances, it cannot change its position unilaterally and permit a vessel's call for help to go unheeded. Until international tolerances are reduced on emergency and survival craft transmitters, it is difficult to see how the

⁶Section 83.444(c) of the Rules and Regulations of the Commission. This requirement is based on paragraphs 7831 (old 973) and 7832 (old 974 MAR) of the Radio Regulations of the International Telecommunication Union (ITU), and paragraph (h) of Regulation 10, Chapter 4, of SOLAS.

⁷Paragraph (f) of Regulation 10, Chapter 4, of SOLAS.

⁸By Appendix 5 of the ITU Radio Regulations, the Necessary Bandwidth, Bn, equals BK+2M where B is bauds, K is a constant (in this case 3) and M is the modulating frequency.

⁹By Appendix 3 of the ITU Radio Regulations, the tolerance specified for ship emergency transmitters and survival craft stations is 5000 parts per million or 2500 Hz at 500 kHz.

¹⁰Paragraph 3138 (old 89) of the Radio Regulations of the ITU reads: "6.11 Assigned Frequency Band: The frequency band within which the emission of a station is authorized; the width of the band equals the necessary bandwidth plus twice the absolute value of the frequency tolerance."

United States can unilaterally take advantage of receivers with higher selectivities. The ITU World Administrative Radio Conference just held (1979) has provided for a new reduced tolerance but it will not be effective until January 1, 1990.

C. Monopolistic practices. We do not agree that adoption of the proposal would lead to monopoly in the manufacture and supply of ship vertical antennas. Although only one supplier makes the antenna which comes close to meeting the proposed requirement, the manufacturer of vertical antennas, like other items of radio equipment, takes place in an open market. There is nothing to preclude anyone from manufacturing vertical antennas. The fact that one company at present is the only manufacturer does not *per se* establish a monopoly. We would neither confer a privilege nor give any vested advantage to this sole manufacturer. If the demand exists, others can enter the market to compete.

D. Field Strength criterion placed in rules. AIMS is correct in declaring that the precise figure for field strength has never before appeared in the rules, but only partially correct in stating that there is no evidence that the present rule is unsatisfactory. Pressure for amending the rule has grown as the result of growing awareness that today's vertical antennas seem to be less efficient than the long-wire antennas. Values of the efficiencies of some vertical antenna installations may be found in Report 502-2 of Volume VII of the CCIR XIV Plenary Assembly, Kyoto, 1978.

E. Margin for deterioration in the new antennas. We share API's concern with respect to the small margin for deterioration of the new antennas when used in conjunction with 200-watt output transmitters. Although the proposed rule change was written to enable an increase of the margin by the use of higher power transmitters, this approach is not entirely satisfactory for the following reasons:

First, its effect on the ship's reserve installation may be undesirable. Normally, the emergency transmitter has a power supply of comparatively limited capacity; a decrease in efficiency of the antenna link in the transmission chain cannot be automatically compensated for simply by increasing the power of the transmitter—not when there are severe constraints on the capacity of the power supply energizing it. Where the trade offs in a system are delicately balanced, as is customary in the reserve installations of oceangoing vessels, it could be hazardous to depend on the strengthening of one link, in the hope of

compensating for the weakness of another.

Second, even in the main installation, a greater increase in the power input to an inefficient antenna can lead to excessive voltage buildup, corona, arcing and insulation breakdown.¹¹

F. Cost of Equipment. Replacement costs of new antennas are high enough to warrant a comparison of benefits derived and costs incurred. The distress system will be replaced in the not-too-distant future. However, if there are reasonable assurances of substantial short-term benefits during the period before the international negotiations are concluded, the proposal would be justified. Mackay's conservative estimate of a \$6,000,000 price tag to the industry does not even include the cost of new equipment—main and emergency transmitters, batteries, auxiliary devices—that may follow in its wake. Nor does it include the cost to the government of enforcing the proposed regulation.

G. FCC Implementation. AIMS asks the Commission's intentions with respect to measurements of field strengths in enforcing the proposed regulation. When a ship fails to develop the required field strength by a substantial amount, the FCC has called for immediate corrective measures. Where a marginal deficiency exists the FCC has given time in which to reach compliance. For example, in the case cited by AIMS where antenna performance deteriorates to the point where the field strength is only 29 mV/m, the case could be handled similarly to that of the long-wire antenna. Under the proposed regulation a Notice of

Unsatisfactory Condition could be issued which would in essence give the licensee a reasonable period to repair or replace the antenna or otherwise meet the requirements. If performance by the antenna-transmitter combination—as shown, for example, by the antenna current—appears to be adequate, there may be little point to making field strength measurements once the characteristics of the installation and its normal capacity have been determined. On the other hand, an installation that is known to be marginal might require testing of its field strength at every annual and special inspection. This is a necessary consequence of the draft regulation being based on the performance of the individual ship's antenna instead of, as in the past, basing itself on the average performance of a large population of antennas.

12. There are considerable difficulties either with continuing with the status quo of a gradually eroding level of antenna efficiencies, or with adopting the proposal as it stands, which could be a costly procedure whose benefits are not assured. We are deferring decision between them pending a reevaluation of "average antenna efficiency" (and, perhaps simultaneously, of "normal conditions and circumstances" and "clearly perceptible signal") in as objective a manner as possible. Our Field Operations Bureau is planning to test, over the course of the next few years, the field strengths of the signals radiated by many United States vessels. This will provide a measure of the antenna efficiencies of the vertical antenna installations and a comparison with long wire antennas.

13. If vertical antenna efficiencies are substantially up to those of long wire antennas, we need not amend our rules.

If, on the other hand, they are shown to be considerably less, we may have to again propose new rules.

14. The Commission directs the publication of the appended Public Notice.

15. Regarding questions on matters covered in this document contact Charles D. Fisher at the telephone number (202) 632-7175.

16. Accordingly, *It Is Ordered*, That pursuant to the authority contained in Section 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended, the instant proposal is vacated, the attached appendix is adopted, effective April 27, 1981 and this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1000, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tencarico,
Secretary.

Appendix
[No. 28950]

The Commission this date approved a Report and Order terminating without prejudice the proceedings in Docket No. 78-185 which would have required all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile for all long-wire and vertical antennas. It has decided to institute a series of tests to determine the antenna efficiencies of U.S. flag vessels. When these tests are completed and the results analyzed, the Commission will return to a consideration of how to implement the two hundred and one hundred nautical mile range requirements of Title III, Part II of the Communications Act of 1934, as amended.

By Direction of the Commission.

[FR Doc: 81-9315 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

¹¹ It was for this reason that the Commission did not pursue a tentative of this nature that had been proposed in 1969 in Docket 18576.

Notices

Federal Register

Vol. 46, No. 59

Friday, March 27, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Plant Variety Protection Board; Closed Meeting

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Notice of closed meeting.

SUMMARY: The Plant Variety Protection Board was established by Congress under the provisions of section 7 of the Plant Variety Protection Act (PVPA) (7 U.S.C. 2327).

The Board advises the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Act and makes advisory decisions on all appeals from the Examiner or Commissioner. When making advisory decisions on appeals, the Board may act through a panel of its members rather than as the full Board.

DATE: April 15, 1981, closed meeting will begin at 9:30 a.m.

ADDRESS: U.S. Department of Agriculture, Room 2092, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Bernard M. Leese, Commissioner, Plant Variety Protection Office, National Agricultural Library Building, Room 500, Beltsville, Maryland 20705 (301/344-2518).

SUPPLEMENTARY INFORMATION: The Plant Variety Protection Board is a 14-member advisory committee established by the PVPA. The Board's membership consists of individuals appointed by the Secretary, who are experts in various areas of varietal development within the scope of the PVPA. In addition to serving as advisor to the Secretary with respect to the adoption of rules and regulations, the Board also functions as advisor on all appeals from the Commissioner's decisions denying applications for variety protection.

When making advisory decisions on appeals, section 7(B)(2) of the Act permits the Board to act through a panel it selects rather than as a full Board.

The closed meeting being announced in this Notice, is being held for the sole purpose of having the Board, acting through a three member panel it selected, review and advise the Secretary with regard to a specific appeal from the Commissioner's decision denying an application for plant variety protection. Review of this application in closed session is required to maintain the confidentiality of the application and its contents as required in section 56 of the Act (7 U.S.C. 2425), and is permitted pursuant to the authority in section 10(d) of the Federal Advisory Committee and section 552b(c)(3) of the Administrative Procedure Act (5 U.S.C. 552b(c)(3)).

A copy of the Determination to Hold a Closed Meeting is available for public inspection and copying in the Office of the Director, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Room 2092, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250 (202/447-5705).

Signed at Washington, D.C. on March 24, 1981.

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

[FR Doc. 81-9436 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Blackfeet Indian Tribe in Montana

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Tribe in Montana has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Blackfeet Indian Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1981, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on March 19, 1981.

Edward Hews,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-9130 Filed 3-26-81; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

Maternal, Infant and Fetal Nutrition Advisory Council; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.
Date and time: 9:00 a.m., April 13-15, 1981.
Place: Conference Room No. 645, GHI Building, 500 12th Street, SW., Washington, D.C. 20250.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP), and will discuss a wide range of matters concerning the operations of these two programs.

Proposed agenda: The agenda items will include the following issues: funding and caseload management; regulatory review; demonstration projects and program evaluations; and general program operations.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about this meeting should contact Mary Hemler Sloane, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8421.

Dated March 24, 1981.

G. William Hoagland
Administrator, Food and Nutrition Service.

FR Doc. 81-9318 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-30-M

Soil Conservation Service

Great Plains Conservation Program, Intent To Prepare a Program-type Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent To Prepare a Program-type Environmental Impact Statement, Great Plains Conservation Program.

FOR FURTHER INFORMATION CONTACT:

Guy D. McClaskey, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone (202) 447-2324.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR 1500), and the Soil Conservation Service Guidelines (7 CFR 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a program-type environmental impact statement (EIS) is being prepared for the Great Plains Conservation Program (GPCP). GPCP was enacted in 1956 by the 84th Congress (Pub. L. 84-1021, 16 U.S.C. 590p, as amended) and is to terminate on September 30, 1991.

The environmental evaluation of GPCP, which was started in November 1980 (see FR 81210, Vol. 45, No. 230, Wednesday, December 10, 1980) indicates that implementation of GPCP has significant cumulative impacts on the human environment. As a result of this evaluation, Norman A. Berg, Chief, Soil Conservation Service, has determined that the preparation and review of a program-type EIS is needed for this program.

GPCP gives assistance under long-term contracts to land users in 518 designated counties of 10 Great Plains States. Its purpose is to provide economic stability to the farm unit by providing needed protection and improvement of soil, water, land, plant, and wildlife resources of the Great

Plains Area, which is plagued with recurring drought and wind erosion problems. Installing complete conservation treatment and management systems on farms and ranches helps stabilize individual enterprises and, consequently, the local economy.

A draft of the program-type EIS will be prepared and distributed for review and comment by Federal, State, and local agencies and the public in general. The Soil Conservation Service invites the public to participate in the decisionmaking process by reviewing and providing substantive comments and suggestions on the draft EIS when it is issued.

(Catalog of Federal Domestic Assistance Program No. 10.900, Great Plains Conservation Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is not applicable)

Cletus J. Gillman,
Deputy Chief, for State and Local Operations.

FR Doc. 81-9323 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Air Service Certificate; Application All-Cargo

March 19, 1981.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39438, from Two Americas Trading Co., Inc. d/b/a ICB International Airlines, Suite 104, 1020 Manhattan Beach Boulevard, Manhattan Beach, California 90266 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before April 17, 1981. An executed original and six copies of such an answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall

be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,
Secretary.

FR Doc. 81-9395 Filed 3-26-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39285; Order 81-3-100]

Texas International-Continental Acquisition Case; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of March, 1981.

By its application of February 20, 1981, Texas International Airlines, Inc. asked us to approve its acquisition of control of Continental Air Lines, Inc., pursuant to section 408 of the Federal Aviation Act, as amended.¹ In contemporaneously filed pleadings, TI requested expedited consideration via the use of show-cause procedures, a limited exemption from Part 315 of our Procedural Regulations², and withholding from public disclosure of certain materials submitted in accordance with Part 315. Continental and BCCP raised the issue of the application's completeness, Continental, Western, and several labor groups opposed the use of show-cause procedures. In the following paragraphs, we will treat the various pleadings and discuss the labor and international matters that are at issue in addition to the competitive questions customarily explored in section 408 proceedings.

Continental asked in its March 2, 1981 motion that we dismiss TI's application on the grounds that it fails to comply substantially with the requirements of Part 315 of our Procedural Regulations. Continental contended that the application does not include relevant documents required by §§ 315.10(g) and 315.13 that were prepared by or for TI's parent companies and controlling persons³ or for TI itself. It alleged that TI omitted to supply all of the materials required under § 315.10(g) that were prepared for the three years prior to the filing of the application. Other missing items, according to Continental, include documents on the financing of the acquisition, minutes of board of directors or executive committee meetings or discussions relating to Continental or the acquisition, and the dates of preparation, names and

¹ 49 U.S.C. 1378.

² 14 CFR Part 315.

³ These include Texas Air Corporation, Jet Capital Corporation, Francisco Lorenzo, and Robert Carney.

positions of preparers, and recipients of numerous documents. Continental argued that, in sum, these omissions establish that TI's application is materially deficient and should therefore be dismissed.

In its March 6 answer, TI characterized Continental's allegations and objections as "super-technical" and an inadequate basis for dismissal of the application. It amended the application so that Texas Air, Jet Capital, Mr. Lorenzo, and Mr. Carney join it in seeking authority to acquire control of Continental, but it denied that the original omission of these persons prejudices Continental or establishes that its original application does not substantially comply with Part 315. It claimed that Jet Capital has § 315.10(g) or § 315.13 documents, and it filed the information on Jet that Part 315 requires contemporaneously with its answer. It also filed several documents it claimed were overlooked during its original search.⁴ TI argued that omission of these documents has not prejudiced Continental, since the latter had already obtained them in the course of the court discovery process conducted in its suit against TI in the United States District Court for the Central district of California. TI noted that it has already submitted a copy of its loan commitment agreement with Manufacturers Hanover Trust Company and claimed that no other documents of this type exist. Although it did not read § 315.10(g) as requiring minutes, it nonetheless submitted portions of these minutes of board of directors meetings that contain discussion of the acquisition and that have been adopted by the board.⁵ It claimed that as in the case of the previously overlooked documents, Continental had already obtained these minutes through discovery in connection with its suit in federal court in California. Finally, TI argued that the omission of names of preparers, dates, and recipients of some studies is trivial at best, and it proceeded to supply this information in the answer.

We agree with TI that its original application complies substantially with the requirements of Part 315, and we thus deny Continental's motion to dismiss it. We have said that we will not dismiss section 408 applications that are deficient only in minor respects.⁶ Not only is the quantity of the material TI submitted on March 6 inconsiderable relative to the volume of the original

application, but it adds little of substance that will aid us in determining whether the proposed acquisition is consistent with the public interest or likely to lessen competition substantially. Furthermore, the omissions cannot have prejudiced Continental, since it had already gained possession of most of the materials omitted.

In its motion for expedited consideration by show-cause order, TI asserted that there is no need for an oral evidentiary hearing, since virtually every relevant, significant fact concerning Continental's system is set forth in the record of the second *Continental-Western Merger Proceeding*, Docket 38733, along with extensive evidence on the current state of competition in the airline industry. It contended that its application presents few, if any, material issues of fact and that, consequently, there is no need for another round of expensive, time-consuming, plenary proceedings. The Bureau of Compliance and Consumer Protection (BCCP) filed an answer in support of TI's request for a show-cause order, contending that TI's application can be handled using show-cause procedures because there are no outstanding anticompetitive implications to the proposed acquisition.

Continental Air Lines, Western Air Lines, the City and County of Denver, and six union groups⁷ all filed answers generally in opposition to the use of show-cause procedures. Continental asserted that a hearing is necessary because there are several unresolved material issues of fact as to both the competitive effect of the proposed acquisition and TI's plans. In addition, Continental disputed TI's contention that the record developed in the second *Continental-Western merger proceeding* is sufficient for resolution of the issues that TI's application raises. Western also expressed concern about the competitive consequences of the proposed transaction at Houston as well as in various Texas-Mexico markets. The Denver parties voiced concern about the lack of specificity in TI's plan and argued that a hearing is necessary to ascertain what TI intends to do with Continental.

The union groups contended that we must hold a hearing unless we indicate at the outset that we intend to impose labor protective provisions in the event

that we approve the acquisition. Otherwise, they insist that we must hold a hearing because of TI's present unwillingness to accept the provisions and the uncertainty as to its plans. In addition, the Continental Pilots Master Executive Council asserted that a hearing is necessary because TI's application presents substantial antitrust issues.

We have decided to deny TI's motion and to hold a hearing; we believe that oral evidentiary hearing procedures will be the most expeditious and efficient means to process the application. The section 408 cases for which we have recently utilized show-cause procedures (i.e., Republic's acquisition of Hughes Airwest and Air Florida's proposed acquisition of Air California) have involved uncontested applications. We are not persuaded by TI's argument that show-cause procedures in this case would enable us to handle its application more quickly. Our decision to afford parties a full evidentiary hearing will not delay our action to any significant extent, since we are required under section 1010 of the Federal Aviation Act to act by August 31, 1981.

Having determined that TI's application complies with Part 315 and denied its request for show-cause procedures, we now address its petition for a limited exemption from that part and its motions to withhold from public disclosure. TI submitted two copies of its SEC reports, collective bargaining agreements, pension plans, and ERISA reports as required by §§ 315.11, 315.17(f), and 315.17(g), but requested an exemption from sec. 315.(a)'s requirement that 20 copies of these documents be filed. We will grant this exemption, so long as TI agrees to provide them upon request. The public has access to these materials in the docket, and requiring TI to produce 20 copies would therefore burden it unnecessarily.⁸ As for confidential treatment of documents filed under part 315, the administrative law judge has full authority to rule on TI's motions to withhold from public disclosure.⁹ We will provide interim confidential treatment pending the judge's ruling. The documents are already available to attorneys of record and their experts who file the requisite affidavit under §315.4. The administrative law judge will also rule on the attorney-client privilege issue.

Although applicants in recent section 408 cases have requested that we attach the standard labor protective provisions

⁴ TI requested confidential treatment for three of these and, in a separate pleading, claimed the attorney-client privilege for four other documents.

⁵ Minutes of more recent meetings have not been adopted, and TI has not submitted them.

⁶ Regulation PR-221, at 2 (April 2, 1980).

⁷ The Texas International Master Executive Council, the Continental Air Lines Pilots Master Executive Council, the Union of Flight Attendants, Local #1, the Association of Flight Attendants, the Air Line Pilots Association International, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

⁸ *C.f.* orders 80-5-103, at 3-4, and 80-9-138, at 6.

⁹ Sec. 315.5; see Order 80-9-138 at 2.

to our approval, TI has not done so. Instead, it has indicated its intention to treat the labor ramifications of the acquisition through negotiation. Various employee groups have argued in response that the standard provisions are the only practicable means of solving the problems this acquisition will create for employees of both carriers and that the public interest thus requires that we impose them.¹⁰

We have expressed on more than one occasion our reluctance to impose labor protective provisions now that Congress has provided for the deregulation of the air transportation industry.¹¹ We did so first in our order in the Texas International-National and Pan American cases. In subsequent cases, when both labor and management requested the provisions and management has stated that it would adopt them even if we did not impose them, we have agreed to impose them even while reiterating our disinclination to do so. This case differs from its predecessors in that it is the first post-deregulation §408 case in which management has in fact asked that we not impose labor protective provisions and has indicated its willingness to investigate alternate solutions to acquisition related labor problems. Under these circumstances, imposition of labor protection in the other post-National cases does not necessarily constitute precedent for their imposition here.

The issue of the imposition of labor protective provisions contains questions of law and policy which we expect the parties to address in their briefs to the administrative law judge and to us. As for its factual aspects, we expect more than the evidence that has been submitted in other recent cases: predictions of the consolidation's effects on employees and expert testimony that successful intergration of two separate work forces would be difficult or impossible without the provisions. We are particularly concerned that the record contain, to the extent possible, evidence on the relative costs and benefits produced by the labor protective provisions. Specifically, we need to know how long intergration has taken under the provisions; how smoothly it has proceeded; whether or

not integration has been completed in post-deregulation mergers and acquisitions, and if not, why not; the magnitude of the direct costs labor protection has imposed on these consolidations; and the nature and magnitude of the indirect costs, such as an inability to integrate and rationalize operations, that they may have caused. Such practical evidence, along with explication of the legal and policy arguments on both sides of the issue, will help us to make an informed decision on whether to condition approval of this acquisition on TI's acceptance of the standard labor protective provisions.¹²

Also at issue in this proceeding is whether our approval of this acquisition should be conditioned upon the nontransfer of certain international routes. We have the same concern over a possible loss in intergateway competition between the United States and Mexico as that which prompted us to condition our approval of the Pan American-National acquisition upon nontransfer to Pan American of National's Miami-London route.¹³ Bilateral agreements between the United States and Mexico limit U.S. designations,¹⁴ so we further our procompetitive policy by promoting intergateway competition in U.S.-Mexico service.¹⁵ TI and Continental each hold significant U.S.-Mexico route authority, some awarded with the specific design of fostering intergateway competition.¹⁶ This design would be frustrated were we to approve the acquisition and permit complete amalgamation of the two carriers' route authority without first assessing the effects on competition such amalgamation would likely produce.

We are concerned about this acquisition's likely effects on competition in service between Texas and the Yucatan. We have awarded DFW-Yucatan authority to TI¹⁷ and Houston-Yucatan authority to Continental¹⁸, and we have said that "the same carrier should not serve both Dallas and Houston because that could have a serious anticompetitive effect on Western U.S.-Yucatan service."¹⁹ Consistent with this analysis, we tentatively conclude that if we approve

TI's acquisition of Continental, we should condition our approval on nontransfer of TI's DFW-Yucatan route. We have already taken note of Continental's system strength at Houston²⁰; this strength would pass to TI and give it heightened traffic-generating capability for the Houston-Yucatan route. TI's Houston headquarters also gives it incentive to develop the route. In addition, we anticipate that more carriers would vie for the DFW-Yucatan route than for the route from Houston, since DFW has greater and more diversified feed to support service to the Yucatan than does Houston.

We are also concerned about this acquisition's likely effect on competition in service between the U.S. and Western Mexico. Continental has authority from Albuquerque and El Paso to Loreto, La Paz, San Jose del Cabo, Puerto Vallarta, Manzanillo, and Acapulco.²¹ TI has authority from Houston to these points and two others.²² We tentatively conclude that if we approve the acquisition, we should condition our approval on nontransfer to TI of Continental's Albuquerque/El Paso-Western Mexico route, so as best to fulfill our policy of promoting intergateway competition in limited-entry international markets. The strengths TI would have in Houston upon acquiring Continental provide a firm basis for leaving the former's Houston-Western Mexico authority intact. The administrative law judge who recommended TI for that award emphasized TI's ability to provide competition against the other carriers selected for other U.S.-Western Mexico routes.²³ He warned against the anticompetitive effects of control by the same carrier of every gateway to Mexican resort destinations along the U.S. border between Albuquerque and the Gulf of Mexico,²⁴ but something close to this would result were we to allow TI to retain Continental's authority in addition to its own.

In the event that we approve this acquisition and finalize the above tentative conclusion, we shall then institute a proceeding to determine what carriers should be awarded the route authority not transferred to TI.

¹² Parties should feel free to argue that some but not all of the provisions must be imposed—we are not bound to impose all of them or none.

¹³ See Order 79-12-163/164/165 at 47-52.

¹⁴ Order 79-5-56 at 2.

¹⁵ Order 80-12-18 at 4.

¹⁶ *Id.* at 4-5 (Continental's Houston-Yucatan authority).

¹⁷ Order 81-1-83.

¹⁸ Order 80-12-18.

¹⁹ *Id.* at 3.

²⁰ Order 80-12-18.

²¹ *California/Southwest-Western Mexico Route Proceeding*, Order 79-5-50.

²² *Texas/Southeast-Western Mexico Route Proceeding*, Docket 34136 (tentative decision submitted to the President on February 23, 1981 and served on March 9, 1981).

²³ Docket 34136, Recommended Decision at 23.

²⁴ *Id.* at 22.

¹⁰ This position has been taken by the Texas International Master Executive Council, the Association of Flight Attendants, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, the Airline Pilots Association, the Continental Air Lines Pilots Master Executive Council, and the Union of Flight Attendants.

¹¹ See Orders 79-12-163/164/165, at 68-69, 80-5-108, at 9, 80-8-183, at 5, and 80-9-65, at 5.

We decide at this time to take discretionary review of the administrative law judge's decision. We grant the judge the discretion to limit the form of his decision to findings of fact or findings of fact and conclusions of law. The option of writing less than a full opinion should give the judge added scheduling flexibility.

Accordingly, 1. We institute the *Texas International-Continental Acquisition Case* in Docket 39285 to consider the application of Texas International Airlines, Inc., *et al.*, for approval of the acquisition of Continental Air Lines, Inc., and we set this case for hearing before an administrative law judge of the Board;

2. We deny TI's motion for show-cause;

3. We deny Continental's motion to dismiss;

4. We grant TI's February 20, 1981 and March 6, 1981 motions to withhold specified documents from public disclosure pending a decision by the administrative law judge. Access to the documents may be had according to the requirements in § 315.4 of our Rules;

5. We will permit the parties to appeal within two working days the judge's denial of an application to take a deposition or for issuance of a subpoena or the grant of a motion to quash or modify a subpoena. Reply comments may be filed within one working day;

6. The administrative law judge in this proceeding may issue his decision in the form of findings of fact or findings of fact and conclusions of law;

7. Petitions for reconsideration of this order shall be filed within 10 days of the date of service of this order, and replies shall be filed 5 days thereafter;

8. We shall serve this order on the United States Departments of Justice and Transportation, the Federal Trade Commission, and all certified air carriers.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-9394 Filed 3-26-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-686]

United States Lines, Inc., Application for Operating-Differential Subsidy

Notice is hereby given that United States Lines, Inc. (USL), a Delaware

corporation, has filed an application, dated February 17, 1981, as amended, (the Application) with the Maritime Subsidy Board (the Board) pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a 20 year, long-term operating-differential subsidy agreement (ODSA) to aid in the operation of 15 container vessels which are to be used on essential services in the foreign commerce of the United States, i.e., (1) on combined Trade Route Nos. (TRs) 5-7-8-9 and 11 (U.S. North and South Atlantic/United Kingdom and Continent) with four vessels, and (2) on combined TRs 12 and 29 (U.S. Atlantic/Pacific/Far East) with 11 vessels. If awarded, the contract will run for 20 years from the date of such award. USL has requested expedited treatment in the form of a show cause notice based upon its existing services.

USL currently provides weekly service on a subsidized basis on TRs 5-7-8-9 with four C6-S-1wc container vessels under Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-483 (MA/MSB-483).

USL also currently provides approximately weekly, and has existing, services on an unsubsidized basis (1) on combined TRs 5-7-8-9 and 11 with four C6-S-1wc container vessels, and (2) on combined TRs 12 and 29 with two C7-S-68c, three C7-S-68d, three C7-S-68e and one C8-S-81e container vessels. In April 1981, USL proposes to put into service and operate two C6-S-85a container vessels on combined TRs 12 and 29. Although 11 vessels rather than nine vessels will be operated on TRs 12/29, USL plans to reduce the sea speed of all vessels and continue approximately weekly service.

USL proposes to continue its existing service on combined TRs 5-7-8-9 and 11 with the four container vessels with subsidy up to a maximum of 53 sailings annually. U.S. ports served by USL on combined TRs 5-7-8-9 and 11 include Boston, New York, Savannah, Jacksonville and Charleston. The regular foreign ports of call for USL include Rotterdam, Felixstowe, LeHavre, with connection service to Grangemouth which encompasses ports on combined TRs 5-7-8-9 and 11.

USL proposes to continue its existing service on combined TRs 12 and 29 between the United States East Coast/United States Pacific Coast (California) and the Far East, including calls at ports in Panama, the State of Hawaii and Guam, with 11 container vessels with subsidy up to a maximum of 53 sailings annually. U.S. ports served by USL on combined TRs 12 and 29 include New York, Norfolk, Baltimore, Savannah,

Long Beach, Oakland, Honolulu and Guam. The regular foreign ports of call for USL include Panama, Kaohsiung, Hong Kong, Kobe, Yokohama, with connecting service to Whampoa and Busan, which encompasses ports on combined TRs 12 and 29.

In connection with MA/MSB-483, USL was granted written permission under section 805(a) of the Act to continue the following operations: (1) intercoastal service between the U.S. east coast and the U.S. west coast on a weekly service via the Panama Canal as part of its unsubsidized service on a round voyage from the Atlantic Coast of the United States to the Orient, and (2) between the U.S. east coast and/or U.S. west coast and the State of Hawaii as a part of its unsubsidized service on a foreign trade voyage on a weekly service westbound only (and in any event westbound calls at Hawaii will not exceed 52 per year). USL proposes to increase westbound calls at Hawaii to 53 per year (due to the fact that in certain years weekly service could result in 53 sailings) as a part of the subsidized service if the Application be granted.

In connection with MA/MSB-483, USL was granted waivers under section 804(b) of the Act to continue (a) chartering and operating the German-flag vessel NAUTILUS, of approximately 150 TEUs capacity, between ports in the United Kingdom, France, the Netherlands and West Germany, as a feeder vessel transshipping cargo to and from its vessels operating on TRs 5-7-8-9 and 11, (b) chartering out the Liberian-flag vessel AMERICAN MOHAWK which operates between the Far East and Africa, and (c) chartering out the Liberian-flag vessels FORMOSA CONTAINER and STRAIT CONTAINER which operate between Hong Kong and Taiwan, the Board having determined that the vessels under (b) and (c) do not presently compete with any essential U.S.-flag service within the meaning of section 804(a) of the Act and, regardless, there are special circumstances and good cause for the grant of such waivers. USL proposes to continue these activities with such waivers if the Application be granted.

USL requests that the following be included in any Contract that may be awarded pursuant to this Application: (i) the full interchange (substitution) or transfer of any of its vessels to be operated as subsidized vessels on subsidized voyages on and among its subsidized routes; (ii) to allow its subsidized and unsubsidized vessels on voyages on combined TRS 12 and 29 service to make calls at ports in

Panama, U.S. Pacific (California), Guam and weekly westbound only calls at the State of Hawaii during said voyages; (iii) to permit an unrestricted number of voyages without subsidy, by new or existing vessels of USL or an affiliated company, on trade routes and services for which it receives subsidy or on trade routes and services for which it does not receive subsidy, so long as USL fulfills its obligations under its subsidy agreement. USL recognizes that the essential trade routes are severable and may stand on their own for the purpose of awarding an ODSA.

The U.S.-flag operators which compete with USL on its TRs 12/29 service are American President Lines, Ltd. (APL), Lykes Bros. Steamship Co., Inc. (Lykes), Waterman Steamship Corporation (Waterman) and Sea-Land Services, Inc. (Sea-Land).

APL has contractual rights to call its ships at U.S. Atlantic ports, but does not normally serve the U.S. Atlantic with its ships providing direct service, rather utilizing unit trains for intercoastal cargo movements; thus APL operates on TR 29, with its 22-vessel fleet of 17 containerships and five breakbulk ships. APL provides four basic services from the U.S. Pacific on TR 29, three of which are containership services; one containership service serves TR 29 in conjunction with TR 17. APL's four services on TR 29 and TR 29/17 in 1980 performed 150 sailings; in 1979, 150 sailings; in 1978, 144 sailings.

Lykes serves TR 29 with two RO/RO vessels and TR 29/17 with four breakbulk vessels. In 1980 Lykes performed 35 sailings on these two services; in 1979, 38 sailings; in 1978 the service was provided by States Steamship Company at a level of 49 sailings before it filed for bankruptcy in December 1978.

Waterman currently serves TR 12 in conjunction with its TR 12/22 subsidized service, utilizing two LASH vessels. In 1980, Waterman performed nine sailings with LASH and C4 breakbulk ships, which were being phased out of service; in 1979, 11 sailings were performed, utilizing LASH and C4's. In 1978, 10 sailings were performed with LASH and C4's.

Sea-Land currently operates on TR 29 with 10 containerships. Sailings are advertised on a twice weekly frequency, which equates to 104 annual sailings.

The only direct U.S.-flag competitor of USL on USL's service on TRs 11 and 5-7-8-9 is Sea-Land, which provides weekly containership sailings, that is, a level of 52 sailings annually, which call at both TR 11 and TR 5-7-8-9. Sea-Land operates four containerships exclusively on this service.

Sea-Land also provides service on TR 11 in connection with its TR 21 (U.S. Gulf/Western Europe) service. Sea-Land performs weekly sailings from the U.S. Gulf with five containerships, calling outbound at Jacksonville en route to Europe, a level of 52 sailings annually.

In addition to services described above, Sea-Land provides a service on TR 5-7-8-9 of weekly containership sailings, a level of 52 sailings annually. Sea-Land operates three containerships exclusively on this service.

Waterman has provided a nonsubsidized service on TRs 5-7-8-9 and 6 and 11, in conjunction with its subsidized service on TR 21. Waterman performed one sailing in 1978 on TR 21 which included unsubsidized calls at both TRs 5-7-8-9 and 11 and one sailing which included unsubsidized calls at TR 5-7-8-9 only. In 1979 Waterman made seven sailings on TR 21 which included unsubsidized calls at TRs 5-7-8-9 and 11 ports. In addition, Waterman made three sailings on TR 21 which included unsubsidized calls exclusively at TR 5-7-8-9 ports and two unsubsidized calls exclusively at TR 11 ports. Because of the unavailability of cargo and the Soviet boycott, Waterman severely curtailed service on TR 21 in 1980, and no service was provided to the TR 5-7-8-9/11 area. Waterman utilizes C4 breakbulk ships on this service.

During the years 1978, 1979 and the first nine months of 1980, U.S.-flag vessels carried 28.4%, 29.5% and 32.2%, respectively, of the inbound cargo carried on combined TRs 5-7-8-9 and 11 and 25.3%, 27.5% and 28.2%, respectively, of the outbound cargo on combined TRs 5-7-8-9 and 11. On combined TRs 12 and 29, U.S.-flag vessels carried, during the years 1978, 1979 and the first nine months of 1980, 28.8%, 24.7% and 24.6%, respectively of the inbound cargo and 25.5%, 22.3% and 21.3% of the outbound cargo.

USL plans, advertises and schedules a weekly service on TRs 5-7-8-9/11 and 12/29. USL's U.S.-flag vessels provided the following number of sailings during calendar years (CY) 1978, 1979 and 1980.

	TR's 5-7-8-9 and 11	TR's 12 and 29
CY 1978.....	35	50
CY 1979.....	47	50
CY 1980.....	51	50

In 1978, USL was short a vessel from its normal complement of vessels assigned to the U.S. Atlantic-Europe service. The shortage resulted from transfer of a vessel to the Far East service while awaiting introduction into

service of the AMERICAN TRADER. To eliminate the shortage, USL chartered a foreign-flag vessel which operated on TRs 5-7-8-9/11. USL also chartered other foreign-flag vessels on occasion when it became necessary to sustain integrity of its scheduling. The combination of U.S.-flag and foreign-flag vessels enabled USL to maintain weekly service. In addition, USL occasionally made sailings which served only TR 29 rather than the combined TRs 12 and 29. USL now has an adequate fleet to meet its weekly schedules on both its TRs 5-7-8-9/11 and TRs 12/29 services.

Interested parties are hereby given an opportunity to show cause why the Board should not find, under section 605(c) of the Act, that the effect of a subsidy contract to USL for an existing service on combined TRs 5-7-8-9 and 11 to the extent of a maximum of 53 subsidized sailings annually and on combined TRs 12 and 29 to the extent of a maximum of 53 subsidized sailings annually, would not be unduly prejudicial or give undue advantage as between citizens of the United States operating U.S.-flag vessels on such essential services. Any person, firm or corporation having an interest in the Application who desires to submit such showing of cause is invited to file a written statement, in triplicate, with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce building, 14th and E Streets, N.W., Washington, D.C. 20230 by the close of business on or before April 27, 1981.

All allegations of factual issues, including specifically those relating to undue prejudice or unfair advantage, which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, in the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS)).

By Order of the Maritime Subsidy Board.

Dated: March 18, 1981.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 81-9302 Filed 3-20-81; 8:45 am]
BILLING CODE 3510-15-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Hardwood, 3990-00-NSH-0010 (35" × 45½" × 5½") (Requirements for Tooele Army Depot, Tooele, Utah only)

SIC 7369

Commissary Shelf Stocking and Custodial Service, Little Rock Air Force Base, Jacksonville, Arkansas

SIC 7699

Pallet Repair, Naval Supply Center, Norfolk, Virginia

Sponge Rubber Mattress Rehabilitation (Requirements for GSA Region 3 only)

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-9301 Filed 3-26-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Montana Power Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: December 1, 1980. Comments by: April 27, 1981.

ADDRESS: Send comments to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. (303) 234-3195.

SUPPLEMENTARY INFORMATION: On December 1, 1980 the Office of Enforcement executed a Consent Order with Montana Power Company (MPC) of Butte, Montana. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

MPC, with its home office located in Butte, Montana, is the owner of the Dry Creek natural gas processing plant located in Carbon County, Montana. Beginning March 1, 1979, MPC sold natural gas liquids from the Dry Creek Plant which were subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR 212.163 and 212.164. To resolve certain civil actions which could be brought by the Officer of Enforcement of the Economic Regulatory Administration as a result of its audit of MPC, the Office of Enforcement of ERA and MPC entered into a Consent Order, the significant terms of which are as follows:

1. ERA alleged that certain sales of natural gas liquids from the Dry Creek Plant were made in violation of 10 CFR 212.163 and 212.164 during the period

March 1, 1979 through July 31, 1980 (audit period).

2. MPC, without admission of any facts or of any violation of DOE rules or regulations, has agreed to pay \$77,187 into a special escrow fund administered by ERA in settlement of the alleged violation in sales of natural gas liquids from subject plant for the period March 1, 1979 through July 31, 1980.

3. MPC has agreed to pay a civil penalty of \$1,813.00.

4. The provisions of 10 CFR 205.199 are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, MPC agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of MPC's sales of natural gas liquids from the Dry Creek Plant during the audit period, the sum of \$77,187 within ten (10) days after the effective date of this Order.

Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submissions of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written

notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234-3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Montana Power Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on April 27, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colo., on the 1st day of December 1980.

Bob J. Jones,

Acting District Manager, Rocky Mountain District, Economic Regulatory Administration.

Concurrence by: James A. Forrester,
Acting Regional Counsel.

[FR Doc. 81-9240 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-340-000]

Appalachian Power Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that American Electric Service Corporation (AEP) on March 16, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (Appalachian), Modification No. 12 dated February 22, 1981 to the Interconnection Agreement dated February 1, 1948 between Virginia Electric and Power Company and

Appalachian, Appalachian's Rate Schedule FERC No. 16.

Sections 1 and 2 of Modification No. 12 provides for an increase in the demand charge for Short Term and Limited Term Power from \$0.85 to \$1.05 per kilowatt per week and \$4.50 to \$5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrate that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been \$2,490,476.22 (i.e., from \$58,581,648.52 to \$61,062,124.74) for Short Term Power and \$5,800,000.00 (i.e., from \$109,723,908.50 to \$115,523,908.50) for Limited Term Power.

Copies of the filing were served upon Virginia Electric and Power Company, The Virginia State Corporation Commission and The Public Service Commission of West Virginia.

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 and 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9281 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-345-000]

Arizona Public Service Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Arizona Public Service Company (APS) tendered for filing the cancellation of an

Agreement with the Navajo Tribal Utility Authority (NTUA) whereby the City of Farmington, NM (City) was served through the 69kV line operated by the NTUA, FPC Rate Schedule No. 6, to the City's Fruitland Substation. The City completed its 115kV Substation and disconnected from the 69kV line January 14, 1981. APS states cancellation provides for no change of rate and is not a rate increase.

Copy of the filing was served upon the NTUA and the Arizona Corporation 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 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9285 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-343-000]

Arizona Public Service Co.; Proposed Change of Rate

March 23, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company) on March 16, 1981, tendered for filing Amendment No. 1 dated December 30, 1980 to the Interruptible Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Company.

Waiver is requested under the provisions of Section 35.11 so that this Amendment becomes effective as of January 1, 1981 in accordance with its terms.

A copy of this filing was served upon Los Angeles and the Arizona Corporation 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 13, 1981: Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9266 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-344-000]

Arizona Public Service Co.; Proposed Change of Rate

March 23, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company) on March 16, 1981, tendered for filing Amendment No. 1 dated December 30, 1980 to the Firm Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Company.

Waiver is requested under the provisions of § 35.11 so that this Amendment becomes effective as of January 1, 1981 in accordance with its terms.

A copy of this filing was served upon Los Angeles and the Arizona Corporation Commission.

Any person wishing 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 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9379 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-337-000]

Arkansas Power & Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Arkansas Power & Light Company (AP&L) tendered for filing a Notice of Cancellation of Arkansas-Missouri Power Company's Rate Schedule FERC No. 40, providing for service to Gideon-Anderson Lumber Company. AP&L and Arkansas-Missouri Power Company (Ark-Mo) were consolidated as of January 1, 1981, and the latter company was dissolved. AP&L states that this cancellation became effective on that date.

Gideon-Anderson Lumber Company, a small distribution system, was acquired by Ark-Mo in 1978. Thereafter, Ark-Mo provided service at retail to the customers formerly served by Gideon-Anderson. Since January 1, 1981, AP&L has been providing that same service. Therefore, Ark-Mo Rate Schedule FERC No. 40 is obsolete.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9378 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4119-000 and 4142-000]

Beaver Valley Co. and Shenango Valley Power Co., Borough of Grove City, Pa.; Application for Preliminary Permit

March 20, 1981.

Take notice that Beaver Valley Power Company and Shenango Valley Power Company filed on February 5, 1981, and the Borough of Grove City, Pennsylvania, filed on February 6, 1981, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed

Project Nos. 4119 and 4142 to be known as the Shenango Dam Project located on the Shenango River in Mercer County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Correspondence With Applicants—Correspondence with the Beaver Valley Power Company should be directed to: Mr. L. Gerald Tarantino, President, Shenango Valley Power Company, P.O. Box 561, Sixth Street and Second Avenue, Beaver Falls, PA 15010. Correspondence with the Borough of Grove City should be directed to Mr. Philip J. Movish, Project Engineer, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—Each Applicant proposes to utilize the U.S. Army Corps of Engineers' existing Shenango River Dam and Reservoir. Each project would consist of: (1) a penstock; (2) a powerhouse; and (3) appurtenant facilities. Project No. 4119 would have an installed generating capacity of 2800 KW and an average annual energy output of 10,400,000 KWH. Project No. 4142 would have an installed generating capacity of 1500 KW and an average annual energy output of 5,252,600 KWH.

Purpose of Project—Energy from Project No. 4119 would be provided to the U.S. Army Corps of Engineers or sold to a local public utility or municipality. Energy from Project No. 4142 would be used by the Borough of Grove City for public utility purposes.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks a preliminary permit for a period of 36 months, during which time it would perform surveys, environmental assessment studies, and economic and recreational studies, as well as develop preliminary plans. Beaver Valley Power Company and Shenango Valley Power Company estimates that such studies would cost at least \$45,000. The Borough of Grove City estimates that such studies would cost \$75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Hydro Corporation of Pennsylvania, Shenango Dam Project No. 3290, filed on August 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4119 and 4142. 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. 81-9369 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 3689-000]

**Blackstone Valley Electric Co.,
Application for Exemption From
Licensing of a Small Hydroelectric
Project of 5 Megawatts or Less**

March 23, 1981.

Take notice that on December 4, 1980, the Blackstone Valley Electric Co. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (U.S.C. 2705, and 2908 *as amended*), for exemption of a proposed hydroelectric project from licensing under part I of the Federal Power Act. The proposed Pawtucket No. 2 small hydroelectric project (FERC Project No. 3689) would be located at the existing Blackstone Valley Electric Co. Dam in the city of Pawtucket, in Providence County on the Blackstone River and the Seekonk (tidal) River, Rhode Island. Correspondence with the applicant should be directed to: Stanley S. Ribb, President, Blackstone Valley Electric Company, Box 111, Lincoln, Rhode Island 02865 and Maurice A. Zilber, Esquire, Peabody, Brown, Rowley & Storey, One Boston Place, Boston, Massachusetts 02108.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a brick and timber dam, about 200 feet long and 4 feet high, constructed at the top of waterfalls about 13 feet high; (2) a reservoir of negligible storage at spillway crest elevation 59.41 feet m.s.l.; (3) an intake structure and brick-lined underground tunnel (penstock) 17.5 feet in diameter and 130 feet long; (4) a brick and granite hydroelectric station building, 175 feet long and 90 feet wide, consisting of a subsurface forebay, a gatehouse, a powerhouse containing 5 water wheels and 5 generators with a total installed capacity of 1,000 kW, and a tailrace, 90 feet long and 45 feet wide; and (5) other appurtenances. The

Applicant proposes to remove the existing waterwheels and generators and to install two tube-type turbine-generators with a total maximum operating capacity of 1,675 kW (one 600 kW unit, and one 1,075 kW unit). Applicant estimates that the average annual energy output would be 6,220,000 kWh.

Purpose of the Project—Project energy would be sold by the Applicant, a public utility, to customers in its service area.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 4, 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).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

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 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3689. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9256 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4092-000]

Brazos River Authority; Application for Preliminary Permit

March 23, 1981.

Take notice that Brazos River Authority (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4092 to be known as Stillhouse Hollow Project located on the Lampasas River in Bell County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Carson H. Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, Post Office Box 7555, Waco, Texas 76710. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Stillhouse Hollow Dam and would consist of: (1) a penstock located along the left (North)

bank; (2) a powerhouse containing generating unit (s) having a total rated capacity of 2,780-kW; (3) a tailrace; and (4) appurtenant facilities. Project energy would be transmitted to existing power lines serving the dam or to Texas Power and Light Company's 138-kV transmission lines about two miles from the project.

The Applicant estimates that the average annual energy output would be 6,016 MWh.

Purpose of Project—Project energy would be sold either to Texas Power and Light Company or Brazos Electric Power Cooperative, Inc.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be in excess of \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3336, filed on August 19, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to

Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4092. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9258 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4103-000]

City Utilities of Springfield, Missouri; Application for Preliminary Permit

March 24, 1981.

Take notice that the City Utilities of Springfield, Missouri (Applicant) filed on February 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4103 to be known as Pomme de Terre Lake

Waterpower Project located on the Pomme de Terre River in Hermitage, Hickory County, Missouri. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. L. McMahan, General Manager, City Utilities of Springfield, Missouri 301 East Central Street, P.O. Box 559, Jewell Station, Springfield, Missouri 65801. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project 4103 would consist of: (1) a proposed penstock extending from an existing conduit to the proposed powerhouse; (2) an proposed powerhouse located on the right (north) bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the project would be 8,700 kW, and the annual energy output would be 17,930,000 kWh.

Purpose of Project—Energy produced at the proposed project would be sold to the residential, commercial and industrial consumers of the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project, secure financing commitments, consult with Federal, State and local government agencies for information, comments and recommendations, relevant to the project, and prepare an application for FERC license, including an environmental report. The Applicant estimates the cost of the studies to be \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should

be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Continental Hydro Corporation Project No. 3354, filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *April 24, 1981*.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4103. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9258 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4165-000]

Cogeneration, Inc., Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 23, 1981.

Take notice that on February 10, 1981, Cogeneration, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Rock Creek Hydro Project (FERC Project No. 4165) would be located on Rock Creek in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Barber Engineering, 250 South Beechwood, Suite III, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) a 5-foot by 5-foot square cross section inlet structure; (2) a 48-inch diameter, 1,500-foot long penstock; (3) a powerhouse containing three generating units with total rated capacity of 1,182 kW; and (6) appurtenant facilities.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before *May 11, 1981*, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely

notice of intent allows an interested person to file the competing license application no later than *September 8, 1981*. Applications for 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 11, 1981*.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4165. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9259 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4182-000]

Cogeneration, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity
March 23, 1981.

Take notice that on February 11, 1981, Cogeneration, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Shoshone Hydro Project (FERC Project No. 4182) would be located on Little Wood River in Lincoln County, Idaho. Correspondence with the Applicant should be directed to: Barber Engineering, 250 South Beechwood, Suite III, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) an existing 3-foot high, 50-foot long concrete and rock diversion structure; (2) a 42-inch diameter, 4,500-foot long penstock; (3) a powerhouse containing two generating units with total rated capacity of 150 kW; and (4) appurtenant facilities.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file a such a license application. Submission of a timely

notice of intent allows an interested person to file the competing license application no later than September 8, 1981. Applications for 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 11, 1981*.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4182. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9260 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-332-000]

Commonwealth Edison Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Commonwealth Edison Company, on March 12, 1981, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise Electric Service Contract between Commonwealth Edison Company and the City of Batavia, Illinois, to provide for a fourth point of electric supply to the City by the Company.

A copy of the filing has been served upon the City of Batavia, Illinois.

Any person desiring to be heard or to protest the 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9275 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-342-000]

Consolidated Edison Co. of New York, Inc., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Consolidated Edison Company of New York, Inc. (Con Edison) on March 16, 1981, tendered for filing as a supplement to its Rate Schedule FERC No. 59 an executed agreement between Con Edison and the companies of the Northeast Utilities system (The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western

Massachusetts Electric Company, hereinafter collectively called NU). The Rate Schedule provides for the sale of power and energy by Con Edison.

The supplement makes only nominal changes in the Rate Schedule.

Con Edison requests waiver of the notice requirements of Section 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective January 3, 1981 in accordance with the actual utilization by the parties.

Con Edison states that a copy of its filing was served on NU.

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 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9269 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3848-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 24, 1981.

Take notice that Continental Hydro Corporation [Applicant] filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3848 to be known as the Sugar Loaf Project located on the Lake Fork River near the town of Malta in Lake County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water

and Power Resources Service's Sugar Loaf Dam and would consist of: (1) a modified headworks; (2) a penstock 100 feet long through the existing outlet conduit; (3) a powerhouse located on the western bank of the existing stilling basin containing a generating unit having a rated capacity of 2,000 kW; and (4) appurtenant facilities. Transmission lines near the project site are owned by the Public Service Company of Colorado. The Applicant estimates that the average annual energy output would be 10,000,000 to 12,500,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of Colorado, public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the technical, hydraulic, construction, economic, environmental, recreational, and historic aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$52,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 31, 1981. A

notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be received on or before June 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3848. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9261 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-336-000]

The Dayton Power and Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, The Dayton Power and Light Company (DP&L) requested authority to recognize a temporary increase in the excise tax on gross receipts imposed by Section 5727.38 of the Ohio Revised Code pursuant to the Tax Adjustment provision contained in DP&L's Rate Schedule FERC No. 34 for service to the City of Piqua, Ohio under an Interconnection Agreement dated as of May 10, 1972. The temporary increase in the excise tax is for one year and the proposed revision which shall become effective May 1, 1981 is limited to the recovery of this temporary increase.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9380 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3939-000]

City of Denton; Application for Preliminary Permit

March 20, 1981.

Take notice that City of Denton (Applicant) filed on January 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3939 to be known as Ray Roberts Dam Project located on the Elm Fork of the Trinity River in Denton County, Texas. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert E. Nelson; Director of Utilities, City of Denton, Texas, Municipal Building, Denton, Texas 76201. Any person who wishes to file a response to

this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Army Corps of Engineers' proposed Ray Roberts Dam and Reservoir and would consist of: (1) a new penstock leading to; (2) a new powerhouse having an installed generating capacity between 1,200 kW and 5,000 kW; (3) a new tailrace structure; (4) approximately 2000 feet of new transmission lines; and (5) appurtenant works. The Applicant estimates that the average annual energy output would be between 9,000 kWh and 12,000,000 kWh.

Purpose of Project—Project energy, will be utilized by the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives; financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between \$41,000 and \$69,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3939. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9370 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-312-000]

Detroit Edison Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Detroit Edison Company (Detroit Edison) on March 10, 1981, tendered for filing a Certificate of Concurrence with the filing by American Electric Power Service Corporation on behalf of Indiana & Michigan Electric Company (I&M) of Amendment No. 20 to an Operating Agreement dated March 1, 1966 among Consumers Power Company, Detroit Edison and I&M. This Operating Agreement is designated Detroit Edison Company Rate Schedule FERC No. 12.

Detroit Edison states that Amendment No. 20 provides for an increase of approximately 22% in rates charged for Short-Term Power and Limited-Term Power, effective February 23, 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 and 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9381 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-330-000]

The Detroit Edison Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that The Detroit Edison Company on March 12, 1981, tendered for filing an Amendment to the Interconnection Agreement between the City of Wyandotte and The Detroit

Edison Company. This amendment will increase the rates for Emergency Power, Short Term Power, and Displacement Power, and Transmission Service to normal current industry levels and also will bring the agreement into compliance with the Commission's Rule 84 B.

The proposed changes are desirable by the parties to assure adequate and fair compensation for services rendered and to encourage the availability of the full range of services.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9276 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-331-000]

Duke Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 12, 1981 a supplement to the Company's Electric Power Contract with Little River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 145.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 5 from 3,000 KW to 3,600 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 19, 1981.

According to Duke Power copies of this filing were mailed to Little River Electric Cooperative, Inc., and the South Carolina 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9277 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-219-000]

East Tennessee Natural Gas Co.; Application

March 20, 1981.

Take notice that on March 2, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP81-219-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale on an interruptible basis of natural gas to both the Orange and Rockland Utilities Inc. (Orange and Rockland) of Pearl River, New York, and the Public Service Electric and Gas Company (Public Service), of Newark, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to sell on an interruptible basis up to 50,000 Mcf of natural gas per day each to Orange and Rockland and Public Service. It is asserted that these sales are proposed to occur during the periods June 1, 1981, through October 31, 1981, and April 1, 1982, through October 31, 1982. Applicant states that it was previously authorized to sell gas to Orange and Rockland and Public Service pursuant to the Commission's Order No. 30 which authorization would expire on May 31, 1981.

Applicant further seeks authorization to sell customers other than Orange and Rockland and Public Service any portion

of the daily volume that each of these two customers is unable to purchase or which transporting pipelines are unable to deliver. It is stated that Applicant purchases its entire long-term supply of natural gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. which imposes a minimum bill obligation in the amount of 66% percent of contract demand. It is further asserted that Applicant has experienced a substantial loss of load during the summer period due to conservation and loss of industrial loads and has no system storage. Applicant states, however, that its customers subscribe to a storage service provided by Consolidated Gas Supply Corporation. The sale proposed herein, it is stated, would enable Applicant to avoid its minimum bill obligation.

Applicant states that it would attempt to market that volume each month in order to avoid the minimum bill charges. Applicant states that the proposed rate would be pursuant to Applicant's Zone 1 Commodity Rate, 34th Revised Sheet No. 4 of 6th Revised Volumes No. 1 of Applicant's FERC Gas Tariff, or any revision thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9372 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4134-000]

Enagenics; Application for Preliminary Permit

March 24, 1981.

Take notice that Enagenics (Applicant) filed on February 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4134 to be known as the Unity Dam Project located on the Burnt River in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 700-kw generating unit located adjacent to the existing outlet works of the Water and Power Resources Service's Unit Dam and approximately 2 miles of transmission line.

The Applicant estimates that the average annual energy output would be 1,960 MWh.

Purpose of Project—Project power would be sold to an appropriate power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including engineering, environmental, and marketing analysis. Applicant estimates the cost of its proposed study to be \$30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made: If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3382 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4134. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9262 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3960-000; Project No. 4017-000]

Enagencies and the City of Pittsburgh; Application for Preliminary Permit

March 23, 1981.

Take notice that Enagencs (EN) and the City of Pittsburgh (CP) (Applicant) filed on January 12, 1981 and January 14, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project Nos. 3960 and 4017, respectively, to be known as Allegheny Lock and Dam No. 2 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagencs, 1727 Q Street NW., Washington, D.C. 20009 (EN) and Mr. Louis Gaetano, Director, Department of Public Works, City of Pittsburgh, 301 City-County Building, Pittsburgh, Pennsylvania 15219 (CP). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Each proposed project would utilize the existing U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 2 and would consist of (1) new penstocks near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 12,480 kW (EN) or 15,400 kW (CP); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 89,600,000 kWh (EN) or 114,000,000 kWh (CP).

Purpose of Project—Project energy would be sold to a local utility and to industries in the area.

Proposed Scope and Cost of Studies Under Permit—Applicants each seek issuance of a preliminary permit for a period of three years, during which time either would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be \$50,000 (EN) or between \$50,000 and \$75,000 (CP).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3960 and 4017. 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. 81-9270 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4054-000]

Village of Endicott, New York; Application for Preliminary Permit

March 20, 1981.

Take notice that Village of Endicott, New York (Applicant) filed on January 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4054 to be known as the Whitney Point Project located on the Otselic River in Broome County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Project Engineer, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Whitney Point Dam and would consist of: (1) a new powerhouse containing a generating unit(s) having a total rated capacity of 750-kW; (2) approximately one-mile of 34.5-kV transmission line; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2,600,000 kWh.

Purpose of Project—Project energy will be sold to New York State Electric and Gas Corporation or used by Applicant in its facilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation for Project No. 3293, filed on August 4, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this

application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4054. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8377 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4118-000]

City of Farmington; Application for Preliminary Permit

March 20, 1981.

Take notice that the City of Farmington (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4118 to be known as the Conchas Project located on the Canadian River in San

Miguel County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert S. Culpepper, Mayor, P.O. Box 900, Farmington, New Mexico 87401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Conchas Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 1.2 MW at the main dam and a powerhouse at the irrigation headworks in the south dike containing turbine-generator units with a total rated capacity of 1 MW, and a transmission line. The project would be capable of generating up to 6,300,000 kWh annually.

Purpose of Project—Energy generated at the project would likely be used by the Applicant for distribution to its customers through interchange agreements with the local utility at the project.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$250,000. Applicant has requested a preliminary permit term of 27 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should

be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Conchas Project No. 3392, filed on August 27, 1980 by Sequoia Energy Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Services of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4118. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9371 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-335-000]

Florida Power & Light Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on March 13, 1981 tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between Florida Power Corporation and Florida Power & Light Company." Also enclosed in the filing was a certificate of concurrence to the proposed Amendment by Florida Power Corporation (Corp).

FPL states that pursuant to the Amendment FPL and Corp will modify their existing 230 kV interconnection facilities between Corp's North Longwood Substation and FPL's Sanford Plant, so as to increase the inter-system power transfer capability of the interconnection facilities, reduce losses and improve the reliability of the bulk power supply system for the customers of both Corp and FPL in the area. FPL states that while the cost of such modifications has not been fully determined, it is anticipated that expenditures by Corp and FPL will be comparable. FPL states that the proposed amendment will have no effect on sales, services or revenues.

FPL requests waiver of the Commission's Regulations to the extent necessary to permit the proposed Amendment to become effective as of the date of filing. FPL states that such waiver is necessary in order to allow the parties to improve reliability of service in the area as soon as possible. In the event such waiver is denied, FPL requests that the Amendment be placed into effect no later than sixty days after the date of filing. FPL states that copies of the filing were served on the Vice President of Corp.

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 10, 1981. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9282 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project Nos. 4070 and 4193]

Franklin County, Indiana and Hoosier Energy Rural Electric Cooperative, Inc., Application for Preliminary Permit

March 20, 1981.

Take notice that Franklin County, Indiana (Franklin), and Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier), respectively, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4070 and 4193, respectively, to be known as Brookville Dam located on the existing U.S. Army Corps of Engineers' Brookville Dam on the East Fork Whitewater River near Brookville, Franklin County, Indiana. The applications are on file with the Commission and are available for public inspection. Correspondence with Franklin should be directed to: Mr. Francis Schuck, Auditor, Franklin County Courthouse, Brookville, Indiana 47012. Correspondence with Hoosier should be sent to: Mr. Virgil E. Peterson, Executive Vice President and General Manager, Hoosier Energy Rural Electric Cooperative, Inc., P.O. Box 908, Bloomington, Indiana 47402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Franklin's proposed project would consist of: (1) a proposed penstock 300 feet long to connect the existing outlet structure to the proposed powerhouse; (2) a proposed powerhouse containing generating units with a total installed capacity of 4.1 MW; (3) proposed transmission lines; and (4) appurtenant facilities. Franklin estimates that the average energy output would be 25,200 MWh.

Hoosier's proposed project would consist of: (1) a proposed penstock 700 feet long to connect the existing outlet structure to the proposed powerhouse; (2) a proposed powerhouse containing 3 generating units with a total installed capacity of 6.4 MW; (3) proposed

transmission lines approximately 3,500 feet long; and (4) appurtenant facilities. Hoosier estimates that the average annual energy output would be 24,000 MWh.

Purpose of Project—Franklin would sell its project power to the utilities serving the area. Hoosier plans to market the power from its project to its wholesale members.

Proposed Scope and Cost of Studies Under Permit—Both Applicants have requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, and soil and foundation data. The costs of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies are estimated by Franklin to be \$45,000, while Hoosier's costs are estimated to be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to Continental Hydro Corporation Project No. 3393 filed on August 27, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Projects Nos. 4070 and 4193. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice. Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8373 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No ER81-338-000]

Idaho Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order to October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No 1 (Supersedes Original Volume No 1) during January, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9382 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP74-11, RP76-8, RP77-5, RP78-10, RP79-8, and RP80-8]

Kansas-Nebraska Natural Gas Company, Inc., Informal Settlement Conference

March 20, 1981.

Take notice that on March 26, 1981, at 2:00 p.m., an informal conference of all interested persons will be convened to (1) discuss the Refund Report filed on February 2, 1981, by Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) which provides the amount of refunds Kansas-Nebraska believes is due regarding liquid product revenues for Docket Nos. RP74-11, RP76-8, RP77-5, RP78-10 and RP79-8; and (2) resolve or establish further procedures regarding Kansas-Nebraska's inclusion of the Unallowable Hugoton Gas Trust Payments in the computation of federal income taxes for Docket Nos. RP79-8, RP80-8.

The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. in Room 5001. Customers and other interested persons will be permitted to attend the above-mentioned informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9374 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-341-000]

Kentucky Utilities Co., Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 17, 1981, Kentucky Utilities Company (KU) filed changes in its contracts for wholesale service with various all requirements customers and with the City of Paris, Kentucky designed to increase its present revenues. KU requests an effective date of June 1, 1980 and states that, on the basis of Period I data, the changes will result in increased annual revenues of \$12,519,109.

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 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9271 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3900-000; Project No. 3970-000]

Borough of Kittanning and Pennsylvania Renewable Resources, Inc. and Enagenics; Application for Preliminary Permit

March 23, 1981.

Take notice that Borough of Kittanning and Pennsylvania Renewable Resources, Inc. (BKPR) and Enagenics (EN), (Applicants) filed on December 30, 1980 and January 12, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3900 and Project No. 3970, respectively, to be known as Allegheny Lock and Dam No. 7 Hydro Project located on the Allegheny River in Armstrong County, Pennsylvania. The applications are on file with the Commission and are available for Public inspection. Correspondence with the Applicants should be directed to: Mr. Jeffrey M. Kossak or Mr. Edward Curland, Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005 (BKPR), and Mr. Thomas H. Clarke, Jr.,

President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009 (EN). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects each would utilize the existing U.S. Army Corps of Engineers' Lock and Dam No. 7 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 20,900 kW (BKPR) or 13,200 kW (EN); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 98,900,000 kWh (BKPR) and 89,000,000 kWh (EN).

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Both applicants seek issuance of a preliminary permit for a period of three years, during which time they would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be \$150,000 (BKPR) and \$50,000 (EN).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—These applications were filed as competing applications to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project Nos. 3900 and 3970. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9267 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3862-000]

City of LeClaire; Application for Preliminary Permit

March 24, 1981.

Take notice that the City of LeClaire (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3862 to be known as the Mississippi Lock and Dam No. 14 located on the Mississippi River in Scott County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edwin N. Choate, City Administrator, City Hall, LeClaire, Iowa 52753. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant's facilities will be located mostly on U.S. lands. Project No. 3862 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, containing generating units having a total installed capacity of 25 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the average annual energy output for the project would be 107,310,000 KWh.

Purpose of Project—The power generated at the project would be sold to Iowa Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it proposes to conduct economic, environmental, and engineering studies, consult with Federal, State and local government agencies concerning the environmental effects of the project, apply for DOE funds, and prepare an application for FERC license. The Applicant estimates the cost of the studies for the project to be approximately \$60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3597 filed October 10, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letter the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3862. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower
Licensing, Federal Energy Regulatory
Commission, Room 208, 400 First Street,
N.W., Washington, D.C. 20426.
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9257 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4058]

**The Metropolitan Water District of
Southern California; Application for
Exemption of Small Conduit
Hydroelectric Facility**

March 23, 1981.

Take notice that on January 22, 1981, The Metropolitan Water District of Southern California (District) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Sepulveda Canyon Power Plant (FERC Project No. 4058) would be located on the Sepulveda Feeder Pipeline (part of the District's water distribution system which receives water from the California Aqueduct) approximately 1.8 miles north of the intersection of the Sunset Boulevard and the San Diego Freeway in Los Angeles County, California. Correspondence with the Applicant should be directed to: Mr. Evan L. Griffith, General Manager, The Metropolitan Water District of Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

Purpose of Project—Project energy would be either sold to a public or private utility in Southern California or used by the applicant.

Project Description—The proposed project would consist of: (a) a powerhouse containing a single generating unit with a rated capacity of 8.6 MW; and (b) a substation adjacent to the powerhouse. The power plant would produce approximately 53.2 million kilowatt-hours of energy per year.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be

made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone 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 11, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9263 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP 81-221-000]

**Michigan Wisconsin Pipe Line Co.,
Application**

March 23, 1981.

Take notice that on March 3, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-221-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible sale of natural gas to Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas service agreement dated January 9, 1981, Applicant proposes to sell to Faustina on an interruptible basis surplus supplies of natural gas in excess of its firm requirements which Applicant would deliver to Transcontinental Gas Pipe Line Corporation (Transco) at an

existing point of interconnection between Applicant and Transco in Acadia Parish, Louisiana. Transco, it is asserted, would transport the gas for the account of Faustina pursuant to Subpart B of Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978.

Applicant states that Faustina would pay a rate of \$3.25 per million Btu of natural gas, which is equivalent to the weighted average of Applicant's rates to its resale customers under its rate Schedules CD-1, SGS-1 and LVS-1. Applicant further states that no new facilities would be required to execute the agreement.

Applicant asserts that the subject sale would provide it with a market for short-term surpluses of available natural gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9283 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EC81-7-000]

Minnesota Power & Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Minnesota Power & Light Company on February 6, 1981, tendered for filing an application for Commission approval of the sale of certain substation facilities. The purchaser of a portion of the 500 kV Forbes Substation is to be Northern States Power Company, a Minnesota Corporation.

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, 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 17, 1981. Protests will be determined by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9383 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-327-000]

Montaup Electric Co.; Filing

March 23, 1981.

The Filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on March 12, 1981, tendered for filing a letter agreement amendment to a purchase power contract between Montaup and the town of Middleborough, Massachusetts ("Middleborough").

The letter agreement amends the September 1, 1977 contract between Montaup and Middleborough to reduce Montaup's assignment to Middleborough of purchase power under the New Brunswick unit purchase power agreements from 2,500 kW to 900 kW for

the period from January 1, 1981 until October 31, 1981 when the assignment ceases. The amendment is necessary to recognize the reduction in the total share of the New Brunswick purchase power to Montaup and to the other New England Power Pool participants from 400 MW to 133 MW.

Montaup requests waiver of the Commission's sixty (60) day notice requirement in order to allow an effective date of January 1, 1981.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

Any person wishing 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9284 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-328-000]

Montaup Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company (Montaup) on March 12, 1981, tendered for filing a supplement to a transmission service agreement between Montaup and the Taunton Municipal Lighting Plant (Taunton). The supplement specifies that at certain times during the day 31 MW and 5 MW of power from Boston Edison Company's New Boston Unit Nos. 1 and 2 will be transmitted by Montaup for Taunton. Taunton's purchase began on February 20, 1981, on an emergency basis due to a breakdown of its generating equipment. The emergency purchase will remain in effect until cancelled by 30 days notice by either Boston Edison Company or Taunton.

Montaup requests waiver of the Commission's 60-day notice requirement

in order to allow an effective date of February 20, 1981.

Copies of this filing have been served on Taunton and the Massachusetts Department of Public Utilities.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9278 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-329-000]

Montaup Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on March 12, 1981, tendered for filing a letter agreement amendment to a purchase power contract between Montaup and the Town of Middleborough, Massachusetts ("Middleborough").

The letter agreement amends the January 1, 1976 contract between Montaup and Middleborough for the purchase and transmission of power from Montaup's Somerset Unit No. 6. The amendment provides that Middleborough's share of purchase power from Somerset Unit No. 6 will increase from 4 MW to 5.6 MW on January 1, 1981 when the rating of Somerset Unit No. 6 will increase from 126, 200 kW to 128,540 kW. The amendment will remain in effect from January 1, 1981 until October 31, 1981.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of January 1, 1981.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

Any person wishing 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 protest should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9285 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3593-000; Project No. 3623-000]

Noah Corp. and Borough of Seven Springs, Pa., Application for Preliminary Permit

March 23, 1981.

Take notice that competing applications have been filed for a preliminary permit for a proposed water power project to be known as the Youghiogheny River Dam Project, located on the Youghiogheny River in Fayette County, Pennsylvania. The Applicants are the Noah Corporation, application filed October 20, 1980, and designated Project No. 3593-000, and the Borough of Seven Springs, Pennsylvania, application filed October 29, 1980, and designated Project No. 3623-000. The applications were filed under the Federal Power Act, 16 U.S.C. 791(a)-825(r). The project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Army Corps of Engineers.

Correspondence with Applicants—Correspondence with the Noah Corporation should be directed to Mr. James B. Price, Noah Corporation, P.O. Drawer 640, Aiken, South Carolina 29801. Correspondence with the Borough of Seven Springs, Pennsylvania should be directed to Mr. Herman Dupre, Manager, Borough of Seven Springs, Champion, Pennsylvania 15622.

Proposed Scope and Cost of Studies Under Permit—Each of the Applicants seeks a preliminary permit for a period of 24 or 36 months. During that time they would perform surveys, environmental assessment studies, sub-surface explorations, and market studies, as well as develop preliminary plans. Noah Corporation estimates that such studies would cost \$100,000, and the Borough of

Seven Springs estimates the studies would cost \$60,000.

Description of Youghiogheny River Dam—Each Applicant proposes to utilize the U.S. Army Corps of Engineers' existing Youghiogheny River Dam and Reservoir. The dam is an earthfill structure with a maximum height of 185 feet from the downstream invert of the outlet tunnel. At the normal summer reservoir water surface of 1,439 feet msl, the reservoir stores 155,000 acre-feet.

Project Description—The proposed by each Applicant, the project would consist of: (1) a proposed penstock extending from an existing water control structure to (2) a powerhouse to be located on the western bank of the Youghiogheny River; and (3) appurtenant facilities.

The Noah Corporation (Project No. 3593-000) estimates that the project would have an installed capacity of 7,500 kW and an average annual energy production of 23,000 MWh. The Borough of Seven Springs, Pennsylvania estimates that the project would have an installed capacity of between 7,000 and 15,000 kW and an average annual energy production 20,000 and 40,000 MWh.

Purpose of Project—Each Applicant proposes to sell project power to local public utilities. In addition, the Borough of Seven Springs, Pennsylvania proposes to sell project power to a local resort development.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—The application for Projects Nos. 3547 and 3623 are competing applications to the

Youghiogheny Project No. 3288 filed on August 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9272 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP61-75-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

March 23, 1981.

Take notice that on March 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP61-75-000 a petition to amend the order issued December 19, 1960,¹ in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize natural gas service under its Rate Schedule ERS-1 on any day to the extent that such quantities of natural gas are available regardless of whether it is providing service under its Rate Schedule AOS-1, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 19, 1960, it was authorized to render Economy Replacement Service (ERS) to its utility customers on a daily basis. Petitioner states that such service was provided pursuant to Petitioner's

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Rate Schedule ERS-1. The stated purpose of such service was to reduce or eliminate to the extent that such quantities of natural gas are available the production of more expensive peak shaving gas by the utilities or to meet their firm gas requirements in excess of their daily firm entitlements. It is asserted that under Petitioner's Rate Schedule ERS-1 utilities can purchase natural gas during the period October 27 through April 26 but ERS-1 gas cannot be released on days gas is available under Petitioner's Rate Schedule AOS-1.

Petitioner proposes herein to make ERS-1 gas available on the same days that AOS-1 gas is available. Petitioner contends that such activity would enhance the needs of its utility customers which periodically find the AOS-1 gas supplies inadequate, thereby forcing them to seek alternative and more expensive sources of gas to meet their firm requirements.

Petitioner avers that it is in a position to provide such service because it generally has additional volumes available due to excess supplies not needed by its AOS-1 customers and irregular weather patterns and operating flexibility even though Petitioner may not have sufficient volumes available to increase the overall level of overrun volumes released. Petitioner contends that while the demand for such ERS-1 volumes is expected to be *de minimis*, such service would nevertheless be important to some utilities in meeting their firm customers' requirements at a cost which would be commensurate with the cost of gas available to other utility customers which have the diversity to satisfy similar requirements.

Petitioner further avers that it would submit to the Commission in the future a revised rate schedule for the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-6279 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-235-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 23, 1981.

Take notice that on March 16, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-235-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Faustina Pipeline Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 23, 1981, Applicant proposes to sell up to 100,000 Mcf of natural gas per day to Faustina on a best-efforts basis. Applicant asserts that the proposed sale would extend through October 26, 1983. It is further asserted that the gas to be sold to Faustina would be surplus to the needs of Applicant's existing customers during the term of the sale and that such volumes would be marketed from Applicant's general system supply without jeopardizing service to Applicant's customers.

Applicant proposes to deliver the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) at a primary delivery point at the Starks Station, Calcasieu Parish, Louisiana, and at a secondary delivery point in the Ship Shola Block 70 and 72, offshore Louisiana. It is stated that Transco would make further delivery to Faustina pursuant to Subpart B of Section 284 of the Regulations under the National Gas Policy Act of 1978 (NGPA). It is asserted that no new facilities would be required.

Applicant proposes to charge Faustina a price which would be the higher of the then currently effective Section 102 price of the NGPA or Applicant's then-effective Zone 1 Commodity Rate under Rate Schedule CD-1 of Applicant's FERC Gas Tariff, 3rd Revised Volume No. 1. It is further stated that Faustina would reimburse Applicant for transportation costs at a current rate of 36.3 cents per Mcf and for any Louisiana First Use Tax payments at the current rate of 7.0 cents per Mcf.

Applicant asserts that in instances when it cannot provide total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a *pro rata* manner to off-system customers.

It is stated that Faustina would resell the subject gas to various large volume agricultural and industrial customers all located in the state of Louisiana.

Applicant further seeks authorization for its proposed treatment of revenues to be received from the proposed off-system sale. It is asserted that Applicant would refund all off-system sales revenues received that are in excess of the sum of: (a) any incremental cost incurred in making the sales, (b) the variable cost reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the sales refunds obligation provisions in Docket No. RP80-88 Stipulation and Agreement approved by the Commission on February 20, 1981.

It is stated that the proposed sale would reduce Applicant's take-or-pay deficiency payments and would provide a market for Applicant's short-term surplus of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the National Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9280 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No ER81-334-000]

Oklahoma Gas and Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing a new Agreement intended to supersede OG&E's Rate Schedule FERC No. 107 This Agreement is the contract between OG&E and the Southwestern Power Administration (SWPA). The new rate is identical to the old rate, and provides for the sale of Replacement Energy and Emergency Service by OG&E to SWPA.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9384 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER76-205]

Southern California Edison Co., Filing

March 20, 1981.

The filing company submits the following.

Take notice that on December 4, 1980, Southern California Edison Company (Edison) submitted for filing a revised

supplemental compliance filing. Said filing is being submitted so as to avoid confusion which may have occurred as a result of Edison's previous compliance filing in this docket.

Edison further submits that the present filing consists of revised tariff sheets for its R resale rate schedules, in terms consistent with the Commission's order in this proceeding.

A copy of this filing has been sent to the Public Utilities Commission of California and the Arizona Corporation Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9273 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-339-000]

Southwestern Electric Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a letter agreement between SWEPCO and Gulf States Utilities Company (Gulf States) dated December 9, 1980, which provides for SWEPCO to offer to sell and Gulf States to purchase 100 MW of unit capacity without reserves from Know Lee Unit No. 5 for the period June 1, 1981 through May 31, 1982.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9385 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. G-13552-000, et al.].

Texaco Inc. (Operator), et al., Applications for Certificates, Abandonment of Service and Petitions To Amend Certificate ¹

March 20, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-13552-000, D, Feb. 6, 1981	Texaco Inc. (Operator), P.O. Box 430, Houston, Texas 77401.	Texas Eastern Transmission Corporation, Hidalgo Field, Hidalgo County, Texas.	(1)	
G-14747-000, D, Mar. 2, 1981	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010.	Northern Natural Gas Company, Section 80 Block 4-T, T&NO RR Survey, Ochiltree County, Texas, Section 12 TIN R 20 ECM, Beaver County, Oklahoma.	(1)	
G-2579-000, D, Feb. 26, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Texas Gas Transmission Corporation, Southeast Carthage Field, Panola County, Texas.	(1)	
C161-36-000, D, Mar. 12, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Panhandle Eastern Pipe Line Company, Mocane-Laveme Gas Area, Beaver County, Oklahoma.	(1)	
C161-406-001, D, Feb. 27, 1981	Perry R. Bass, 3100 Fort Worth Nat'l Bank Bldg., Fort Worth, Texas 76102.	Southern Natural Gas Company, Little Lake and South Bayou Fields, Jefferson Parish, Louisiana.	(1)	
C162-57-000, D, Feb. 27, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Panhandle Eastern Pipe Line Company, Mocane Gas Area, Beaver County, Oklahoma.	(1)	
C162-398-000, D, Mar. 5, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Texas Gas Transmission Corporation, Jeanerette Field, St. Mary Parish, Louisiana.	(1)	
C167-1644-000, D, Mar. 4, 1981	Phillips Petroleum Company, 336 HS&L Bldg., Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Area, Block 15, Zone 2, Offshore Louisiana.	(1)	
C179-340-001, C, Feb. 27, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Vermilion Block 261, Offshore Louisiana.	(1)	15.025
C181-224-000, A, Feb. 27, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Trunkline Gas Company, Eugene Island South Addition, Block 380, Offshore Louisiana, Lease Nos. OCS-G-2915 and OCS-G-2327.	(1)	15.025
C181-225-000, A, Feb. 26, 1981	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area, Block 65, Offshore Louisiana.	(1)	14.65
C181-226-000, A, Feb. 27, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron, Block 47 Area, Offshore Louisiana.	(1)	15.025
C181-227-000, A, Mar. 9, 1981	Sonac Exploration Company, P.O. Box 1513, Houston, Texas 77001.	Southern Natural Gas Company, East Cameron Blocks 232 and 239, Offshore Louisiana.	(1)	15.025
C181-228-000, A, Mar. 4, 1981	Union Texas Petroleum Corporation, P.O. Box 2120, Houston, Texas 77001.	Southern Natural Gas Company, Block 758, Mustang Island Area, Offshore Texas.	(1)	14.65
C181-223-000, A, Feb. 27, 1981	Sun Texas Company, a Division of Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Trunkline Gas Company, Eugene Island South Addition, Block 380, Offshore Louisiana, Lease Nos. OCS-G-2915 and OCS-G-2327.	(1)	15.025
C181-236-000, B, Mar. 5, 1981	Texaco, Inc., P.O. Box 2420, Tulsa, Oklahoma 74102.	Getty Oil Company—Lone Star Gas Company, West Marlow Field, Stephens County, Oklahoma.	(1)	
C181-238-000, A, Mar. 10, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 47, Offshore Louisiana.	(1)	15.025
C181-239-000, A, Mar. 10, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001.	Southern Natural Gas Company, Main Pass Block 311, Offshore Louisiana.	(1)	15.025
C176-53-000, Feb. 2, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, West Cameron Block 534, South Addition, Offshore Louisiana.	(1)	15.025
C180-506-001, C, Feb. 12, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Vermilion Block 119 Area, Offshore Louisiana.	(1)	15.025

¹Leases released, Well(s) plugged and abandoned.

²All gas reserves are depleted to the extent that the continuance of gas service is unwarranted. All wells located within the contract area pertaining to this application have been plugged and abandoned.

³All wells on the lands covered by this application have been plugged.

⁴Applicant's leases on the lands covered by this application have been released of record.

⁵The subject acreage is not covered by Applicant's rollover contract with Southern dated October 1, 1980.

⁶All wells on the lands covered by this application have been plugged and the leases involved have been released of record.

⁷Applicant has released of record its interest in the acreage covered by this application and no longer has the right to explore or develop said acreage.

⁸To delete non-productive acreage that was deleted from the December 9, 1980, replacement contract.

⁹Applicant is filing under Gas Purchase and Sales Agreement dated February 27, 1979—Amendment December 12, 1980.

¹⁰Applicant is filing under Gas Purchase Contract dated February 18, 1981.

¹¹Applicant is willing to accept a certificate conditioned upon the maximum applicable rate as allowed by the Natural Gas Policy Act of 1978.

¹²Applicant is filing under Gas Purchase Contract dated December 23, 1980.

¹³Applicant is filing under Gas Purchase and Sales Agreement dated February 6, 1981.

¹⁴Applicant is filing under Gas Purchase Agreement dated May 5, 1980.

¹⁵Applicant is filing under Gas Purchase Contract dated February 18, 1981.

¹⁶Getty abandoned plant operations.

¹⁷Applicant is filing under Gas Purchase Contract dated December 17, 1980.

¹⁸Applicant is filing under Gas Purchase Contract dated August 1, 1980.

¹⁹Reflects addition of delivery points.

²⁰Applicant is filing to amend its Contract under Amendment dated 8-25-78 and FERC G.R.S. No. 64.

²¹Applicant is filing to amend its Contract under Amendment dated 12-23-80 and FERC G.R.S. No. 753.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-9274 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4029-000]

**Utah Municipal Power Agency;
Application for a New Major License**

March 20, 1981.

Take notice that the Utah Municipal Power Agency (Applicant) filed on

January 19, 1981, an application for a new major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the constructed Olmsted Hydroelectric Project, FERC No. 4029, located on the Provo River, in Utah County, Utah, near the Cities of Orem and Provo, Utah. The project affects

lands of the United States, within the Uinta National Forest. The original license held by Utah Power and Light Company expired on October 20, 1975.

Correspondence concerning the application should be directed to: Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418,

Payson, Utah 84651, with copies to Emerson Duncan, Esquire, Duncan, Allen & Mitchell, 1575 Eye Street, NW., Washington, D.C. 20005 and to Richard G. Foltz, P.E., Burns & McDonnell Engineering Company, P.O. Box 173, Kansas City, Missouri 64141.

Project Description—The run-of-the-river Olmsted Hydroelectric Project consists of: (1) a concrete diversion dam having a 15-foot maximum height and an 80-foot length, including a 62-foot long spillway having a crest elevation of 5,176.16 USGS datum topped by variable height stop-log flashboards; (2) a screened water intake structure 104 feet in length along the northwest (right) bank of the river leading to; (3) a 4.91-mile long, 8.5-foot diameter steel or concrete gravity pipeline including (a) a Taintor gate control and screening structure, (b) a sand trap, (c) two siphons, (d) a siphon spillway, and (e) five 8-inch metal or PVC pipes feeding spring and creek waters into the main pipeline; (4) a wood and/or concrete lined tunnel 950 feet long, 13 feet wide, and 10 feet high opening into; (5) a concrete and steel "pressure box" structure 50 feet long, 50 feet wide, and 60 feet high with trash screens and four Taintor gates connecting to; (6) three 730-foot long steel penstocks varying in diameter from 60 to 48 to 54-inches and a 730-foot long, 6-foot diameter steel penstock; (7) a concrete, brick and steel powerhouse containing three 2,400-kW generating units and a 5,500-kW generating unit; (8) a tailrace 800 feet long; (9) electrical facilities connecting to a 44-kV switchyard; and (10) appurtenant facilities.

The application proposes to continue the historic operation of the project while performing routine maintenance and structural repairs. Applicant will also investigate the feasibility of reactivating Unit No. 3 and other methods of increasing power plant output and efficiency.

Purpose of Project—All power generated by the project will be used to satisfy the power needs of the Applicant.

Competing Applications—This application was filed as a competing application to that of Utah Power and Light Company Project No. 596 filed on April 7, 1975 and most recently revised on April 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal

Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is one file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9375 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-222-000]

United Gas Pipe Line Co., Application

March 20, 1981.

Take notice that on March 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-222-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Trans Louisiana Gas Company (Trans Louisiana) as successor-in-interest to Central Louisiana Electric Company, Inc. (CLECO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter by CLECO dated January 28, 1981, Applicant proposes to sell a maximum daily quantity of 4,075 Mcf of natural gas per day to Trans Louisiana as successor-in-interest to CLECO's distribution system. It is asserted that Trans Louisiana would continue to provide natural gas service to the municipalities of Many, Pleasant Hill, and Zwolle in Sabine Parish, and Pelican and Oxford in Desoto Parish, Louisiana.

Applicant states that it would continue service to Trans Louisiana under its Rate Schedule G-N and that such service would not affect Applicant's service to other customers in that area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9376 Filed 3-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-333-000]

The Washington Water Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Washington Water Power Company (WWP) tendered for filing a letter agreement between WWP and Southern California Edison Company (SCE) dated January 7, 1981, which provides for the sale of Energy produced by WWP's share of the Centralia coal-fired steam plant which is surplus to WWP's needs. WWP states that at its option, the

energy will either be sold outright or on a recallable basis. If WWP recalls the energy prior to April 1, 1981, WWP shall refund to Edison the price originally paid by Edison plus a storage charge of four mills/kwh. The four-mill storage charge is in accordance with Edison's rate schedule FERC #121.

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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-6386 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 388]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981

JD NO	JA DKT	API NO	SEC D WELL NAME	RECEIVED	JA	FIELD NAME	PROD	PURCHASER

TEXAS RAILROAD COMMISSION								

-ABRAXAS PETROLEUM CORP								
8119464	26256	4248131937	102 BARTA NO 1	02/27/81	JA: TX			82.0 DELHI GAS PIPELINE
8119464	26256	4248131937	103 BARTA NO 1					82.0 DELHI GAS PIPELINE
8119465	26257	4223931492	102 SHOOP NO 1					24.0 TRUNKLINE GAS CO
8119465	26257	4223931492	103 SHOOP NO 1					24.0 TRUNKLINE GAS CO
-AMERICAN PETROFINA COMPANY OF TEXAS								
8119586	29991	4242330395	103 ARNOLD GAS UNIT #2 WELL #1	02/27/81	JA: TX	OVERTON (COTTON VALLEY S		41.0 UNITED GAS PIPE LINE
8119586	29991	4242330395	107 ARNOLD GAS UNIT #2 WELL #1			OVERTON (COTTON VALLEY S		41.0 UNITED GAS PIPE LINE
-AMERICAN GUASAR PETROLEUM CO								
8119459	25878	4210931391	103 TRES ALAS #1	02/27/81	JA: TX	SEC 4 BLK 112 PSL		30.0 TENNECO INC
-AMINOIL USA INC								
8119458	25841	4229732040	102 AMINOIL/EL PASO NAT GAS #3	02/27/81	JA: TX	EAST CHAPA (MASSIVE C) -		1095.0 EL PASO NATURAL GAS
8119458	25841	4229732040	103 AMINOIL/EL PASO NAT GAS #3			EAST CHAPA (MASSIVE C) -		1095.0 EL PASO NATURAL GAS
-AMHLEX PETROLEUM CORP								
8119415	19331	4214900000	102 ALDAR UNIT - RRC #85266	02/27/81	JA: TX	GIDDINGS (AUSTIN CHALK G		67.0 CLAJON GAS CO
8119415	19331	4214900000	103 ALDAR UNIT - RRC #85266			GIDDINGS (AUSTIN CHALK G		67.0 CLAJON GAS CO
-AMOCO PRODUCTION CO								
8119668	30528	4230330591	103 ANTON IRISH CLRFK UT #451	02/27/81	JA: TX	ANTON IRISH		0.7 PIONEER NATURAL GAS
8119442	23535	4220330717	102 BRITTON GAS UNIT NO 3			WOODLAWN (TRAVIS PEAK)		600.0 EAST TEXAS INDUSTRIA
8119442	23535	4220330717	103 BRITTON GAS UNIT NO 3			WOODLAWN (TRAVIS PEAK)		600.0 EAST TEXAS INDUSTRIA
8119650	30444	4213533395	103 DAVID FASKEN BJ #1			FASKEN S (ATOKA)		44.5 AMOCO PRODUCTION CO
8119599	30279	4216730777	103 E KER CADE A R/A A #282			HIGH ISLAND		9.0 WINNIE PIPELINE CO
8119598	30276	4216730786	103 E KER CADE A R/A A #283			HIGH ISLAND		3.0 WINNIE PIPELINE CO
8119584	29988	4239131221	103 EL ESO CATTLE CO NO 26			MARY ELLEN OCONNOR (STRA		40.0 LA ROSA CORP
8119584	29988	4220330645	102 JAMES HARRIS GAS UNIT NO 1			BLOCKER/COTTON VALLEY/		200.0 UNITED GAS PIPE LINE
8119584	29988	4220330645	107 JAMES HARRIS GAS UNIT NO 1			BLOCKER/COTTON VALLEY/		200.0 UNITED GAS PIPE LINE
8119616	30337	4239300000	108 LIPS RANCH B #16 (2ND FIL)			LIPS (CLEVELAND)		10.0 NORTHERN NATURAL GAS
8119585	29989	4220330629	102 MARY L RODEN GAS UNIT NO 1			BLOCKER/COTTON VALLEY/		200.0 UNITED GAS PIPE LINE
8119585	29989	4220330629	107 MARY L RODEN GAS UNIT NO 1			BLOCKER/COTTON VALLEY/		200.0 UNITED GAS PIPE LINE
8119392	17182	4203931307	103 MASSEY - CONDON #3			WEST HASTINGS		2.1 AMOCO GAS CO
8119651	30447	4213533342	103 MIDLAND FARMS AJ #5			FASKEN (PENN)		0.3 AMOCO PRODUCTION CO
8119550	28990	4222731958	103 MRS CORA LEE ECHOLS B #20			IATAN EAST (HOWARD)		0.4 GETTY OIL CO
8119390	15184	4203931406	103 W H AVITTS B NO 5			HASTINGS WEST		22.0 TEXAS EASTERN TRANS
8119597	30275	4207931246	103 W R BLAKE #16			SLAUGHTER		1.1 AMOCO PRODUCTION CO
8119669	30529	4221932992	103 WEST RKM UNIT #241	02/27/81	JA: TX	SLAUGHTER		7.3 AMOCO PRODUCTION CO
-ARCO OIL AND GAS COMPANY								
8119630	30375	4210332313	103 DENNIS 15 NO 1	02/27/81	JA: TX	ROBERDEAU S (CLEARFORK L		40.0 PHILLIPS PETROLEUM C
-ATAPCO								
8119462	26192	4233531623	102 ELLWOOD ESTATE #1-41 (25902)	02/27/81	JA: TX	LUCKY STRIKE (ELLENBURGE		3.6
8119462	26192	4233531623	103 ELLWOOD ESTATE #1-41 (25902)			LUCKY STRIKE (ELLENBURGE		3.6
8119463	26238	4237132946	102 MAX D SHAFFRATH #4 (25981)			COYANOSA W (CASTILE)		1.5
8119463	26238	4237132946	103 MAX D SHAFFRATH #4 (25981)			COYANOSA W (CASTILE)		1.5

JD NO	JA DKT.	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119434	21533	4237132819	102	UNIVERSITY 1-16 #25567	ATAK (PENN DETRITAL)	18.0	
8119434	21533	4237132819	103	UNIVERSITY 1-16 #25567	ATAK (PENN DETRITAL)	18.0	
-B. D. K. PRODUCTION CO INC							
8119468	26352	4228500000	102	MCAFFEE NO 1	KEMPER EAST	250.0	LONE STAR GAS CO
8119449	24120	4228500000	102	OTTO BORCHER UNIT NO 1	KEMPER EAST	182.5	LONE STAR GAS CO
-BAKER & TAYLOR DRILLING CO							
*8119506	27515	4223330901	103	ARCHER A #1	HANSFORD (MORROW LOWER)	270.0	NORTHERN NATURAL GAS
-BASS ENTERPRISES PRODUCTION CO							
8119615	30334	4210332298	102	L D MOSS ET AL NO 25	TROPORO N (DEVONIAN)	25.0	PGP GAS PRODUCTS INC
-BOB WALLACE OIL INC							
8119617	30341	4206500000	103	BURNETT 24 NO 4-24	PANHANDLE CARSON	115.0	PANHANDLE EASTERN PI
-BUTTES RESOURCES CO							
8119477	26838	4204130327	102	HENRY K ODOM #1	KURTEN (WOODBINE)	15.0	
8119478	26839	4204130379	102	HENRY K ODOM #2	KURTEN (WOODBINE)	33.0	
8119479	26840	4204130408	102	HENRY K ODOM #4	KURTEN (WOODBINE)	27.0	
8119480	26841	4204130483	102	JAMES D WILSON #1	KURTEN (WOODBINE)	4.1	
8119481	26842	4204130322	102	JAMES D WILSON #2	KURTEN (WOODBINE)	18.0	
8119482	26843	4204130417	102	JAMES D WILSON #4	KURTEN (WOODBINE)	24.0	
8119483	26844	4204130484	102	JAMES D WILSON #5	KURTEN (WOODBINE)	7.0	
8119476	26837	4204130395	102	RAYMOND BUCHANAN #2	KURTEN (WOODBINE)	33.0	
-C. F. LAURENCE & ASSOC INC							
8119467	26279	4237100000	102	MCCOMB #1	MCLAV (GRAYBURG)	374.0	EL PASO NATURAL GAS
-CARTER ENERGY CORP							
8119618	30342	4249731916	103	C V FIRESTONE ET UX #1	BOONSVILLE (BEND CONGLOM)	0.0	LONE STAR GAS CO
8119557	29205	4249731747	103	V V ROSTINE LEASE #1	BOONSVILLE (BCG) FIELD	115.0	TEXAS UTILITIES FUEL
-CHAMPLIN PETROLEUM COMPANY							
8119490	27089	4238331673	102	ESTELLE COUNCIL 70 NO 1	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8119491	27091	4217331070	102	I W TERRY A NO 5	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
-CHAPARROSA OIL CO							
8119511	27883	4250730914	102	B K JOHNSON #5	EL BANO (OLMOS)	0.0	VALERO TRANSMISSION
8119511	27883	4250730914	103	B K JOHNSON #5	EL BANO (OLMOS)	0.0	VALERO TRANSMISSION
-CITIES SERVICE COMPANY							
8119645	30408	4217900000	108	CASTLEBERRY A #3	PANHANDLE GRAY	0.4	CITIES SERVICE CO
8119644	30407	4217900000	108	CASTLEBERRY A #5	PANHANDLE GRAY	0.8	CITIES SERVICE CO
8119643	30406	4217900000	108	CASTLEBERRY A #6	PANHANDLE GRAY	1.9	CITIES SERVICE CO
8119642	30405	4217900000	108	GEORGE A #5	PANHANDLE GRAY	2.7	CITIES SERVICE CO
8119641	30404	4217900000	108	HEITHOLT A #13	PANHANDLE GRAY	0.5	CITIES SERVICE CO
8119640	30403	4217900000	108	HEITHOLT A #14	PANHANDLE GRAY	0.5	CITIES SERVICE CO
8119638	30401	4217900000	108	NOEL A #10	PANHANDLE GRAY	5.5	CITIES SERVICE CO
8119637	30400	4217900000	108	NOEL A #11	PANHANDLE GRAY	3.4	CITIES SERVICE CO
8119639	30402	4217900000	108	NOEL A #4	PANHANDLE GRAY	3.1	CITIES SERVICE CO
8119636	30399	4217900000	108	SAILOR #1	PANHANDLE GRAY	3.8	CITIES SERVICE CO
8119634	30382	4217900000	108	SHITH #10	PANHANDLE GRAY	6.1	CITIES SERVICE CO
8119633	30381	4217900000	108	SHITH #15	PANHANDLE GRAY	2.2	CITIES SERVICE CO
8119632	30380	4217900000	108	SHITH #16	PANHANDLE GRAY	1.4	CITIES SERVICE CO
8119635	30383	4217900000	108	SHITH #8	PANHANDLE GRAY	4.4	CITIES SERVICE CO
8119674	30641	4238331593	103	UNIVERSITY CC #1	PANHANDLE GRAY	88.0	
-CLAUD B. HAHILL							
8119474	26765	4228930317	102	F D RECKNOR NO 1 (#88067)	KEECHI-HAHILL (TRAVIS PE	220.0	LONE STAR GAS CO
-CLAYTON W. WILLIAMS JR							
8119508	27757	4205130715	102	W MEIER #1	GIDDINGS	0.0	VALERO TRANSMISSION
-COASTAL OIL & GAS CORP							

JD NO	JA DKT	API NO	SEC	D WELL NAME	RECEIVED	FIELD NAME	PROD	PURCHASER
8119667	30514	4237530722	103	BIVINS 3401 S	02/27/81	PANHANDLE (RED CAVE)	1.0	COLORADO INTERSTATE
8119655	30464	4237530734	103	BIVINS 5505 S	02/27/81	PANHANDLE (RED CAVE)	104.0	COLORADO INTERSTATE
-COLA PETROLEUM INC								
*8119603	30314	4246133367	103	ELKIN 19 #1	02/27/81	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEUM
*8119602	30313	4238331504	103	WOOTEN A #1	02/27/81	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEUM
-CONOCO INC								
8119418	19777	4207900000	108	CONOCO DEAN UNIT #121 (#60106)	02/27/81	SLAUGHTER	1.5	AMOCO PRODUCTION CO
8119653	30451	4237100000	108	E A HALL-B- #2L & #2U	02/27/81	ABELL	10.2	PG PASO PRODUCTS INC
8119631	30377	4238900000	108	FORD GERALDINE UNIT #107 (#21021)	02/27/81	GERALDINE FORD	0.7	EL PASO NATURAL GAS
8119484	26871	4222732189	103	G O CHALK-E-#20 (#18991)	02/27/81	HOWARD GLASSCOCK	0.4	PHILLIPS PET CO
8119404	17735	4215100000	108	J B TERRELL A #12 (#13657)	02/27/81	ROUND TOP	3.4	LONE STAR GAS CO
8119405	17736	4215100000	108	J B TERRELL A #14 (#13657)	02/27/81	ROUND TOP	5.8	LONE STAR GAS CO
8119406	17737	4215100000	108	J B TERRELL A #15 (#13657)	02/27/81	ROUND TOP	6.2	LONE STAR GAS CO
8119407	17738	4215100000	108	J B TERRELL A #16 (#13657)	02/27/81	ROUND TOP	2.7	LONE STAR GAS CO
8119408	17739	4215100000	108	J B TERRELL A #17 (#13657)	02/27/81	ROUND TOP	1.8	LONE STAR GAS CO
8119536	28487	4250100000	108	R M KENDRICK-868-#8 (#61076)	02/27/81	WASSON	0.4	SHELL OIL CO
8119416	19407	4213533159	108	WIGHT UNIT #137 (#20661)	02/27/81	COUDEN NORTH	5.0	AMOCO PRODUCTION CO
-COQUINA OIL CORPORATION								
8119552	29038	4238331431	103	ZULETTE #9	02/27/81	SPRAYBERRY (TREND AREA)	69.0	PHILLIPS PETROLEUM, C
-CRAWFORD ENERGY								
8119591	30058	4249731715	103	E BUCKNER #1 (20546)	02/27/81	WISE COUNTY REG	59.0	TEXAS UTILITIES FUEL
-D O HOUTCHENS								
8119486	26982	4208700000	103	LUTES A #1A	02/27/81	PANHANDLE EAST	0.0	EL PASO NATURAL GAS
-DANIEL OIL COMPANY								
8119553	29093	4207130924	103	S/L 27122 NO 1-W	02/27/81	SMITH POINT EAST (FRIO-1)	4.0	
8119554	29094	4207130925	103	S/L 27122 NO 2-E	02/27/81	SMITH POINT EAST (F-1)	17.0	
-DELTA OIL INC								
8119547	28846	4208332214	103	BERTIE E STONE NO 10	02/27/81	COLEMAN COUNTY REGULAR	10.0	LONE STAR GAS CO
8119548	28847	4208332212	103	BERTIE E STONE NO 13	02/27/81	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
8119544	28848	4208332158	103	BERTIE E STONE NO 7	02/27/81	COLEMAN COUNTY REGULAR	9.0	LONE STAR GAS CO
8119545	28849	4208332193	103	BERTIE E STONE NO 8	02/27/81	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
8119546	28845	4208332193	103	BERTIE E STONE NO 9	02/27/81	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
-DELTA DRILLING CO								
8119534	28376	4243500000	108	SAVYER A #4 ID# 60703	02/27/81	SAVYER CYN	18.2	NORTHERN NATURAL GAS
-EL PASO NATURAL GAS COMPANY								
8119475	26792	4208726158	108	MAGNOLIA #1	02/27/81	PANHANDLE EAST-BROWN DOL	24.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC								
8119672	30546	4208130926	103	J E CHAPPELL A #7	02/27/81	JAMESON (STRAWN)	7.9	UNION TEXAS PETROLEUM
8119670	30543	4208130927	103	J E CHAPPELL A #8	02/27/81	JAMESON (STRAWN)	20.5	UNION TEXAS PETROLEUM
8119673	30547	4238331677	103	ROCKER B W #16	02/27/81	SPRABERRY (TREND AREA)	17.6	EL PASO NATURAL GAS
8119671	30545	4238331692	103	RUPERT P RICKER KO #7	02/27/81	CALVIN (DEAN)	16.6	UNION TEXAS PETROLEUM
-ENSERCH EXPLORATION INC								
8119420	19992	4249731633	103	B A SMITH NO 1	02/27/81	BOONSVILLE	360.0	LONE STAR GAS CO
8119648	30427	4221300000	108	JESSIE BALL NO 1	02/27/81	OPELIKA	30.0	LONE STAR GAS CO
-ESERJAY PETROLEUM CORP								
8119566	29558	4235531645	103	C L LE MOND NO 1 (09658)	02/27/81	AGUA DULCE N (FRIO 6610)	109.0	ESPERANZA TRANSMISSI
-EUROPEAN SOUTHWEST CO								
8119507	27740	4213332192	103	CLARK NO 1	02/27/81	DESEMONA (BRESSLER SAND	20.0	NORTH GORMAN GATHERI
-EXXON CORPORATION								
8119662	30496	4233930480	103	CONROE FIELD UNIT #436	02/27/81	CONROE	36.0	MORAN UTILITIES
8119661	30494	4233930479	103	CONROE FIELD UNIT #517	02/27/81	CONROE	30.0	MORAN UTILITIES
8119610	30328	4200130994	103	G W EATON ESTATE #28	02/27/81	NECHES (WOODBINE)	69.5	UNITED GAS PIPE LINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119412	18544	4219530651	103		HANSFORD GAS UNIT 30 #2	HANSFORD (MORROW UPPER)	53.0	NORTHERN NATURAL GAS
*8119429	021377	4249930666	103		HAWKINS FIELD UNIT #0718	HAWKINS	130.0	ARMCO STEEL CORP
*8119423	21212	4249930654	103		HAWKINS FIELD UNIT #1258	HAWKINS	150.0	ARMCO STEEL CORP
*8119422	21211	4249930580	103		HAWKINS FIELD UNIT #1265	HAWKINS	42.3	ARMCO STEEL CORP
*8119427	021216	4249930608	103		HAWKINS FIELD UNIT #1266	HAWKINS	74.1	ARMCO STEEL CORP
*8119605	30320	4249930788	103		HAWKINS FIELD UNIT #1311	HAWKINS	50.0	ARMCO STEEL CORP
*8119604	30319	4249930805	103		HAWKINS FIELD UNIT #1517	HAWKINS	91.0	ARMCO STEEL CORP
*8119426	021215	4249930649	103		HAWKINS FIELD UNIT #2364	HAWKINS	20.0	ARMCO STEEL CORP
*8119424	021213	4249930635	103		HAWKINS FIELD UNIT #2365	HAWKINS	150.0	ARMCO STEEL CORP
*8119430	021378	4249930582	103		HAWKINS FIELD UNIT #3023	HAWKINS	30.0	ARMCO STEEL CORP
*8119614	30332	4249930791	103		HAWKINS FIELD UNIT #3310	HAWKINS	15.0	ARMCO STEEL CORP
*8119428	021376	4249930379	103		HAWKINS FIELD UNIT #3412	HAWKINS	79.0	ARMCO STEEL CORP
*8119613	30331	4249930754	103		HAWKINS FIELD UNIT #4113	HAWKINS	81.9	ARMCO STEEL CORP
*8119431	021379	4249930588	103		HAWKINS FIELD UNIT #4206	HAWKINS	100.0	ARMCO STEEL CORP
*8119425	021214	4249930619	103		HAWKINS FIELD UNIT #4214	HAWKINS	22.0	ARMCO STEEL CORP
*8119609	30326	4249930730	103		HAWKINS FIELD UNIT #4286	HAWKINS	56.0	ARMCO STEEL CORP
*8119608	30325	4249930678	103		HAWKINS FIELD UNIT #4297	HAWKINS	55.0	ARMCO STEEL CORP
*8119432	21388	4249930678	103		HAWKINS FIELD UNIT #9917	HAWKINS	40.0	ARMCO STEEL CORP
*8119607	30324	4249930826	103		HAWKINS FIELD UNIT NO 9321	HAWKINS	54.8	ARMCO STEEL CORP
8119540	28696	4210331994	103		J B TUBB A/C 1. #178	SAND HILLS (JUDKINS)	194.0	ODESSA NATURAL CORP
*8119593	30200	4247330305	103		KATY GAS FLD CONSOL UT #404F	KATY (I-A)	28.5	UNITED TEXAS TRANSHI
8119612	30330	4201530456	103		LUTHER R SHERROD #32	RACCOON BEND (COCKFIELD	80.0	TEXAS SOUTHEASTERN G
*8119659	30491	4207131041	103		MARIE ZAPPE NO 26	ANAHUAC	54.8	HOUSTON PIPELINE
8119419	19904	4204730757	103		MCGILL BROS 455 (84889)	KELSEY DEEP (21-I S)	150.0	TRUNKLINE GAS CO
8119528	28133	4200332351	103		MEANS/SAN ANDRES/ UNIT #6412	MEANS	2.0	PHILLIPS PETROLEUM C
8119527	28132	4200332322	103		MEANS/SAN ANDRES/ UNIT #7466	MEANS	18.0	PHILLIPS PETROLEUM C
8119529	28134	4200332361	103		MEANS/SAN ANDRES/ UNIT #762	MEANS	10.0	PHILLIPS PETROLEUM C
8119473	26645	4200332324	103		MEANS/SAN ANDRES/UNIT #7362	MEANS	10.0	PHILLIPS PETROLEUM C
*8119664	30499	4242320286	103		ORVERTON GAS UNIT 21 #1	ORVERTON (CHAYNESVILLE)	657.0	ARMCO STEEL CORP
8119564	29452	4247531763	103		RHODA WALKER OIL UNIT 2 #1	RHODA WALKER (CANYON 590	63.0	CLAJON GAS CO
8119578	29840	4248930625	102		S H BELL B 6-D	ORVERTON (CHAYNESVILLE)	511.0	NATURAL GAS PIPELINE
8119658	30488	4204730741	103		SANTA FE RANCH 45-F (83808)	WILLAMAR (GRABEN 6140)	182.0	NATURAL GAS PIPELINE
8119606	30323	4234730462	103		TRAVICK GAS UNIT 4 #4	SANTA FE EAST (CHASSIVE 2	730.0	ARMCO STEEL CORP
8119611	30329	4207330402	103		VERNELER GREEN #5	TRAVICK (JAMES)	65.2	UNITED GAS PIPE LINE
*8119660	30492	4203931565	103		W A HOLLER B-11R ACCT 3	NECHES (WOODBINE)	35.0	ARMCO STEEL CORP
*8119663	30498	4220131103	103		WEBSTER FIELD UNIT #2770	DANBURY DOME (5655 SAND)	40.2	HOUSTON PIPELINE CO
-FEAGAN ENERGY INC					RECEIVED: 02/27/81	WEBSTER		
8119601	30301	4235330925	102		GESIN #1	WITHERS (ELLENBURGER)	29.2	PALO DURO PIPELINE C
8119601	30301	4235330925	103		GESIN #1	WITHERS (ELLENBURGER)	29.2	PALO DURO PIPELINE C
-GALAXY OIL COMPANY					RECEIVED: 02/27/81	PORT NECHES N (FRIO HACK		
8119556	29154	4236130335	103		ROBERT AKERS #1	PORT NECHES N (FRIO HACK	330.0	TEXAS EASTERN TRANSH
-GEODYNAMICS OIL & GAS INC					RECEIVED: 02/27/81	GIDDINGS (AUSTIN CHALK)		
8119472	26639	4205130703	102		BUNDICK A #1	GIDDINGS (AUSTIN CHALK)	220.0	CLAJON GAS CO
8119535	28481	4205130743	102		RUBACH NO 1	CALDWELL (AUSTIN CHALK)	173.0	CHAMPLIN PETROLEUM C
-GEORGE H MITCHELL					RECEIVED: 02/27/81	DAHERON (CLEARFORK)		
8119452	24706	4237100000	108		SDLO #2	DAHERON (CLEARFORK)	12.8	PGP GAS PRODUCTS INC
8119452	24706	4237100000	103		SDLO #2	DAHERON (CLEARFORK)	12.8	PGP GAS PRODUCTS INC
-GETTY OIL COMPANY					RECEIVED: 02/27/81	CALDWELL (AUSTIN CHALK)		
8119435	22568	4205130562	102		J W LENZE NO 1 RRC ID# 12822	CALDWELL (AUSTIN CHALK)	250.0	CLAJON GAS CO
8119435	22568	4205130562	103		J W LENZE NO 1 RRC ID# 12822	CALDWELL (AUSTIN CHALK)	250.0	CLAJON GAS CO
8119443	23675	4241300000	108		MORRIS WHITTEN NO 1	N ELDERADO (CANYON A)	12.0	ARCO OIL & GAS CO
8119452	24706	4236500000	102		POWELL A #3	CARTHAGE (TRAVIS PEAK -	326.0	TEXAS GAS TRANSHISSI
8119452	24706	4236500000	103		POWELL A #3	CARTHAGE (TRAVIS PEAK -	326.0	TEXAS GAS TRANSHISSI

JD NO	JA DKT	API NO	SFC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-GROTHE BROTHERS		4241733162	103	RECEIVED: 02/27/81 JA: TX O E SCHKADE #1 (16581)	SHACKELFORD COUNTY REGUL	3.0	WARREN PETROLEUM
-GULF OIL CORPORATION		4247532015	103	RECEIVED: 02/27/81 JA: TX HUTCHINGS STOCK ASSN NO 1057	WARD-ESTES NORTH	16.0	CABOT CORP
8119626	30369	4247532017	103	HUTCHINGS STOCK ASSN NO 1059	WARD-ESTES NORTH	6.0	CABOT CORP
8119625	30368	4247532021	103	HUTCHINGS STOCK ASSN NO 1061	WARD-ESTES NORTH	11.0	CABOT CORP
8119627	30370	4247532022	103	HUTCHINGS STOCK ASSN NO 1062	WARD-ESTES NORTH	9.0	CABOT CORP
8119628	30371	4247532018	103	HUTCHINGS STOCK ASSN NO 1064	WARD-ESTES NORTH	7.0	CABOT CORP
8119624	30367	4247532143	103	HUTCHINGS STOCK ASSN NO 1104	WARD-ESTES NORTH	12.0	CABOT CORP
8119629	30372	4247532150	103	HUTCHINGS STOCK ASSN NO 1108	WARD-ESTES NORTH	87.0	CABOT CORP
8119647	30426	4236530985	103	P J BLEAKLEY UNIT NO 2	WAGON WHEEL (PENN)	350.0	UNITED GAS PIPE LINE
8119446	23793	4236530985	107	P J BLEAKLEY UNIT NO 2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119446	23793	4236530985	107	P J BLEAKLEY UNIT NO 2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119445	23791	4236530931	103	1ST NATL BANK-BALDWIN #2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119445	23791	4236530931	107	1ST NATL BANK-BALDWIN #2	CARTHAGE	350.0	UNITED GAS PIPE LINE
-HANCO EXPLORATION & DEVELOPMENT CO		4244131547	103	RECEIVED: 02/27/81 JA: TX B J TITTLE #1	SAH W (STRAWN SAND)	99.0	PALO DURO PIPELINE C
8119524	27998	4244131547	103	B J TITTLE #1	SAH W (STRAWN SAND)	99.0	PALO DURO PIPELINE C
8119523	27997	4244131537	103	C R TITTLE #1	RENO (CONGL)	75.0	SOUTHWESTERN GAS PIP
-HANOVER MANAGEMENT CO		4236731617	103	RECEIVED: 02/27/81 JA: TX GEER #1	BIG JOHN (CANYON REEF) F	18.0	PALO DURO PIPELINE C
8119492	27095	4215131026	102	RECEIVED: 02/27/81 JA: TX TOUCHSTONE-HABERRY #2 (15556)	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
-HILL PRODUCTION CO		4206500000	108	RECEIVED: 02/27/81 JA: TX BARNARD #1	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8119504	27312	4206500000	108	BARNARD #1	PANHANDLE (RED CAVE)	0.0	PANHANDLE EASTERN PI
8119503	27311	4234130573	103	RECEIVED: 02/27/81 JA: TX JOHNSON NO 3 #03888	SLING (SLICK SD)	150.0	TEXAS EASTERN TRANSH
-HUFO OILS		4231131496	102	RECEIVED: 02/27/81 JA: TX M S RENSCHAW #1	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
8119583	29958	4239931587	102	RECEIVED: 02/27/81 JA: TX DAVENPORT D NO 1	CEBOLLA (3660)	0.0	VALERO TRANSMISSION
-JAH INC		4250731218	102	RECEIVED: 02/27/81 JA: TX ELAINE SAND OIL UNIT III #1 (05980)	REFUGIO-FOX (1600)	100.0	UNITED GAS PIPELINE
8119589	30035	4239131344	102	RECEIVED: 02/27/81 JA: TX HYNES MINERAL TRUST A #3-C	REFUGIO-FOX (1600)	100.0	UNITED GAS PIPELINE
-JAMES K ANDERSON INC		4239131344	103	RECEIVED: 02/27/81 JA: TX HYNES MINERAL TRUST A #3-C	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS PIP
8119567	29561	4236731922	102	PORTER #4	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS PIP
-JENNINGS EXPLORATION CO		4236731922	103	RECEIVED: 02/27/81 JA: TX PORTER #4	WEST PANHANDLE	84.0	PHILLIPS PET CO
8119448	23931	4217930675	103	RECEIVED: 02/27/81 JA: TX BOMERS #3 82342	FARMER (SAN ANDRES)	10.0	J L DAVIS
-J3 OIL CO INC		4210532676	103	RECEIVED: 02/27/81 JA: TX UNIVERSITY 508 #4	FARMER (SAN ANDRES)	10.0	J L DAVIS
8119451	24606	4210532772	103	UNIVERSITY 508 #5	ALVORD (ATOKA CONGLOMERA	91.0	TEXAS UTILITIES FUEL
8119451	24606	4210532772	103	UNIVERSITY 508 #5	SAN ANTONIO BAY - MOSQUI	308.0	UNITED TEXAS TRANSHI
8119471	26578	4210532793	103	RECEIVED: 02/27/81 JA: TX DON NIVENS #1 19743	MELLON FIELD	548.0	DOV CHEMICAL USA
8119471	26578	4232100000	103	RECEIVED: 02/27/81 JA: TX BARKLEY NO 1	FOLLETT (MORROW UPPER)	365.0	NORTHERN NATURAL GAS
-KONACHE OIL & GAS		4229530773	103	RECEIVED: 02/27/81 JA: TX ELMORE #1C	CHENEYBORO (COTTON VALLE	180.0	LONE STAR GAS CO
8119409	18101	4205730918	103	RECEIVED: 02/27/81 JA: TX STATE TRACT 109			
-LEEDE OIL & GAS INC		4205730918	103	RECEIVED: 02/27/81 JA: TX STATE TRACT 109			
*8119466	26271	4232100000	103	RECEIVED: 02/27/81 JA: TX BARKLEY NO 1			
8119576	29789	4229530773	103	RECEIVED: 02/27/81 JA: TX ELMORE #1C			
8119577	29790	4232100000	103	RECEIVED: 02/27/81 JA: TX BARKLEY NO 1			
-LIBERTY OIL & GAS CORP		4229530773	103	RECEIVED: 02/27/81 JA: TX ELMORE #1C			
8119560	29308	4234931305	102	RECEIVED: 02/27/81 JA: TX CHANDLER UNIT #1			
-MAPCO PRODUCTION COMPANY		4234931305	102	RECEIVED: 02/27/81 JA: TX CHANDLER UNIT #1			
8119537	28613						
-MARINE CONTRACTORS & SUPPLY INC							
*8119538	28614						
-MAY PETROLEUM INC							
8119493	27123						
-MCCORMICK OPERATING CO							
8119469	26487						

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8119526	28081	4234931309	102	CUNNINGHAM UNIT NO 1	CHENEYBORO (COTTON VALLE	120.0	LONE STAR GAS CO
8119470	26502	4234931136	102	MCGEHEE UNIT NO 1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
--MCHORAN EXPLORATION CO							
8119582	29910	4221531050	102	JONES #1 RECEIVED: 02/27/81	MCALLEN SO (HANSEN C - F	400.0	TRANSCONTINENTAL GAS
8119543	28828	4224500000	103	WEED NO 1 RECEIVED: 02/27/81	CHEEK S	730.0	WINNIE PIPELINE CO
--MESA PETROLEUM							
8119525	28033	4210531971	108	HOODY 1-39	OZONA (CANYON SAND)	5.0	DELHI GAS PIPELINE C
8119410	18256	4243130759	102	WILLIAMS 1-4	STERLING CITY (FUSSELHAN	365.0	ESPERANZA PIPELINE C
8119411	18257	4243130769	102	WILLIAMS 2-4	STERLING CITY (FUSSELHAN	365.0	ESPERANZA PIPELINE C
--NEBOURNE OIL COMPANY							
8119588	30016	4229530834	103	BRADFORD #2 RECEIVED: 02/27/81	BRADFORD (MORROW)	190.0	TRANSWESTERN PIPELINE
--HGF OIL CORP							
8119563	29387	4211931415	103	BULSTERBAUH #1 63056	TEX-HAHON (DEAN)	27.9	ADOBE OIL & GAS CORP
8119649	30434	4202500000	108	SHELL-RUHMAN #1 (71052)	MONTEOLA (EDWARDS)	1.5	VALERO TRANSMISSION
--HITCHELL ENERGY CORP							
8119440	23271	4236731473	103	C M STENGER #1	DICEY N (BIG SALINE CONG	138.6	SOUTHWESTERN GAS PIP
8119438	23144	4236730530	103	J BROUHLEY #1	BUCK RANCH (STRAWN)	108.6	SOUTHWESTERN GAS PIP
--HITCHELL ENERGY CORPORATION							
8119439	23173	4249731629	103	C J HARRISON #2	BOONESVILLE (BEND CONGL)	159.3	NATURAL GAS PIPELINE
8119539	28667	4223733056	103	F C BLOODNORTH #2	PEEK (CADDO LIME)	72.6	
8119413	18842	4223700000	108	R L MORRIS B #1 03806	MORRIS (CONGL)	13.0	NATURAL GAS PIPELINE
8119551	29034	4249731817	103	RAYMOND STEVENS #2L RECEIVED: 02/27/81	GREENWOOD 66650 ATOKA	8.0	NATURAL GAS PIPELINE
--MOBIL PRDG TEXAS & NEW MEXICO INC							
8119575	29780	4221131212	103	D D FELDMAN UNIT NO 2	FELDMAN (MORROW LOVER)	477.8	TRANSWESTERN PIPELIN
8119433	21462	4237100000	107	FRED SCHLOSSER EST B NO 1 RECEIVED: 02/27/81	ROJOS CABALLOS SOUTH (PE	7300.0	EL PASO NATURAL GAS,
--MORAN EXPLORATION INC							
8119396	17199	4223530572	108	C H SUGG #14	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119397	17200	4223530442	108	C H SUGG #18	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119398	17201	4223500000	108	C H SUGG #20	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119399	17202	4223500000	108	C H SUGG #21	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119400	17203	4223500000	108	C H SUGG #26	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119401	17204	4223530419	108	C H SUGG #27	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119402	17205	4223530420	108	C H SUGG #29	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119393	17196	4243530445	108	C H SUGG #4	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119394	17197	4223530379	108	C H SUGG #5	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119395	17198	4243530445	108	C H SUGG #7	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119391	15579	4238330212	108	ROCKER B-10 NO 70	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8119559	29246	4238330000	108	WILDE #2 RECEIVED: 02/27/81	SPRABERRY (TREND AREA)	4.5	PHILLIPS PETROLEUM C
--NOTE RESOURCES INC							
8119580	29907	4249731810	103	BILLY BOYD 20380	ALVORD SOUTH (ATOKA 5700	70.0	TEXAS UTILITIES FUEL
8119579	29906	4249731800	103	ROBINSON 20071	CHICO WEST 5700 CONGLOME	21.0	TEXAS UTILITIES FUEL
8119581	29908	4249731861	103	SAH JOHNSON #2 88973	WORKS CONGLOMERATE	105.0	LONE STAR GAS CO
--QUIDA OIL 80-1 LTD							
8119657	30467	4208332276	103	MCCARROLL #1 (16589) RECEIVED: 02/27/81	COLEMAN COUNTY REGULAR	20.0	ODESSA NATURAL CORP
--OVERLY OPERATING CO							
8119572	29714	4247932763	103	MARTIN GONZALES ET AL NO 1 RECEIVED: 02/27/81	LA CRUZ (OLHOS)	72.0	DELHI GAS PIPELINE C
--PAN-TEX PRODUCTION CO							
8119437	22830	4249700000	108	STEPH-SHAUNTY #21179 RECEIVED: 02/27/81	ALVORD (ATOKA CONGL)	15.0	CITIES SERVICE CO
--PARAFFINE OIL CORP							
8119455	25620	4205730990	102	P H WELDER B NO 7-U RECEIVED: 02/27/81	KATIE WELDER (N-6)	70.0	FLORIDA GAS TRANSMIS
8119455	25620	4205730990	103	P H WELDER B NO 7-U	KATIE WELDER (N-6)	70.0	FLORIDA GAS TRANSMIS

JD NO	JA DKT	API NO	SFC	D WELL NAME	FIELD NAME	PRCD	PURCHASER
8119456	25621	4205730982	102	P H WELDER D 2-L	KATIE WELDER (L-1)	110.0	SEAGULL PIPELINE COR
8119456	25621	4205730982	103	P H WELDER D 2-L	KATIE WELDER (L-1)	110.0	SEAGULL PIPELINE COR
8119460	26010	4205730982	102	P H WELDER D 2-U	KATIE WELDER (K-3)	365.0	SEAGULL PIPELINE COR
8119460	26010	4205730982	103	P H WELDER D 2-U	KATIE WELDER (K-3)	365.0	SEAGULL PIPELINE COR
-PARAGON RESOURCES INC				RECEIVED: 02/27/81			
8119454	25129	4202531185	102	HUNTER #1	CANDLISH WEST (MIOCENE 2	165.0	HOUSTON PIPELINE CO
8119454	25129	4202531185	103	HUNTER #1	CANDLISH WEST (MIOCENE 2	165.0	HOUSTON PIPELINE CO
-PAUL DE CLEVA				RECEIVED: 02/27/81			
8119549	28858	4249731657	103	RAY CASEY #1	800NSVILLE BEND (CONGL)	196.0	NATURAL GAS PIPELINE
-PETRO-LEWIS CORPORATION				RECEIVED: 02/27/81			
8119568	29689	4215700000	103	J H P DAVIS #1	LONG POINT DOME	547.0	DOV CHEMICAL CO
-PETRUS OPERATING CO INC				RECEIVED: 02/27/81			
8119558	29227	4231131377	103	ALONZO MARTIN NO 2	DILLWORTH (EDWARDS LIME)	0.0	TRANSCONTINENTAL GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/27/81			
8119530	28200	4200304630	108	(01270) UNIVERSITY ANDREWS #76	EMBAR (PERMIAN)	18.0	EL PASO NATURAL GAS
8119414	19005	4229500000	103	BALLENTINE B NO 1	HARROTH CREEK NORTH (CLE	190.0	PANHANDLE EASTERN PI
*8119417	19516	4229700000	108	G R KATZ #1	PANHANDLE WEST	21.0	EL PASO NATURAL GAS
8119561	29317	4219500000	108	LEE B #1	HANSFORD MORROW LOWER	21.0	NORTHERN NATURAL GAS
8119652	30448	4217900000	108	PHIL-PAMPA UNIT 21-1	PANHANDLE GRAY	2.6	GETTY OIL CO
8119505	27445	4219500000	108	SAL #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSIN P
8119666	30505	4223300000	108	TURNER HARRIS #1	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8119421	20522	4229500000	108	WHITTENBURG #73	PANHANDLE	1.0	GETTY OIL CO
-R H ENGELKE				RECEIVED: 02/27/81			
8119665	30502	4223931478	103	JOHN H BENNETT JR B NO 5-A (#05965)	LA SALLE	3.6	TENNESSEE GAS PIPELI
-REPUBLIC ENGINEERS INC				RECEIVED: 02/27/81			
8119590	30053	4242731374	102	J M DE GARZA NO 1 (68353)	KELSEY SOUTH (6280)	7300.0	SUN GAS CO
-ROCKWOOD RESOURCES INC				RECEIVED: 02/27/81			
8119485	26966	4248131904	102	KOUNTZE & COUCH NO 1	LOUISE SOUTH (5480 FRIO)	0.0	LONE STAR GAS CO
-ROMEL INC				RECEIVED: 02/27/81			
8119594	30205	4213331809	103	ROANE #1 (15320)	FOSTER (MARBLE FALLS)	3.0	ODESSA NATURAL CORP
-SAMEDAN OIL CORPORATION				RECEIVED: 02/27/81			
8119573	29715	4222530316	102	DELL LAND CO B #1	FT TRINIDAD N E (GEORGET	100.0	LONE STAR GAS CO
-SAN ORA PRODUCTION CO				RECEIVED: 02/27/81			
8119494	27302	4206500000	108	BARNARD #1	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119495	27303	4206500000	108	BARNARD #2	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119502	27310	4206500000	108	BARNARD #3	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119501	27309	4206500000	108	BARNARD #4	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119500	27308	4206500000	108	BARNARD #5	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119499	27307	4206500000	108	BARNARD #6	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119498	27306	4206500000	108	BARNARD #7	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119497	27305	4206500000	108	BARNARD #8	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119496	27304	4206500000	108	BARNARD #9	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
-SAND SPRINGS OIL & GAS CO				RECEIVED: 02/27/81			
8119554	30462	4223300000	103	HAMILTON (01134) NO 49	PANHANDLE HUTCHINSON COU	20.0	GETTY OIL CO
-SHELL OIL CO				RECEIVED: 02/27/81			
8119569	29691	4216500000	108	FLANAGAN UNIT #61	FLANAGAN	1.7	PHILLIPS PETROLEUM C
8119571	29693	4250100000	108	OUNBY SAN ANDRES UNIT #2	OWNBY	4.9	AMOCO PRODUCTION CO
8119570	29692	4210500000	108	SOUTH CROSS UNIT #103	CROSSETT S (DETITAL)	6.5	SHELL ET AL
-STOVERS OIL & GAS				RECEIVED: 02/27/81			
8119441	23468	4217930754	103	VANDERBURG #1 04558	PANHANDLE GRAY COUNTY FI	292.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 02/27/81			
8119542	28756	4219500000	108	COY HOLI NO 1	HANSFORD (MORROW UPPER)	20.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119541	28755	4249700000	108	J L WOMACK NO 5L	GADBERRY (STRAWN UPPER)	1.0	NATURAL GAS PIPELINE
8119592	30129	4235330898	102	J P TURNER #1	WITHERS (CADD0)	11.0	NATURAL GAS PIPELINE
*8119533	28269	4207931171	103	LEAGUE 91 PROJ NO 3-7	SLAUGHTER	3.0	EL PASO NATURAL GAS
8119436	22685	4200300000	108	NELLIE C MARTIN NO 5	GOLDSMITH NORTH	2.0	PHILLIPS PETROLEUM C
8119457	25703	4238300000	108	R P RICKER -E- NO 2	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-TENNECO OIL COMPANY				RECEIVED: 02/27/81			
8119453	24868	4239330786	103	LEDRIK 2-55	LEDRIK RANCH SOUTH	360.0	TRANSWESTERN PIPELINE
8119532	28221	4217930790	103	WORLEY 96	PANHANDLE	3.0	PHILLIPS PETROLEUM C
8119531	28219	4217930804	103	WORLEY 97	PANHANDLE	5.0	PHILLIPS PETROLEUM C
-TEXACO INC				RECEIVED: 02/27/81			
8119521	27952	4250503027	108	J D JENNINGS #278	JENNINGS W	1.2	TENNESSEE GAS PIPELI
8119520	27951	4250503030	108	J D JENNINGS #282	JENNINGS W	0.8	TENNESSEE GAS PIPELI
8119519	27950	4250503124	108	J D JENNINGS #284	JENNINGS W	0.4	TENNESSEE GAS PIPELI
8119518	27948	4250503018	108	J D JENNINGS #301	JENNINGS W	0.4	TENNESSEE GAS PIPELI
8119517	27947	4250503066	108	J D JENNINGS #329	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119516	27946	4250530093	108	J D JENNINGS #340	JENNINGS W	3.3	TENNESSEE GAS PIPELI
8119515	27945	4250530142	108	J D JENNINGS #356	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119514	27944	4250530164	108	J D JENNINGS #359	JENNINGS W	2.6	TENNESSEE GAS PIPELI
8119513	27943	4250530156	108	J D JENNINGS #364	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119512	27942	4250530218	108	J D JENNINGS #372	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119587	30004	4224531374	102	HITCHELL GAS UNIT	CONSTITUTION (WESTBURY)	1.2	TENNESSEE GAS PIPELI
8119619	30361	4216531852	103	SAH C JENKINS #8	JENKINS (SAN ANDRES)	456.3	TRANSCONTINENTAL GAS
-TEXAS OIL & GAS CORP				RECEIVED: 02/27/81			
8119303	17404	4226130507	102	HCGILL A #1	SORILLO FIELD	50.0	DELHI GAS PIPELINE
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED: 02/27/81			
*8119595	30207	4241330937	102	UNIVERSITY 15-A #1	UNIVERSITY 54 (CANYON)	110.0	CRA INC
*8119595	30207	4241330937	103	UNIVERSITY 15-A #1	UNIVERSITY 54 (CANYON)	110.0	CRA INC
-TRIGG DRILLING COMPANY INC				RECEIVED: 02/27/81			
8119461	26138	4248330709	107	REED #1	LOTT RANCH (MORROW)	0.0	COLORADO INTERSTATE
-U S OPERATING INC				RECEIVED: 02/27/81			
8119488	27011	4228730420	102	HARRIET NO 1 (12257)	GIDDINGS (AUSTIN CHALK)	30.0	PGP GAS PRODUCTS INC
8119522	27594	4228730658	102	JENNIFER NO 1 (N/A)	GIDDINGS (AUSTIN CHALK G	60.0	PGP GAS PRODUCTS INC
8119489	27012	4228730522	102	JOAN NO 1 (12589)	GIDDINGS (AUSTIN CHALK)	30.0	PGP GAS PRODUCTS INC
8119446	30420	4228730534	103	MAY NO 1 (#12548)	GIDDINGS (AUSTIN CHALK)	113.0	PGP GAS PRODUCTS INC
-VALERA OIL CO				RECEIVED: 02/27/81			
8119622	30364	4241700000	108	G R DAVIS 65 # 1 (45466)	WINDHAH/NORTH (MORRIS)	9.0	LONE STAR GAS CO
8119523	30365	4241700000	108	PITZER DAVIS # 1 (18549)	WINDHAH/NORTH (MORRIS)	7.0	LONE STAR GAS CO
8119520	30362	4241700000	108	WALKER-BUCKLER TRUST # 1 (18548)	WINDHAH/NORTH (MORRIS)	10.0	LONE STAR GAS CO
8119621	30363	4241700000	108	WALKER-BUCKLER TRUST ET AL # 1	WINDHAH/NORTH (MORRIS)	12.0	LONE STAR GAS CO
-V L PULS				RECEIVED: 02/27/81			
8119444	23781	4224500000	102	WILLIAM CARROLL EST #1	BAUER RANCH (4640) FIELD	0.0	WINNIE PIPELINE CO
-WARRIOR MANAGEMENT CO				RECEIVED: 02/27/81			
8119596	30217	4240931396	102	SCHNIDT NO 1	MIDWAY W (FRIO DEEP)	365.0	VALERO TRANSMISSION
8119596	30217	4240931396	103	SCHNIDT NO 1	MIDWAY W (FRIO DEEP)	365.0	VALERO TRANSMISSION
-WHEELER OIL COMPANY				RECEIVED: 02/27/81			
8119555	29099	4221932825	103	D L SCHWAB #1	D-L-S (SAN ANDRES)	4.4	CABOT PIPELINE CORP
-WINDSOR GAS CORP				RECEIVED: 02/27/81			
8119509	27760	4217900000	108	DUKE WILSON 183-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSHISS
8119510	27762	4217900000	108	DUKE WILSON 189-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSHISS
-WOOD HCSHAME & THAMS				RECEIVED: 02/27/81			
8119562	29325	4200332273	103	HUNT #1	BLOCK A-34 (YATES)	147.9	EL PASO NATURAL GAS
8119487	27003	4216531271	108	MAYO A #1 RRC #75065	BLOCK A-34 (YATES)	2.0	EL PASO NATURAL GAS

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FIELD NAME

 MOPY DICK (STRAWN) 180.0 NATURAL GAS PIPELINE
 GIDDINGS 146.0 CLAJON GAS CO

API NO SEC D WELL NAME

 4236731648 102 RECEIVED: 02/27/81 JA: TX
 C M MCCULLOCH #1
 4205130698 102 RECEIVED: 02/27/81 JA: TX
 PETERS UNIT #1

JD NO JA DKT

 -WORLD PRODUCERS INC
 8119574 29730
 -ZOMERGY INC
 8119450 24307

VOLUME NO 388

OTHER PURCHASERS

AMOCO GAS CO
 TEXAS EASTERN TRANS CO
 PANHANDLE EASTERN PL CO
 E I DUPONT DE NEMOURS & CO INC
 BIG LAKE GASOLINE PLANT
 TRANSWESTERN P L CO
 AMOCO PRODUCTION CO
 MURPHY OIL CORP
 E I DUPONT DE NEMOURS & CO INC
 LONE STAR GAS CO
 JOHN W MECOM
 JOHN W MECOM
 EL PASO NAT GAS CO
 EL PASO NAT GAS CO
 E I DUPONT DE NEMOURS & CO INC
 TRANSWESTERN PL CO
 E I DUPONT DE NEMOURS & CO INC
 E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Dec. 81-0226 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER	
CALIFORNIA DEPARTMENT OF CONSERVATION							
RECEIVED: 02/27/81 JA: CA							
-TENNECO OIL COMPANY		0402955357	103 PLEITO RANCH 3-25	PLEITO		29.0 ATLANTIC RICHFIELD C	
8119676	81-4-0015	0402957592	103 PLEITO RANCH 4-25	PLEITO		23.0 ATLANTIC RICHFIELD C	
8119677	81-4-0016	0402959061	103 PLEITO RANCH 5-25	PLEITO		16.0 ATLANTIC RICHFIELD C	
8119678	81-4-0017	0402961776	103 PLEITO RANCH 6-25	PLEITO		21.0 ATLANTIC RICHFIELD C	
8119679	81-4-0018						
MONTANA BOARD OF OIL & GAS CONSERVATION							
RECEIVED: 03/02/81 JA: MT							
-TRIGENTROL UNITED STATES INC		2500522161	103 BLACKWOOD 6-9-T30N-R18E	TIGER RIDGE GAS UNIT		50.0 NORTHERN NATURAL GAS	
8119824	12-80-249	2500522162	103 DEHLBOM 4-1-T30N-R18E	TIGER RIDGE GAS UNIT		50.0 NORTHERN NATURAL GAS	
8119823	12-80-246	2504122160	103 HEGLE 24-10X-T31N-R15E	TIGER RIDGE-BULLHOOK UNI		7.0 NORTHERN NATURAL GAS	
8119822	12-80-245	2504122161	103 HEGLE 30-3-T31N-R16E	TIGER RIDGE - BULLHOOK U		7.0 NORTHERN NATURAL GAS	
8119825	12-80-244	2500522156	103 HILLER 33-10-T32N-R18E	TIGER RIDGE GAS UNIT		15.0 NORTHERN NATURAL GAS	
8119820	12-80-248	2504122162	103 NYSTROM 14-14-T30N-R15E	TIGER RIDGE-BULLHOOK UNI		80.0 NORTHERN NATURAL GAS	
8119821	12-80-247						
OHIO DEPARTMENT OF NATURAL RESOURCES							
RECEIVED: 02/25/81 JA: OH							
-WYNN OIL CO		3416725589	103 A L LAMP #2	WARREN		5.0 GAS TRANSPORT INC	
8119819							
OKLAHOMA CORPORATION COMMISSION							
RECEIVED: 02/27/81 JA: OK							
-AN-SON CORPORATION		3512920470	107 FEDERAL #1-24	W REYDON		347.0	
8119814	10384	3501700000	103 KERR MCGEE #22-1			180.0 PHILLIPS PETROLEUM C	
-ANDOVER OIL COMPANY		3513921068	103 MASON UNIT #1	N E RICE		14.0 PHILLIPS PETROLEUM C	
8119786	07411	3504722209	103 ZALOUDEK-TOEWS #1	SOONER TREND		119.0 CHAMPLAIN PETROLEUM C	
8119802	07354	3510523420	103 GAGAN #1	NONATA - CLAGETT		18.0 A-G SYSTEMS INC	
-ARGONAUT ENERGY CORPORATION		3507121735	103 CLINE #2-12			2.2 CITIES SERVICE GAS C	
8119794	07154	3507121119	103 JANTZ/NA #4 #1-20			2.0 CITIES SERVICE GAS C	
-BLAIK OIL COMPANY		3507121047	103 KUCERA #1-14			4.6 CITIES SERVICE GAS C	
8119826	07591	3507121667	103 KUCERA #2-14			69.0 CITIES SERVICE GAS C	
-CHAASE EXPLORATION CORP		3507121714	103 PIXLEY #1-25			11.0 CITIES SERVICE GAS C	
8119834	07553	3507121642	103 ROVE #2-34			4.2 CITIES SERVICE GAS C	
8119829	07558	3507121613	103 SHEIK #1-32			2.9 CITIES SERVICE GAS C	
8119835	07552						
8119831	07556						
8119833	07554						
8119828	07559						
8119830	07557						

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JD NO	JA DKT	API NO	SEC D	WELL NAME	RECEIVED	JA:	OK	FIELD NAME	PROD	FURCHASER
*8119832	07555	3507121806	103	VOEGELE #2-20	02/27/81	JA:	OK	3-8 CITIES SERVICE GAS C		
-CLARK RESOURCES INC				RECEIVED: PENNINGTON 31-1						
8119785	07397	3500300000	103	WESTFAHL 19-1	03/02/81	JA:	OK	0-0 PANHANDLE EASTERN PI		
8119784	07394	3509321745	103	CHRISTIANS #9-1	02/27/81	JA:	OK	170-0 CITIES SERVICE GAS C		
-CLARK RESOURCES INC				RECEIVED: MERCHANT #2 SW NE 20-25N-14E						
8119844	06947	3507322499	103	LEWIS #2	02/27/81	JA:	OK	91-2 CONOCO INC		
-ECC OIL CO				RECEIVED: ENGLER 1-3						
*8119783	07419	3514721570	103	TAYLOR 2-17 (93-3620141414)	02/27/81	JA:	OK	83-2 OKAN GAS CO		
-EL PASO NATURAL GAS COMPANY				RECEIVED: BURTON 5-1						
8119805	07583	3500920126	108	HENLEY 17-1	03/02/81	JA:	OK	8-0 EL PASO NATURAL GAS		
-F C D OIL CORP.				RECEIVED: HIXON 18-1						
8119782	07414	3504722155	103	GADSCO WILSON NO 2	03/02/81	JA:	OK	36-5 CHAMPLIN PETROLEUM C		
-FARMERS ENERGY CORP				RECEIVED: GEORGE TURNER NO 1-063-20977						
*8119779	07413	3509321759	103	EFFIE CASADY #1-25	02/27/81	JA:	OK	300-0 UNION TEXAS PETROLEU		
-FLYNN ENERGY CORPORATION				RECEIVED: SCOTT HYRTLE NO 1-4						
8119849	07418	3507322178	103	BEISEL #1-18	03/02/81	JA:	OK	110-0 ARKANSAS LOUISIANA G		
8119852	07440	3507300000	103	RECEIVED: MINNIE BENNETT #1				7-5 CITIES SERVICE GAS C		
8119853	07439	3507300000	103	GIBSON #13-1	03/02/81	JA:	OK	3-6 CITIES SERVICE GAS C		
-GADSCO INC				RECEIVED: KOKOJAN 2-1						
8119843	06743	3503920341	103	RECEIVED: EBERLY AND HEADE DOLCH #3-11				0-0 DELHI PIPE LINE CO		
-GREAT FRONTIER OIL & GAS INC				RECEIVED: WOLFE #11						
8119827	07589	3506320977	103	ROY HARRIS #1	02/27/81	JA:	OK	12-0 WELLHEAD ENTERPRISES		
-GULF OIL CORPORATION				RECEIVED: MORA #26-387						
8119792	07430	3501121454	103	PARKHURST #24-377	02/27/81	JA:	OK	216-0 OKLAHOMA NATURAL GAS		
8119793	07429	3501121031	103	SHARON #22-353	02/27/81	JA:	OK	5-0 OKLAHOMA NATURAL GAS		
8119803	07431	3501121207	103	MARTIN 3 NO 2	02/27/81	JA:	OK	129-0 OKLAHOMA NATURAL GAS		
-HADSON PETROLEUM CORP				RECEIVED: VILHAUER 33 NO 3						
8119845	06973	3515321027	103	SEEFELDT NO 2	02/27/81	JA:	OK	182-0 NORTHERN NATURAL GAS		
-HANOVER MANAGEMENT CO				RECEIVED: SCOVELL #1						
8119847	07433	3506320624	103	RECEIVED: KIMBERLING #1	03/02/81	JA:	OK	16-4 PUBLIC SERVICE CO OF		
-HESTON OIL CO										
8119846	07383	3511120977	108					5-5 PHILLIPS PETROLEUM		
*8119848	07432	3504721308	103					10-0 UNION TEXAS PETROLEU		
-JAMES C MEADE										
8119839	07533	3501520791	103					42-0 MOBIL OIL CORP		
-JAMES E EDELMAN JR										
8119842	06741	3511121379	108					3-0 PHILLIPS PETROLEUM C		
-JOHN C OXLEY										
8119815	10369	3505120682	107					1487-0 MOBIL OIL CORP		
-KENNEDY & MITCHELL INC										
*8119801	07330	3513900000	103					180-0 NORTHERN NATURAL GAS		
8119795	07328	3515300000	103					360-0 NORTHERN NATURAL GAS		
8119797	07329	3515300000	103					270-0 NORTHERN NATURAL GAS		
-L & T OIL & GAS INC										
8119813	06749	3507322507	103					36-5 CONOCO INC		
8119812	06750	3507322435	103					146-0 CITIES SERVICE GAS C		
-LOBAR OIL CO INC										
8119781	07452	3503821273	103					18-0 EASON OIL CO		
-MASSEY & MASSEY										
8119800	07454	3504722143	103					100-0 PHILLIPS PETROLEUM C		
-MAY PETROLEUM INC										
8119798	07254	3505120917	103					14-6 TRANSOK PIPELINE CO		

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119755	GO-1692	1770240558	102	WEST CAMERON 504 A-2	WEST CAMERON	217.0	MICHIGAN WISCONSIN P
8119759	GO-1694	1770240580	102	WEST CAMERON 504 A-3D	WEST CAMERON	117.0	MICHIGAN WISCONSIN P
8119758	GO-1696	1770240585	102	WEST CAMERON 504 A-5D	WEST CAMERON	271.0	MICHIGAN WISCONSIN P
8119739	GO-1697	1770240581	102	WEST CAMERON 504 A-6	WEST CAMERON	48.0	MICHIGAN WISCONSIN P
-AMINOIL USA INC				RECEIVED: 02/27/81 JA: LA 3			
8119757	GO-1713	1771140388	102	OCS-G-0434 WELL NO D-1	SHIP SHOAL 154	146.0	TENNESSEE GAS PIPELI
-AMOCO PRODUCTION CO				RECEIVED: 02/27/81 JA: LA 3			
*8119752	GO-1688	1770240420	102	OCS-G-2850 WELL #B-4A	WEST CAMERON 617 FIELD	365.0	COLUMBIA GAS TRANSMI
-ANR PRODUCTION CO				RECEIVED: 02/27/81 JA: LA 3			
8119772	GO-1695	1770240585	102	WEST CAMERON 504 A-5	WEST CAMERON	560.0	MICHIGAN WISCONSIN P
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/27/81 JA: LA 3			
8119751	GO-1485	1772140055	102	OCS-G 1608 C-38	SOUTH PASS BLOCK 61 FIEL	180.0	SOUTHERN NATURAL GAS
-CONOCO INC				RECEIVED: 02/27/81 JA: LA 3			
8119777	GO-1743	1770340219	102	EAST CAMERON 71 C-1	EAST CAMERON	1478.0	TENNESSEE GAS PIPELI
-EXXON CORPORATION				RECEIVED: 02/27/81 JA: LA 3			
8119747	GO-1765	1770940365	102	OCS-G 3331 NO A-2	EUGENE ISLAND	4000.0	COLUMBIA GAS TRANS C
-GULF OIL CORPORATION				RECEIVED: 02/27/81 JA: LA 3			
*8119750	GO-1720	1770940390	102	EUGENE ISLAND 238 WELL H-4	EUGENE ISLAND	15.0	SEA ROBIN PIPELINE C
-KERR-MCGEE CORPORATION				RECEIVED: 02/27/81 JA: LA 3			
8119761	GO-1594	1771240237	102	OCS G-1025 WELL NO A-11	SHIP SHOAL	639.0	TRANSCONTINENTAL GAS
8119748	GO-1809	1771240243	102	OCS G-1025 WELL NO A-13	SHIP SHOAL	0.0	TRANSCONTINENTAL GAS
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED: 02/27/81 JA: LA 3			
*8119765	GO-1763	1770540400	102	OCS-G 3390 #16	VERMILION	9000.0	TRANSCONTINENTAL GAS
8119775	GO-1764	1770540400	107	OCS-G 3390 #16	VERMILION	9000.0	TRANSCONTINENTAL GAS
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 02/27/81 JA: LA 3			
8119760	GO-1786	1771040897	102	EUGENE ISLAND 354 A-48	EUGENE ISLAND	182.0	SEA ROBIN PIPELINE C
8119773	GO-1803	1771340078	102	SOUTH PELTO 9 #7A	SOUTH PELTO	912.5	TRANSCONTINENTAL GAS
-OCEAN PRODUCTION CO				RECEIVED: 02/27/81 JA: LA 3			
8119744	GO-1742	1771140525	102	OCS - 064 NO 4AA	SHIP SHOAL	675.0	TRANSCONTINENTAL GAS
8119753	GO-1455	1771120036	102	OCS-G 063 NO 9A	SHIP SHOAL 113 FIELD	183.0	TRANSCONTINENTAL GAS
-PLACID OIL COMPANY				RECEIVED: 02/27/81 JA: LA 3			
8119774	GO-1733	1770740191	102	B-158	SOUTH MARSH ISLAND	547.5	TRUNKLINE GAS CO
-SHELL OIL CO				RECEIVED: 02/27/81 JA: LA 3			
8119768	GO-1769	1770840359	102	OCS-G 2280 D-1	SOUTH MARSH ISLAND	150.0	TRANSCONTINENTAL GAS
8119737	GO-1776	1770840461	102	OCS-G 2280 D-7	SOUTH MARSH ISLAND	275.0	TRANSCONTINENTAL GAS
-TENNECO OIL COMPANY				RECEIVED: 02/27/81 JA: LA 3			
8119745	GO-1798	1771140486	102	SHIP SHOAL 170 A-1	SHIP SHOAL	1095.0	TENNESSEE GAS PIPELI
8119742	GO-1799	1771140495	102	SHIP SHOAL 170 A-4	SHIP SHOAL	5475.0	TENNESSEE GAS PIPELI
8119771	GO-1800	1771140504	102	SHIP SHOAL 170 A-5	SHIP SHOAL	1825.0	TENNESSEE GAS PIPELI
8119770	GO-1801	1771140518	102	SHIP SHOAL 170 A-7	SHIP SHOAL	5475.0	TENNESSEE GAS PIPELI
8119746	GO-1588	1770040318	102	WEST CAMERON 180 G-5	WEST CAMERON	0.0	TENNESSEE GAS PIPELI
-UNION OIL COMPANY OF CALIF				RECEIVED: 02/27/81 JA: LA 3			
8119764	GO-1804	1770340228	102	OCS-G-3530 NO A-4	EAST CAMERON	1500.0	TENNESSEE GAS PIPELI
-AMINOIL DEVELOPMENT INC				RECEIVED: 02/27/81 JA: TX 3			
8119762	GO-1260	4271140266	102	OCS-G-2557 WELL NO A-17	WEST CAMERON	1460.0	NATURAL GAS PIPELINE
-AMINOIL USA INC				RECEIVED: 02/27/81 JA: TX 3			
*8119766	GO-1668	4271140560	102	HIGH ISLAND A-309 #A-3	HIGH ISLAND	685.0	NATURAL GAS PIPE LIN
*8119738	GO-1662	4271140192	102	HIGH ISLAND A-309 #A-4	HIGH ISLAND	12.0	NATURAL GAS PIPE LIN
8119769	GO-1663	4271140251	102	HIGH ISLAND A-309 #A-6D	HIGH ISLAND	267.0	NATURAL GAS PIPE LIN
*8119740	GO-1664	4271140265	102	HIGH ISLAND A-309 #A-7	HIGH ISLAND	681.0	NATURAL GAS PIPE LIN
8119756	GO-1665	4271140265	102	HIGH ISLAND A-309 #A-7D	HIGH ISLAND	76.0	NATURAL GAS PIPE LIN
*8119741	GO-1666	4271140283	102	HIGH ISLAND A-309 #A-9D	HIGH ISLAND	278.0	NATURAL GAS PIPE LIN

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8119754	60-1667	4271140295	102	HIGH ISLAND BLOCK A-309 #A-10 RECEIVED: 02/27/81	HIGH ISLAND	263.0	NATURAL GAS PIPE LIN
-EXXON CORPORATION				OCS-G 3433 NO A-5 JA: TX 3			
8119776	60-1778	4271140463	102	OCS-G 3486 NO B-2	HIGH ISLAND	4000.0	COLUMBIA GAS TRANS C
8119763	60-1651	4271140488	102	OCS-G 4070 #A-6 RECEIVED: 02/27/81	HIGH ISLAND	2000.0	COLUMBIA GAS TRANS C
-MCHORAN OFFSHORE EXPLORATION CO							
*8119767	60-1762	4270740057	102	OCS-G 4070 #A-6 RECEIVED: 02/27/81	GALVESTON	8517.0	
-MOBIL PRDG TEXAS & NEW MEXICO INC				A-108			
*8119749	60-1751	4270940205	102	RECEIVED: 02/27/81	HIGH ISLAND	147.5	NATURAL GAS PIPELINE
-SUPERIOR OIL CO				BLOCK #9 WELL #2			
8119743	60-1677	4271500020	102	RECEIVED: 02/27/81	SABINE PASS	0.0	NATURAL GAS PIPELINE
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
** MIDLANDS GAS CORPORATION				RECEIVED: 03/04/81			
*8119733	H-38-1-E	2507121525	108	D 1433 FEDERAL #1	BOWDOIN	19.0	KANSAS-NEBRASKA NATU
*8119736	H-761-0-E	2507121482	108	D 1451 FEDERAL 143531	BOWDOIN	18.0	KANSAS-NEBRASKA NATU
8119732	H-761-0-E	2507121331	108	D 1561 15-36-31	BOWDOIN	12.0	KANSAS-NEBRASKA NATU
*8119734	H-719-0-E	2507121351	108	D 2561 253631	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
8119731	H-718-0-E	2507121583	108	D 2761 1-27 SOC ET AL FEDERAL	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
8119735	H-763-0-E	2507121578	108	D 2861 FEDERAL 1-28	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
-AHOCO PRODUCTION CO				RECEIVED: 02/27/81			
*8119692	ND756-0	3300700440	102	'STEVENS FEDERAL B NO 2-29	BIG STICK	300.0	WESTERN GAS PROCESSO
-KOCH INDUSTRIES INC				RECEIVED: 02/27/81			
8119687	ND750-0	3300700463	102	FEDERAL #10-31	THEODORE ROOSEVELT	120.0	MONTANA-DAKOTA UTILI
8119688	ND751-0	3300700490	102	FEDERAL #13-27	TREETOP	42.0	MONTANA-DAKOTA UTILI
8119689	ND752-0	3300700483	102	FEDERAL #15-33	TREETOP	8.0	MONTANA-DAKOTA UTILI
8119682	ND 745-0	3300700495	102	FEDERAL #4-27	TREETOP	32.0	MONTANA-DAKOTA UTILI
8119683	ND746-0	3300700532	102	FEDERAL #4-33	TREETOP	16.0	MONTANA-DAKOTA UTILI
8119684	ND747-0	3300700534	102	FEDERAL #5-18	BIG STICK	240.0	MONTANA-DAKOTA UTILI
8119685	ND748-0	3300700531	102	FEDERAL #5-24	BIG STICK	88.0	MONTANA-DAKOTA UTILI
8119686	ND749-0	3300700530	102	FEDERAL #9-32	BIG STICK	82.0	MONTANA-DAKOTA UTILI
-BELCO PETROLEUM CORPORATION				RECEIVED: 02/27/81			
8119681	M 200-0	4903520573	103	GRBU 74-31	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
-CHEVRON U S A INC				RECEIVED: 02/27/81			
8119690	W754-0	4904120202	102	PAINTER RESERVOIR UNIT 24-6A	PAINTER RESERVOIR	400.0	NORTHERN NATURAL GAS
8119691	W755-0	4904120296	102	PAINTER RESERVOIR UNIT 32-12D	PAINTER RESERVOIR	500.0	NORTHERN NATURAL GAS
-RAYMOND T DUNCAN				RECEIVED: 02/27/81			
8119680	M 689-0	4900921577	102	FEDERAL 2-33	SCOTT	30.0	CHINOOK CONSTRUCTION
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAHUSKA,OK							
** FUF OIL CO				RECEIVED: 02/27/81			
8119675		3511300000	103	HERD #6	OKESA POOL-(SE-31-26-11)	30.0	NATIONAL LINE CO

OTHER PURCHASERS VOLUME NO :388

- 8119725 BROOKLY UNION GAS CO
- 8119726 BROOKLY UNION GAS CO
- 8119727 BROOKLYN UNION GAS CO
- 8119733 MONTANA-DAKOTA UTILITIES CO
- 8119734 MONTANA DAKOTA UTILITIES CO
- 8119736 MONTANA DAKOTA CO
- 8119738 MICHIGAN WISC P L CO
- 8119740 MICHIGAN WISCONSIN P L CO
- 8119741 MICHIGAN WISCONSIN P L CO
- 8119749 TRANSCONTINENTAL GAS PL CORP
- 8119750 TEXAS EASTERN TRANS CORP
- 8119752 TENNESSEE GAS PL CORP
- 8119754 MICHIGAN WISC PL CO
- 8119756 MICHIGAN WISC PL CO
- 8119765 PUBLIC SERVICE ELECTRIC & GAS CO
- 8119766 MICH-WISC P L CO
- 8119783 CITIES SERVICE GAS CO
- 8119801 UNION TEXAS PETROLEUM CORP
- 8119828 CHASE GATHERING SYSTEMS INC
- 8119829 CHASE GATHERING SYSTEMS INC
- 8119831 CHASE GATHERING SYSTEMS INC
- 8119832 CHASE GATHERING SYSTEMS INC
- 8119833 CHASE GATHERING SYSTEMS INC
- 8119834 CHASE GATHERING SYSTEMS INC
- 8119835 CHASE GATHERING SYSTEMS INC
- 8119848 OKLAHOMA GAS AND ELECTRIC

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-0237 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
RECEIVED: 03/04/81 JA: NY							
EDGAR STRATTON #1 A-E-157							
8119922	879	3101314865	102	HAROLD BROWN #1 A-E-155	STEBBINS CORNERS	30.0	COLUMBIA GAS TRANSMI
8119867	880	3101314651	102	HAROLD ERICKSON #1 A-E-76	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119858	838	3101313750	102	HAROLD ERICKSON #2 A-E-107	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119868	881	3101314864	102	HAROLD LEE BROWN #1 A-E-80	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119886	839	3101313786	102	RECEIVED: 03/04/81 JA: NY			
-BENNETT PETROLEUM CORP							
8119860	884	3105113950	102	CLARENCE H SLIKER #1	LEICESTER	56.0	COLUMBIA GAS TRANSMI
8119863	933	3112114483	102	FRANK IRELAND JR #1	PERRY	38.0	COLUMBIA GAS TRANSMI
8119900	928	3112114378	102	FREDERICK HERMAN #1	PERRY	38.0	COLUMBIA GAS TRANSMI
8119901	927	3112114379	102	FSC FARMS INC #1	PERRY	43.0	COLUMBIA GAS TRANSMI
8119865	932	3112114616	102	HEYWARD HUMPHREY NO 1	PERRY	48.0	COLUMBIA GAS TRANSMI
8119885	886	3105113979	102	KENNETH MCBRIDE #2 31-051-13979	LEICESTER	105.0	COLUMBIA GAS TRANSMI
8119862	931	3112114583	102	NORMAN HOPPER NO 1	PERRY	18.0	COLUMBIA GAS TRANSMI
8119923	885	3105113841	102	RICHARD F PAGE #1	PERRY	25.0	COLUMBIA GAS TRANSMI
8119921	882	3112113949	102	ROBERT E SMITHGALL #1	PERRY	56.0	COLUMBIA GAS TRANSMI
8119864	934	3112114483	102	ROBERT PATRICK NO 1	CASTLE	28.0	COLUMBIA GAS TRANSMI
8119920	883	3105113840	102	SHELBY G SLIKER #1	LEICESTER	80.0	COLUMBIA GAS TRANSMI
8119890	926	3112114427	102	THOMAS FARLEY NO 1	PERRY	30.0	COLUMBIA GAS TRANSMI
8119878	888	3112114178	102	WALTER CHAFFEE #1	PERRY	36.0	COLUMBIA GAS TRANSMI
-ENVIROGAS INC							
8119894	#902	3101314353	102	#1 A GRIPPE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119874	#966	3101314821	102	#1 C CARLSON	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119872	#965	3101314589	102	#1 CHAUTAUGUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119871	#963	3101314618	102	#1 G CORNELL	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119870	#958	3101314653	102	#1 G HENES	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119879	#891	3101314632	102	#1 HENDRICKSON	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119881	#945	3101314355	102	#1 I COCHRANE	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119918	892	3101314587	102	#1 J LARSON	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119917	897	3101314591	102	#1 MOONBROOK COUNTRY CLUB	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119895	#896	3101314433	102	#1 R MILLER	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119884	985	3101313202	102	#1 T SMITH	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119866	956	3101314617	102	#1 WM MCREARY	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119896	#898	3101314365	102	#1-A E NELSON	PANAMA	18.0	COLUMBIA GAS TRANSMI
8119876	#949	3101314451	102	#2 G SCHULTZ	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119859	954	3101314809	102	#2 J J BAKER	WILDCAT	18.0	COLUMBIA GAS TRANSMI
8119857	951	3101314778	102	#2 J J BAKER	WILDCAT	18.0	COLUMBIA GAS TRANSMI
8119875	#947	3101314452	102	#3 CHAUTAUGUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119880	#895	3101314359	102	#3 E MCCUTCHEAN	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119869	957	3101314655	102	#3 G HENES	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119919	950	3101315002	102	#3 L NICKERSON	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8119873	#964	3101314453	102	#4 CHAUTAQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119877	#900	3101314454	102	#5 CHAUTAQUA INSTITUTION	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119882	#983	3101315320	102	J SCHUSTER #1	LAKE SHORE	18.0	NATIONAL FUEL GAS DI
8119883	#84	3101315321	102	J SCHUSTER #2	LAKE SHORE	18.0	NATIONAL FUEL GAS DI
-NORD/MONTARA PETROLEUM CO							
8119903	#910	3112114534	102	RECEIVED: 03/04/81 JA: NY	JAVA	25.0	COLUMBIA GAS TRANS C
8119904	#908	3112114444	102	LUBIC S MURCIN ET UX NO 2	JAVA	50.0	COLUMBIA GAS TRANS C
8119888	#909	3112114443	102	LUCILLE SICLIARI NO 2	JAVA	25.0	COLUMBIA GAS TRANS C
-P & S DRILLING INC							
8119902	#915	3102914258	102	THOMPSON UNIT NO 1	BUFFALO CREEK	160.0	NATIONAL FUEL GAS DI
-PARAGON RESOURCES INC							
8119907	114	3101310032	108	RECEIVED: 03/04/81 JA: NY	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8119897	180	3101310899	108	UNIT NO 17 - L DEAN	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8119897	180	3101310885	108	UNIT NO 206 - MERLE W MCKILLIP	LAKESHORE	5.9	NATIONAL FUEL GAS DI
8119916	183	3101310597	108	UNIT NO 209 - ROBERT J WASHBURN	LAKESHORE	2.0	NATIONAL FUEL GAS DI
8119915	184	3101310886	108	UNIT NO 210 - SHIRLEY LEAHER	LAKESHORE	5.1	NATIONAL FUEL GAS DI
8119910	185	3101310655	108	UNIT NO 212 - DONALD CAMP	LAKESHORE	1.1	NATIONAL FUEL GAS DI
8119909	186	3101310887	108	UNIT NO 213 - KATHERINE HACHADO	LAKESHORE	0.3	NATIONAL FUEL GAS DI
8119899	115	3101310287	108	UNIT NO 215 - EVERETT G BENTLEY	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8119908	189	3101310031	108	UNIT NO 22 - CHARLES LOEB	LAKESHORE	7.5	NATIONAL FUEL GAS DI
8119911	190	3101310110	108	UNIT NO 42 - H RATER	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8119914	191	3101310089	108	UNIT NO 43 - HAROLD RATER	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8119913	192	3101310090	108	UNIT NO 45 - K DUJINK	LAKESHORE	5.1	NATIONAL FUEL GAS DI
8119912	193	3101309964	108	UNIT NO 46 - C KOPTA	LAKESHORE	3.8	NATIONAL FUEL GAS DI
8119891	194	3101310973	108	UNIT NO 47 - CHARLES KOPTA	LAKESHORE	2.0	NATIONAL FUEL GAS DI
-SCG GAS QUEST INC							
8119861	920	3102913956	102	RECEIVED: 03/04/81 JA: NY	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119906	917	3102914261	102	KEVIN OGORMAN JR #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119905	923	3102914306	102	LORRAINE R MOULTHROP #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119887	#921	3102914260	102	TEMPLE #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
-TRAHAN PETROLEUM INC							
8119893	#869	3101314796	102	WILLIAM A BLAKELY #1	PANAMA	36.0	COLUMBIA GAS TRANSMI
8119889	#971	3101314499	102	RECEIVED: 03/04/81 JA: NY	PANAMA	36.0	COLUMBIA GAS TRANSMI
8119892	#872	3101314820	102	D H & L L WDRIG - N Y 67	PANAMA	36.0	COLUMBIA GAS TRANSMI

TENNESSEE OIL & GAS BOARD							

-B & W OIL CO							
8119931	A-425	4112920506	102	RECEIVED: 03/02/81 JA: TN	DOUGLAS BRANCH	36.0	EAST TENNESSEE NATUR
8119930	A-424	4112920507	102	CARL ROBBINS #1	DOUGLAS BRANCH	27.0	EAST TENNESSEE NATUR
8119974	A-532	4112920713	102	ENOS ROBBINS #1	GLADES EAST	20.0	EAST TENNESSEE NATUR
-B-J INC							
8119973	A-531	4115120541	102	JAMES A HCGILL-HCCAMPBELL	REUBEN HOLLOW	49.3	INTRASTATE ENERGY CO
-BRADY ENERGY CORP							
8119995	A-601	4112920661	102	RECEIVED: 03/02/81 JA: TN	BOONE CAMP NE	92.7	INTRASTATE ENERGY CO
8119993	A-587	4115120534	102	B H BROOKS & INA L #1	REUBEN HOLLOW	21.9	INTRASTATE ENERGY CO
8119994	A-588	4112920454	102	DAN LUTHE #1	DOUGLAS BRANCH	21.9	INTRASTATE ENERGY CO
-COLLINS & WESTERN RESERVES OIL CO							
8119925	A-416	4112920317	102	RALPH PEMBERTON-D LAVENDER #1	DOUGLAS BRANCH	21.9	INTERSTATE ENERGY CO
-CUMBERLAND OIL PRODUCING CO INC							
8120029	A-575	4112920312	108	RECEIVED: 03/02/81 JA: TN	DOUGLAS BRANCH	0.0	EAST TN NATURAL GAS
8120027	A-573	4112920496	108	FRANK SELINSKE #1 PERMIT #1539	DOUGLAS BRANCH	0.0	EAST TN NATURAL GAS
				C ZIEGLER #1	DOUGLAS BRANCH		
				C ZIEGLER #2	DOUGLAS BRANCH		

JD NO	JA DKT	API NO	SEC	Q WELL NAME	FIELD NAME	PROD	PURCHASER
8120022	A-568	4112920623	102	CLYDE SMITH UNIT #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120018	A-200	4112920394	108	D BRANSTETTER ET AL UNIT #1	DOUGLAS BRANCH	4.0	EAST TN NATURAL GAS
8120023	A-569	4112920635	102	EARL SCOTT #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120024	A-570	4112920634	102	EARL SCOTT #2	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120025	A-571	4112920610	102	H KARCINSKI #1	DOUGLAS BRANCH	0.0	EAST TENNESSEE NATUR
8120031	A-577	4112920493	108	HOPPER #1	DOUGLAS BRANCH	4.0	EAST TN NATURAL GAS
8120028	A-574	4112920517	108	J ADKINS #3	DOUGLAS BRANCH	10.0	EAST TENNESSEE NATUR
8120033	A-585	4112920490	108	J ADKINS #4	DOUGLAS BRANCH	1.0	EAST TN NATURAL GAS
8120026	A-572	4112920495	108	J ORR #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120021	A-567	4112920622	102	O COLE UNIT #3	DOUGLAS BRANCH	1.0	EAST TN NATURAL GAS
8120019	A-213	4112920271	108	P L BRANSTETTER #1	DOUGLAS BRANCH	1.0	EAST TN NATURAL GAS
8120030	A-576	4112920111	108	PLATEAU AYTES #1	FRANKFORT NE	12.0	EAST TN NATURAL GAS
8120020	A-566	4112920680	102	PLATEAU PROPERTIES #5	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120032	A-583	4112920374	108	R AYTES #1	FRANKFORT NE	18.0	EAST TN NATURAL GAS
-DIXIE OIL COMPANY							
8119936	A-526	4112920191	108	RECEIVED: 03/02/81 JA: TN	UNION HILL	14.0	INTRASTATE ENERGY CO
-DIXIE-SHAMROCK OIL & GAS INC							
8119976	A-534	4115120619	102	C G PEMBERTON #7	WILDCAT	19.7	
8120046	A-546	4115120611	102	ALTON PAYNE ET AL #1	WILDCAT	296.5	
8120042	A-542	4115120626	102	BRIMSTONE COMPANY #1	WILDCAT	9.1	
8119975	A-533	4104920506	102	BRIMSTONE COMPANY #3	WILDCAT	0.9	
8119980	A-538	4104920530	102	BRUNO GERNT #9	JONES KNOB	0.9	
8120044	A-544	4104920508	102	BRUNO GERNT ESTATES #18	JONES KNOB	0.9	
8119981	A-539	4104920519	102	BRUNO GERNT ESTATES INC #10	JONES KNOB	28.7	
8120043	A-543	4104920523	102	BRUNO GERNT ESTATES INC #11	JONES KNOB	18.2	
8119982	A-540	4104920524	102	BRUNO GERNT ESTATES INC #13	JONES KNOB	23.7	
8120045	A-545	4104920503	102	BRUNO GERNT ESTATES INC #14	WILDCAT	3.6	
-GUY WILLIAMS & ASSOCIATES							
8120041	A-541	4115120646	102	GEORGE ET AL #1	WILDCAT	1.8	
8119979	A-537	4112920685	102	JOE S CLARK ET AL #1	WILDCAT	0.9	
8119978	A-536	4104920520	102	PLATEAU PROPERTIES - BRUNO EST #1	STOCKTON SW	37.5	
8119977	A-535	4104920522	102	PLATEAU PROPERTIES - FREELS #1	STOCKTON SW	1.8	
-HICKORY CREEK DEVELOPMENT CORP							
8119935	A-433	4112920457	102	RECEIVED: 03/02/81 JA: TN	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119934	A-432	4112920653	102	E R GALLOWAY #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119932	A-430	4112920691	102	JEROME EVANS-JOHN GALLOWAY UNIT #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119933	A-431	4112920652	102	JOHN GALLOWAY #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119960	A-422	4103120029	102	RECEIVED: 03/02/81 JA: TN	HICKORY CREEK	75.0	
8119972	A-530	4103120043	102	CARL BOULDIN UNIT #1	HICKORY CREEK	75.0	
8119967	A-515	4103120037	102	CLAYTON POWELL #1	HICKORY CREEK	75.0	
8119964	A-429	4103120036	102	CLIFTON SCOTT UNIT #1	HICKORY CREEK	75.0	
8119971	A-529	4103120042	102	DOYLE HINDS UNIT #1	HICKORY CREEK	75.0	
8119962	A-427	4103120038	102	E HONEY UNIT #1	HICKORY CREEK	75.0	
8119963	A-428	4103120039	102	E PIENIAZKIEWICZ UNIT #1	HICKORY CREEK	75.0	
8119937	A-527	4103120035	102	E W SMART UNIT #2	HICKORY CREEK	75.0	
8119970	A-528	4103120045	102	FRANK LOVE #1	HICKORY CREEK	75.0	
8119961	A-426	4103120040	102	G TOWNSEND #1	HICKORY CREEK	75.0	
8119969	A-517	4103120034	102	HARMON COMMERS UNIT #1	HICKORY CREEK	75.0	
8119959	A-417	4103120050	102	J B LUSK #1	HICKORY CREEK	75.0	
8119968	A-516	4103120041	102	JOHN FREEMAN UNIT #1	HICKORY CREEK	75.0	
8119924	A-415	4103120031	102	T L BLACK UNIT #1	HICKORY CREEK	75.0	
-IDEAL DRILLING CO							
8119924	A-415	4103120031	102	TERRY TURNER UNIT #1	HICKORY CREEK	75.0	
RECEIVED: 03/02/81 JA: TN							

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120034	A-423	4115120383	108	RUSTY WILSON #1 RECEIVED: 03/02/81	HELENNWOOD	12.0	INTRASTATE ENERGY CO
-KOPPERS CO INC							
8119966	A-435	4112920263	102	KOPPERS CO INC #1 RECEIVED: 03/02/81	SHIRLEY	105.0	INTRASTATE ENERGY CO
8119965	A-434	4112920274	102	KOPPERS CO INC #2 RECEIVED: 03/02/81	SHIRLEY	208.1	INTRASTATE ENERGY CO
-PETROLEUM CORPORATION OF TEXAS							
8120015	A-457	4112920163	102	#1 JOHN N DIDEN ESTATE RECEIVED: 03/02/81	ROBBINS	11.0	INTRASTATE ENERGY CO
8120014	A-456	4115100000	102	#1 LAWSON-DRAPER (PERMIT NO 865) RECEIVED: 03/02/81	ROBBINS	18.0	INTRASTATE ENERGY CO
-PETROLEUM DEVELOPMENT CORP							
8119929	A-421	4115120524	102	ESTEL TERRY ET AL #1 PERMIT #2831 RECEIVED: 03/02/81	ROBBINS	21.9	INTERSTATE ENERGY CO
8119928	A-420	4115120523	102	ROGER TODD ET AL #1 PERMIT #2830 RECEIVED: 03/02/81	ROBBINS	21.9	INTERSTATE ENERGY CO
8119926	A-418	4115120499	102	SINS ET AL #1 PERMIT #2641 RECEIVED: 03/02/81	ROBBINS	511.0	INTERSTATE ENERGY CO
8119927	A-419	4115120517	102	W D TODD ET AL #1 PERMIT 2791 RECEIVED: 03/02/81	ROBBINS	21.9	INTERSTATE ENERGY CO
-PRAIRE CORP							
8120047	A-589	4115120637	103	DAVIS/HERR NO 1	HUNTSVILLE	0.0	INTRASTATE ENERGY CO
8120049	A-591	4115120586	103	LEWIS MYERS NO 1	HUNTSVILLE	54.8	INTRASTATE ENERGY CO
8120052	A-594	4115120586	102	LEWIS MYERS NO 1	HUNTSVILLE	54.8	INTRASTATE ENERGY CO
8120050	A-592	4115120570	103	QVID TOMPKINS NO 3	HUNTSVILLE	74.5	INTRASTATE ENERGY CO
8120053	A-595	4115120570	102	QVID TOMPKINS NO 3	HUNTSVILLE	74.5	INTRASTATE ENERGY CO
8120048	A-590	4115120653	103	RUGBY/DAVIS NO 1	HUNTSVILLE	61.0	INTRASTATE ENERGY CO
8120051	A-593	4115120354	103	TOMMY THOMPSON NO 1	HUNTSVILLE	11.3	INTRASTATE ENERGY CO
8120054	A-596	4115120354	102	TOMMY THOMPSON NO 1	HUNTSVILLE	11.3	INTRASTATE ENERGY CO
-SAINT JOSEPH PETROLEUM INC							
8120005	A-447	4104920370	102	B GERNT EST-CONRAD & S GERNT #1 RECEIVED: 03/02/81	STOCKTON SW	9.1	
8120007	A-449	4104920290	102	BOY-ASBERRY UNIT #1	STOCKTON SW	26.3	
8120012	A-454	4104920272	102	BRUNO GERNT ESTATE #1	STOCKTON SW	1.0	
8120002	A-444	4104920490	102	BRUNO GERNT ESTATE #2	STOCKTON SW	1.0	
8120004	A-446	4104920449	102	BRUNO GERNT ESTATE #3	STOCKTON SW	474.5	
8120006	A-448	4104920496	102	CONRAD & STEPHEN GERNT #1	STOCKTON SW	12.8	
8120011	A-453	4104920502	102	FREELS-PLATEAU PROPERTIES #1	STOCKTON SW	1.0	
8120013	A-455	4104920310	102	GERNT-WHEATON #1	STOCKTON SW	1.0	
8120010	A-452	4104920367	102	GERNT-WHEATON #2	STOCKTON SW	1.0	
8120009	A-451	4104920463	102	GERNT-WHEATON #3	STOCKTON SW	27.3	
8120008	A-450	4104920452	102	MERCHANT-FREELS #1	STOCKTON SW	73.0	
8120003	A-445	4104920260	102	RODGER WALLACE #1	STOCKTON SW	12.8	
8120040	A-442	4104920138	102	ROYAL D TOMPKINS #1	HURRICANE RIDGE	1.0	
8120001	A-443	4104920146	102	ROYAL TOMPKINS #2	HURRICANE RIDGE	182.5	
8120039	A-441	4104920294	102	STEARNS COAL & LUMBER #2	HURRICANE RIDGE	219.0	
8120035	A-437	4104920183	102	STEARNS COAL & LUMBER CO #1	HURRICANE RIDGE	438.0	
8120036	A-438	4104920249	102	STEARNS COAL & LUMBER CO #2	HURRICANE RIDGE	94.9	
8120037	A-439	4104920257	102	STEARNS COAL & LUMBER CO #3	HURRICANE RIDGE	7.3	
8120038	A-440	4104920284	102	STEARNS COAL & LUMBER CO #4	HURRICANE RIDGE	43.8	
-TARTAN OIL COMPANY							
8119999	A-414	4112973022	102	ALVERNE E SEBBY UNIT #1 RECEIVED: 03/02/81	SUNBRIGHT	6.0	INTRASTATE ENERGY CO
8120017	A-525	4112920591	102	CONWAY JOHNSON #1-B (PERMIT #2866)	GLADES EAST	14.0	
8120016	A-526	4112920637	102	CONWAY JOHNSON #3-C (PERMIT #3082)	LITTLE CLEAR CREEK NORTH	14.6	
8120000	A-436	4112920656	102	GALLOWAY-HENRY #1 (PERMIT #3247)	BURRVILLE SOUTH	14.6	
8119998	A-413	4112920437	102	H SEXTON UNIT #1 (PERMIT #2141)	BURRVILLE SOUTH	12.0	
8119996	A-411	4112920373	102	T L HENRY #1 (PERMIT #1800)	BURRVILLE SOUTH	14.0	
8119997	A-412	4112920399	102	T L HENRY #2 (PERMIT #1928)	BURRVILLE SOUTH	14.0	
-TENNESSEE LAND & EXPLORATION CO							
8119989	A-562	4115120579	102	RECEIVED: 03/02/81 LAWHORN - LAWHORN PERMIT #3141	GUH BRANCH	5.5	
8119992	A-565	4115110198	102	LAWHORN - LAWHORN PERMIT #195	GUH BRANCH	27.4	

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD
8119991	A-564	4115120021	102	HALL LAWHORN #2 PERMIT #607	GUM BRANCH	3.7
8119990	A-563	4115120625	102	HALL LAWHORN #3 PERMIT #3295	GUM BRANCH	3.7
8119983	A-556	4115120447	102	RAILROAD - COHEN PERMIT #2240	WINONA	547.5
8119984	A-557	4115120468	102	TENNESSEE RAILROAD #1 PERMIT #2407	WINONA	5.5
8119988	A-561	4115120458	102	VERNON LAWHORN #1 PERMIT #2318	GUM BRANCH	1.8
8119987	A-560	4115120519	102	VERNON LAWHORN #2 PERMIT #2794	GUM BRANCH	11.0
8119986	A-559	4115120609	102	VERNON LAWHORN #4 PERMIT #3216	GUM BRANCH	5.5
8119985	A-558	4115120492	102	VERNON LAWHORN #1 PERMIT #2612	GUM BRANCH	11.0
-TOMNER PETROLEUM CO						
8120099	A-503	4115120439	103	RECEIVED: 03/02/81 JA: TN BLAIR-HORDE #10	BENDIX SPUR	204.0
8120101	A-505	4115120445	103	BLAIR-HORDE #12	BENDIX SPUR	20.0
8120061	A-465	4115120415	103	BLAIR-HORDE #8	BENDIX SPUR	38.0
8120060	A-464	4115120426	103	BLAIR-HORDE #9	BENDIX SPUR	20.0
8120094	A-498	4115120485	103	CRANFORD PHILLIPS #1	SHUG MT	10.0
8119947	A-521	4113320228	103	GEALY #1	CLARK RANGE	9.0
8120066	A-470	4113320252	103	GEALY #2	CLARK RANGE	85.0
8120062	A-466	4113320253	103	GEALY #3	CLARK RANGE	82.0
8119954	A-550	4113320271	103	GEALY #4	CLARK RANGE	5.0
8119953	A-549	4113320270	103	GEALY #5	CLARK RANGE	1.0
8119952	A-548	4113320268	103	GEALY #6	CLARK RANGE	7.0
8119956	A-552	4113320269	103	GEALY #8	CLARK RANGE	3.0
8119955	A-557	4113320278	103	GEALY-PAYNE-HARGIS #1	CLARK RANGE	3.0
8120070	A-474	4113320255	103	GEALY-PICKETT-HARGIS #1	CLARK RANGE	10.0
8119957	A-553	4113320273	103	GIANATASSIO-PAYNE #1	CLARK RANGE	4.0
8119940	A-511	4113320122	103	HABEGGER #1	CLARK RANGE	9.0
8119942	A-513	4113320120	103	HABEGGER-HAZELIN-HABEGGER #1	BEAUREGARD	27.0
8119948	A-521	4113320226	103	HABEGGER-WILSON (JENNINGS)	CLARK RANGE	10.0
8120077	A-482	4112920533	103	HOLLIS REED #1	ROSE CHAPEL	184.0
8119939	A-510	4115120464	103	KANE #1	SILCOX HT	180.0
8120090	A-494	4115120495	103	KANE #10	HUNTSVILLE	40.0
8120091	A-495	4115120494	103	KANE #22	ROBBINS	30.0
8120084	A-488	4115120527	103	KANE #23	PIONEER	12.0
8119946	A-520	4115120614	103	KANE #25	PIONEER	30.0
8119949	A-523	4115120471	103	KANE #3	HUNTSVILLE	27.0
8120098	A-502	4115120480	103	KANE #9	SILCOX HT	30.0
8120085	A-489	4112920580	103	MARGARET SCOTT #1	BURRVILLE	56.0
8120093	A-497	4112920534	103	MARTIN #1	RUGBY	10.0
8120056	A-460	4112920536	103	MARTIN #3	RUGBY	10.0
8120096	A-500	4103520039	103	MCCOY #1	FOX CREEK	10.0
8120069	A-473	4112920626	103	HILMON-BROOKS-MONDAY #1	RUGBY	10.0
8120083	A-487	4113320203	103	PAYNE ETAL #1	CLARK RANGE	74.0
8120065	A-469	4113320259	103	PAYNE-GIANATASSIO #1	CLARK RANGE	10.0
8119958	A-554	4113320277	103	PAYNE-HARGIS-PICKETT #1	CLARK RANGE	3.0
8120068	A-472	4113320263	103	PAYNE-LAINE-WILSON #1	CLARK RANGE	9.0
8120074	A-478	4113320251	103	PAYNE-WARD-PICKETT #1	CLARK RANGE	10.0
8120058	A-462	4115120374	103	PEMBERTON #1	SKULL CREEK	27.0
8120097	A-501	4115120479	103	PEMBERTON #12	GUM BRANCH	40.0
8120103	A-507	4115120453	103	PEMBERTON #13	SKULL CREEK	10.0
8120078	A-482	4115120421	103	PEMBERTON #15	SKULL CREEK	25.0
8120088	A-492	4115120497	103	PEMBERTON #17	GUM BRANCH	20.0
8119945	A-519	4115120633	103	PEMBERTON #23	GUM BRANCH	10.0
8120095	A-499	4112920525	103	PEMBERTON B-1	BURRVILLE	54.0

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120089	A-493	4112920546	103	PEMBERTON B-2	BURRVILLE	51.0	
8120082	A-486	4112920606	103	PEMBERTON B-3	BURRVILLE	89.0	
8120081	A-485	4112920640	103	PEMBERTON B-4	BURRVILLE	90.0	
8120064	A-468	4112920669	103	PEMBERTON B-5 PERMIT #5290	BURRVILLE	73.0	
8120080	A-484	4112920651	103	PEMBERTON B-6	BURRVILLE	27.0	
8120073	A-477	4112920683	103	PEMBERTON B-7	BURRVILLE	27.0	
8119943	A-514	4112920447	103	PEMBERTON C-3	RUGBY	10.0	
8120072	A-476	4112920687	103	PEMBERTON F-10	BOONE CAMP	18.0	
8120067	A-471	4112920706	103	PEMBERTON F-12	BOONE CAMP	18.0	
8120086	A-490	4112920541	103	PEMBERTON F-2	BOONE CAMP	10.0	
8120104	A-508	4112920471	103	PEMBERTON F-3	RUGBY	173.0	
8119938	A-509	4112920482	103	PEMBERTON F-4	BOONE CAMP	12.0	
8120075	A-479	4112920650	103	PEMBERTON F-7	BOONE CAMP	30.0	
8120059	A-463	4115120409	103	PEMBERTON K-1	GUM BRANCH	18.0	
8120057	A-461	4115120477	103	PEMBERTON K-8	ROBBINS	8.0	
8120055	A-459	4115120366	103	PEMBERTON 3-(5)	GUM BRANCH	129.0	
8120076	A-480	4115120442	103	RAY #1	SKULL CREEK	17.0	
8120102	A-506	4115120455	103	RAY #3	GUM BRANCH	63.0	
8120071	A-475	4112920545	103	RAY #4	SKULL CREEK	20.0	
8119944	A-518	4115120624	103	REED-STARR #1	ROSE CHAPEL	19.0	
8119950	A-524	4115120632	103	RUGBY LAND CO #2	GUM BRANCH	51.0	
8120063	A-467	4115120639	103	RUGBY LAND CO #3	GUM BRANCH	51.0	
8120079	A-483	4115120612	103	RUGBY LAND CO #4	RUGBY EAST	204.0	
8120100	A-504	4104920312	103	RUGBY LAND COMPANY #1	RUGBY EAST	64.0	
8119941	A-512	4115120478	103	TOMPKINS-HULL #1	MT HELEN	30.0	
8119951	A-547	4113320262	103	VIOLET TUDOR #1	SKULL CREEK	10.0	
				WILSON-PAYNE-BILBREY #1	CLARK RANGE	5.0	

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with

18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9289 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
***** COLORADO OIL & GAS COMMISSION *****							
***** ADOLPH COORS COMPANY *****							
8120153	80-409	0507708116	103	RECEIVED: 03/04/81 JA: CO	PLATEAU FIELD SEC 32 T10	173.0	NORTHERN NATURAL GAS
8120154	80-412	0507708269	103	ACCO-WOOD ET AL 1-32	PLATEAU FIELD SEC 7 T10S	132.9	NORTHERN NATURAL GAS
8120156	80-411	0507708237	103	BIG CREEK CATTLE CO #2-7	PLATEAU FIELD SEC 7 T10S	58.8	NORTHERN NATURAL GAS
8120149	80-408	0507708253	103	BOREN 1-7	PLATEAU FIELD SEC 18 T10	173.7	NORTHERN NATURAL GAS
8120143	80-403	0507708133	103	FETTERS 1-18	PLATEAU FIELD SEC 19 T1	519.0	NORTHERN NATURAL GAS
8120144	80-402	0507708137	103	FETTERS 2-19	PLATEAU FIELD SEC 19 T10	93.4	NORTHERN NATURAL GAS
8120148	80-410	0507708257	103	FETTERS 3-19	PLATEAU FIELD SEC 19 T10	398.2	NORTHERN NATURAL GAS
8120146	80-405	0507708109	103	LONG 1-3	PLATEAU FIELD SEC 3 T10S	99.3	NORTHERN NATURAL GAS
8120145	80-404	0507708127	103	MEADOR 1-24	PLATEAU FIELD SEC 24 T10	135.4	NORTHERN NATURAL GAS
8120155	80-406	0507708099	103	NICHOLS 1-31	PLATEAU FIELD SEC 31 T10	85.4	NORTHERN NATURAL GAS
8120142	80-401	0507708261	103	NYSTROM 2-18	PLATEAU FIELD SEC 18 T10	81.1	NORTHERN NATURAL GAS
8120152	80-414	0507708108	103	TRAHERN 1-20	PLATEAU FIELD SECTION 20	40.2	NORTHERN NATURAL GAS
8120134	80-413	0507708242	103	UTE #4-17	PLATEAU FIELD SECTION 17	148.6	NORTHERN NATURAL GAS
8120147	80-407	0507708119	103	UTE 1-20	PLATEAU FIELD SEC 20 T10	109.5	NORTHERN NATURAL GAS
***** CHAMPLIN PETROLEUM COMPANY *****							
8120135	80-420	0500107517	103	RECEIVED: 03/04/81 JA: CO	THIRD CREEK	41.0	PANHANDLE EASTERN PI
8120137	80-445	0500107626	103	#1 CPC 80 TONER INVESTMENT	JAMBOREE	38.0	PANHANDLE EASTERN PI
***** CHANDLER & ASSOCIATES INC *****							
8120127	80-434	0507708217	103	#1-X WAILES 41-33	PLATEAU	58.0	NORTHWEST PIPELINE C
***** BRUTON 5-17 *****							
8120130	80-433	0507708172	102	RECEIVED: 03/04/81 JA: CO	COZETTE	179.0	NORTHWEST PIPELINE C
***** ENERGY MINERALS CORPORATION *****							
8120129	80-431	0512309495	108	STITES 15-33	ROGGEN	20.4	CRYSTAL GAS CO
8120131	80-256	0512309747	108	#1 CLEM	ROGGEN	19.9	CRYSTAL OIL CO
***** KANSAS-NEBRASKA NATURAL GAS CO INC *****							
8120136	80-184	0512506256	108	ANDREWS #1	SCHRAHM	22.0	
***** MARTIN EXPLORATION MGMT CORP *****							
8120162	80-443	0512309813	103	RECEIVED: 03/04/81 JA: CO	SPINDLE	16.6	PANHANDLE EASTERN PI
8120139	80-387	0507708156	102	BECKY #1	SHIRE GULCH	84.0	NORTHWEST PIPELINE C
8120157	80-428	0501306023	102	BLAIR #1	WILDCAT	547.5	PANHANDLE EASTERN PI
8120158	80-429	0501306026	102	CULVER #1	WILDCAT	0.0	PANHANDLE EASTERN PI
8120140	80-384	0507708192	102	ERTL #1	SHIRE GULCH	360.0	NORTHWEST PIPELINE C
8120141	80-386	0507708207	102	FEDERAL #1-3	SHIRE GULCH	36.5	NORTHWEST PIPELINE C
8120138	80-385	0507708178	102	FEDERAL #2-1	SHIRE GULCH	360.0	NORTHWEST PIPELINE C
8120160	80-426	0512309861	103	FEDERAL #35-1	SPINDLE	5.0	PANHANDLE EASTERN PI
8120161	80-424	0512309859	103	GLENS #1	SPINDLE	6.5	PANHANDLE EASTERN PI
8120159	80-425	0512309860	103	GLENS #4	SPINDLE	9.5	PANHANDLE EASTERN PI
8120163	80-442	0512309861	103	GLENS #5	SPINDLE	4.0	PANHANDLE EASTERN PI
***** MONSANTO COMPANY *****							
8120133	80-423	0506705577	108	RECEIVED: 03/04/81 JA: CO	WILDCAT (MESA VERDE)	2.0	PEOPLES NATURAL GAS
***** ADA NO 1 *****							

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8120132	80-421	0501106099	103	RECEIVED: 03/04/81 JA: CO KICKING BIRD NO 21-16	MCCLAVE	511.0	NUECES CO
8120164	80-389	0500506402	103	RECEIVED: 03/04/81 JA: CO AMOCO-UPRR NO 1-31	DOUBLETREE	225.0	AMOCO PRODUCTION CO
8120128	80-422	0506700000	108	RECEIVED: 03/04/81 JA: CO H C McDONALD ETAL #1	IGNACIO-BLANCO	17.6	EL PASO NATURAL GAS
8120150	80-418	0501306034	103	RECEIVED: 03/04/81 JA: CO BAILEY #12-1	WATTENBERG	73.0	PANHANDLE EASTERN PI
8120151	80-353	0500107487	102	RECEIVED: 03/04/81 JA: CO THORNBURG #1-X	ZENITH	50.0	VESELS GAS PROCESSI

LOUISIANA OFFICE OF CONSERVATION							

8120329	81-131	1711122199	108	RECEIVED: 02/20/81 JA: LA JARMON ESTATE #6	MONROE	6.0	WEST MONROE GAS GATH
8120335	81-151	1706100094	108	RECEIVED: 02/20/81 JA: LA LEDBETTER #1 HOSS SVA	SIMSBORO	23.4	UNITED GAS PIPELINE
8120339	81-156	1711122915	103	RECEIVED: 02/20/81 JA: LA CHAPMAN #3	MONROE	21.0	PETRO-LEWIS CORP
8120337	81-154	1711122916	103	RABUN #28	MONROE	21.0	PETRO-LEWIS CORP
8120338	81-155	1711122905	103	RABUN #31	MONROE	21.0	PETRO-LEWIS CORP
-K D LANKFORD JR & L&N DRLG CO							
8120333	81-148	1711121501	108	RECEIVED: 02/20/81 JA: LA PAGE NO 1	MONROE	16.0	UNITED GAS PIPELINE
8120334	81-149	1711121890	108	RECEIVED: 02/20/81 JA: LA PAGE NO 2	MONROE	16.0	UNITED GAS PIPELINE
-LAHOA GAS COMPANY							
8120332	81-139	1707321568	103	RECEIVED: 02/20/81 JA: LA ABE ARENT #4 - 170939	MONROE GAS ROCK	21.2	IMC PIPELINE CO INC
-MARSHALL EXPLORATION INC							
8120336	81-152	1703120994	108	RECEIVED: 02/20/81 JA: LA A E ATWOOD #3 FBG RA SU 147	LOGANSPOURT	8.0	TENNESSEE GAS PIPELI
8120325	81-116	1703120895	108	RECEIVED: 02/20/81 JA: LA CATER #1 FBG RA SU 130	LOGANSPOURT	6.0	TENNESSEE GAS PIPELI
-MID LOUISIANA GAS COMPANY							
8120354	81-245	1711122778	103	RECEIVED: 02/20/81 JA: LA MLGC FEE GAS NO 1002	MONROE FIELD	84.6	
8120342	81-170	1711122688	103	MLGC FEE GAS NO 965	MONROE FIELD	64.4	
8120341	81-169	1711122689	103	MLGC FEE GAS NO 966	MONROE FIELD	82.6	
8120340	81-167	1711122748	103	MLGC FEE GAS NO 999	MONROE FIELD	19.8	
-MIDWAY PRODUCTION CO VII							
8120352	81-232	1707321379	108	RECEIVED: 02/20/81 JA: LA LAKE PARK #1	MONROE	11.0	PETRO-LEWIS CORP
8120351	81-231	1707321380	108	LAKE PARK #2	MONROE	11.0	PETRO LEWIS CORP
-MONROE GAS CO							
8120349	81-192	1711120981	108	RECEIVED: 02/20/81 JA: LA GRAYLING N-25 152462	MONROE	1.1	IMC PIPELINE CO INC
8120346	81-181	1711121004	108	GRAYLING N-26 152686	MONROE	6.7	IMC PIPELINE CO INC
8120345	81-180	1711121064	108	GRAYLING N-31 153541	MONROE	18.3	IMC PIPELINE CO INC
8120347	81-183	1711121081	108	GRAYLING N-36 153679	MONROE	5.4	IMC PIPELINE CO INC
8120348	81-184	1711121097	108	GRAYLING N-38 153771	MONROE	3.1	IMC PIPELINE CO INC
8120343	81-174	1711120958	108	MINERAL LANDS N-2 152376	MONROE	9.3	IMC PIPELINE CO INC
8120344	81-175	1711121044	108	MINERAL LANDS N-3 153245	MONROE	10.0	IMC PIPELINE CO INC
-PRINGS-DEAN PRODUCING CO							
8120350	81-135	1707321187	108	RECEIVED: 02/20/81 JA: LA CEMETERY #2	MONROE	7.4	MID LOUISIANA GAS CO
-PS&G INC							
8120331	81-137	1711122408	108	RECEIVED: 02/20/81 JA: LA E F SMITH #3	MONROE	10.2	TEXAS GAS TRANSMISSI
-RELIANCE TR-JV							
8120328	81-126	1711122871	103	J H CASKEY #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8120327	81-125	1711122735	103	R E SAVAGE #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8120326	81-124	1711122610	103	STEELE ET AL #1	MONROE	11.0	TEXAS GAS TRANSMISSI

JD NO	JA DKT	API NO	SEC D	WELL NAME	RECEIVED	JA	FIELD NAME	PROD	PURCHASER
8120353	81-241	1711122933	103	M WAYNE ESTATE #4	02/20/81	JA: LA	MONROE	13.0	TEXAS GAS TRANSHISSI
8120350	81-199	1706721276	108	KENO #7			MONROE GAS ROCK FIELD	20.1	IMC PIPELINE CO INC

OHIO DEPARTMENT OF NATURAL RESOURCES									

BANDS COMPANY INC									

8120235		3407522810	103	RECEIVED: 03/04/81		JA: OH	PRAIRIE	10.0	COLUMBIA GAS TRANS C
BANDS #1 (PAMPERED BEEF)									
RECEIVED: 03/04/81									
8120242		3410322496	103	GILBERT DILLEY #3			SHARON	0.0	
8120238		3410322318	103	VALLEY VIEW LAKE PARK #1			SHARON	0.0	
BELDEN & BLAKE OIL PRODUCTION									
RECEIVED: 03/04/81									
8120180		3415121057	108	D J & F KING CORP #2-355			WATERFORD	0.0	EAST OHIO GAS CO
BERRESFORD ENTERPRISES INC									
RECEIVED: 03/04/81									
8120274		3416725982	103	EARNEST BROOKER #1			WATERFORD	0.0	
8120251		3411522153	103	JEANNETTE PECK & MARY WECKMAN #1			CENTER	0.0	
8120252		3411522212	103	PAUL DIETZ #1			CENTER	0.0	
8120275		3416725984	103	RICHARD McNABB #1			WATERFORD	0.0	
BJVC ENERGY MANAGEMENT CORP									
RECEIVED: 03/04/81									
8120245		3410521870	103	CLAIR & THELMA GILES #1		JA: OH	RUTLAND	3.0	COLUMBIA GAS TRANS MI
8120244		3410521869	103	CLAIR & THELMA GILES #2			RUTLAND	3.0	COLUMBIA GAS TRANS MI
8120248		3410522011	103	CLAIR & THELMA GILES #3			RUTLAND	3.0	COLUMBIA GAS TRANS MI
BOP OIL CO									
RECEIVED: 03/04/81									
8120276		3416726232	103	KEITH MILLER #1			WATERFORD	0.0	
C J WARREN OIL COMPANY									
RECEIVED: 03/04/81									
8120227		3408322794	103	BANBURY #1		JA: OH	UNION	20.0	
C W RIGGS INC									
RECEIVED: 03/04/81									
8120270		3416725159	107	CHARLES HALL #3			RENO	8.0	COLUMBIA GAS TRANS C
8120273		3416725819	107	HOWARD WEST #1			RENO	7.0	COLUMBIA GAS TRANS C
8120272		3416725590	107	JAMES ROBINSON #1			RENO	7.0	COLUMBIA GAS TRANS C
8120271		3416725256	107	JAMES ROBINSON #2			RENO	8.0	COLUMBIA GAS TRANS C
8120269		3416724799	107	MCDUGGAL UNIT #1-A			RENO	8.0	COLUMBIA GAS TRANS C
COLUMBIA GAS TRANSMISSION CORP									
RECEIVED: 03/04/81									
8120231		3403122309	108	TCO-E TAYLOR NO 1 720191			SOUTHERN DIST STE OF OHI	2.0	COLUMBIA GAS TRANS C
8120266		3415520189	108	TCO-MOORE-LOZIER #1 720138			NORTHERN DIST STE OF OHI	0.2	COLUMBIA GAS TRANS C
CRYSTAL ENERGY									
RECEIVED: 03/04/81									
8120240		3410322402	103	RICHARD & LYDIA ROOK #2			SPENCER	25.0	
ELIAS H POSTON									
RECEIVED: 03/04/81									
8120178		3400921267	108	D CRAWFORD #1			RENO	0.4	COLUMBIA GAS TRANS MI
8120177		3400920971	108	D JOYCE #1			RENO	0.4	COLUMBIA GAS TRANS MI
8120163		3411500674	108	D OLNEY #1			RENO	1.4	COLUMBIA GAS TRANS MI
8120182		3411500672	108	D PATTERSON #1			RENO	0.5	COLUMBIA GAS TRANS MI
8120181		3411500673	108	D PATTERSON #2			RENO	0.5	COLUMBIA GAS TRANS MI
8120179		3400920429	108	D PHILLIPS #1			RENO	0.1	COLUMBIA GAS TRANS MI
8120175		3400920303	108	D SEAHAN #1			RENO	0.4	COLUMBIA GAS TRANS MI
8120176		3400920949	108	D SHIRLEY #1			RENO	0.4	COLUMBIA GAS TRANS MI
ELKHEAD GAS & OIL COMPANY									
RECEIVED: 03/04/81									
8120222		3403124039	103	AKINS #1		JA: OH	TIVERTON	50.0	COLUMBIA GAS TRANS MI
ENERGY DEVELOPMENT CORP									
RECEIVED: 03/04/81									
8120241		3410322467	103	BIL-JAC FOODS INC WELL #1			GRANGER	20.0	COLUMBIA GAS TRANS MI
8120239		3410322387	103	WOODLING WELL #1			GRANGER	20.0	COLUMBIA GAS TRANS MI
ENERGY RECOVERY CO									
RECEIVED: 03/04/81									

JD NO	JA DKT	API NO	SEC D	WELL NAME	RECEIVED	JA:	OH	FIELD NAME	PROG	PURCHASER
8120223		3407322286	103	CHRISTMAN #1	03/04/81	JA:	OH	FALLS,	15.0	
8120234	EVERFLOW EASTERN INC	3409920798	108	D BECK #1				GOSHEN	6.0	AMERICAN ENERGY SERV
8120233		3409920761	108	D PAXSON #1				ELLSWORTH	3.0	AMERICAN ENERGY SERV
8120253	FORTUNE GAS AND OIL INC	3411522244	103	PARMITER #1	03/04/81	JA:	OH	BILOM	0.0	EAST OHIO GAS CO
8120228	HAROLD SPARKS	3408322820	103	SIGMAN WELL #1	03/04/81	JA:	OH	HARRISON	3.0	
8120226		3408322736	103	WALLACE BYLER WELL #3				HARRISON	3.0	
8120259	HILLTOP DEVELOPMENT CORP	3411925496	103	WAYNE LEVERING #3	03/04/81	JA:	OH	JACKSON	4.0	NATIONAL GAS & OIL C
8120258	IRVIN PRODUCING COMPANY	3411925455	103	ANTHONY LANDERS #1	03/04/81	JA:	OH	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8120257		3411925453	103	ANTHONY LANDERS #2	03/04/81	JA:	OH	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8120165	JERRY MOORE INC	3415122392	108	D JACOB N WISE #5294A	03/04/81	JA:	OH	MT EATON	16.0	EAST OHIO GAS CO
8120210	JOHN C HASON	3403122308	108	RECEIVED: 03/04/81					15.0	COLUMBIA GAS TRANS C
8120262	L & M PETROLEUM INC	3412724829	103	D RALPH & MARIE BORDEN #1	03/04/81	JA:	OH	READING	12.5	FORAKER GAS CO INC
8120254	MAHOTH PRODUCING CORP	3411922339	108	ROBERT JENKINS #1	03/04/81	JA:	OH		6.0	COLUMBIA GAS TRANSMI
8120204	HB OPERATING CO INC	3401920271	108	D VICKERS #1	03/04/81	JA:	OH		0.2	EAST OHIO GAS
8120264		3415121739	108	D DECKER #1					0.8	EAST OHIO GAS
8120231		3409920198	108	D OSBORN UNIT #1					0.1	EAST OHIO GAS
8120265		3415122072	108	D SPIKER UNIT #2					22.7	EAST OHIO GAS
8120247	MURPHY OIL CO	3410522002	107	RECEIVED: 03/04/81				HEMLOCK GROVE	10.0	
8120255	OXFORD OIL CO	3411924289	108	GENE ROMINE #1	03/04/81	JA:	OH		20.0	NATIONAL GAS & OIL
8120218		3403123235	108	CARL ROBERTS #1					3.0	NATIONAL GAS & OIL
8120229		3408923487	108	DONALD RICHARDS #1					2.0	NATIONAL GAS & OIL
8120250		3411521749	108	J J NETHERS #9					13.0	NATIONAL GAS & OIL
8120220		3403123355	108	KENNETH PORTER #1					4.0	NATIONAL GAS & OIL C
8120215		3403123001	108	PAUL BLAIR #1					7.0	NATIONAL GAS & OIL
8120214		3403123000	108	PEABODY COAL #12					7.0	NATIONAL GAS & OIL
8120216		3403123006	108	PEABODY COAL #13					7.0	NATIONAL GAS & OIL
8120213		3403122998	108	PEABODY COAL #14					7.0	NATIONAL GAS & OIL
8120217		3403123010	108	PEABODY COAL #15					7.0	NATIONAL GAS & OIL
8120212		3403122850	108	PEABODY COAL #17					3.0	NATIONAL OIL & GAS
8120261		3412724203	108	PERRY CO CHEESE CO #1					3.0	NATIONAL GAS & OIL
8120256		3411924337	108	ROBERT DENNIS #1					7.0	NATIONAL GAS & OIL C
8120219	POI ENERGY INC	3403123297	108	WILDA RICE #1	03/04/81	JA:	OH	COLEBROOK	45.0	
8120203		3400721235	103	RECEIVED: 03/04/81						
8120193	POMINEX INC	3409920890	108	SWENTON #1	03/04/81	JA:	OH		21.0	EAST OHIO GAS CO
8120184		3413520633	108	D #1 D G EVANS					4.0	STARK OILFIELD SERVI
8120190		3409920915	108	D #1 DZURILLA UNIT					20.0	EAST OHIO GAS CO
8120187		3402920730	108	D #1 FRANCIS LESS					10.0	EAST OHIO GAS CO
8120189		3409920951	108	D #1 JOSEPH MCLAUGHLIN					20.0	EAST OHIO GAS CO
8120194		3409920639	108	D #1 SAUERWEIN BUSH UNIT					20.0	EAST OHIO GAS CO
				D #1 SOUTH RANGE SCHOOL DISTRICT						

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8120185		3405922159	108	D #1 WILLARD JOHNSON	LONDONDERRY TWP	8.0	EAST OHIO GAS CO
8120192		3405922083	108	D #1 YENGIK UNIT	LONDONDERRY TWP	20.0	EAST OHIO GAS CO
8120196		3406720906	108	D #2 MCG	NOTTINGHAM TWP	7.0	EAST OHIO GAS CO
8120191		3405922062	108	D #3 WILTCREST FARMS	NOTTINGHAM TWP	21.0	EAST OHIO GAS CO
8120188		3405922089	108	D #3 WILTCREST UNIT		21.0	EAST OHIO GAS CO
= POSITION OPERATING CO INC RECEIVED: 03/04/81 JA: OH							
8120174		3405320139	108	D ABLE-BRIGGS & WHITE #1		0.3	COLUMBIA GAS TRANSMI
8120171		3412723499	108	D EMBREY #1		0.7	COLUMBIA GAS TRANSMI
8120170		3407320177	108	D EVANS-WILSON-LEHMAN #3		1.1	COLUMBIA GAS TRANSMI
8120169		3405320138	108	D OHIO RIVER COLLIERIES #1		0.3	COLUMBIA GAS TRANSMI
8120172		3405320139	108	D ROUSH #2		0.3	COLUMBIA GAS TRANSMI
8120173		3405320134	108	D ROUSH #3		0.3	COLUMBIA GAS TRANSMI
8120168		3405320136	108	D SWISHER #1		0.3	COLUMBIA GAS TRANSMI
8120167		3405320135	108	D SWISHER #2		0.3	COLUMBIA GAS TRANSMI
-RELIANCE ENERGY RECEIVED: 03/04/81 JA: OH							
8120224		3407522090	103	WILLIS & HELEN WOLFE #1	RICHLAND	8.0	COLUMBIA GAS TRANSMI
-SCIENTIFIC EXPLORATION CORP RECEIVED: 03/04/81 JA: OH							
8120200		3400523312	103	ROMANE #10 - PERMIT #3312	JACKSON	5.0	
8120201		3400523324	103	ROMANE #14 PERMIT #3324	JACKSON	12.0	
8120202		3400523325	103	ROMANE #15 PERMIT #3325	JACKSON	15.0	
8120195		3400523328	103	ROMANE #2 - PERMIT #3281	JACKSON	10.0	
8120196		3400523308	103	ROMANE #6 - PERMIT #3308	JACKSON	15.0	
8120197		3400523309	103	ROMANE #7 - PERMIT #3309	JACKSON	10.0	
8120198		3400523310	103	ROMANE #8 PERMIT #3310	JACKSON	10.0	
8120199		3400523311	103	ROMANE #9 PERMIT #3311	JACKSON	10.0	
-SHELTON L TURRILL RECEIVED: 03/04/81 JA: OH							
8120230		3408923870	103	#2 O HEAVER	HOPLEVELL	20.0	NEWZANE GAS CO
-SKY PETROLEUM CORP RECEIVED: 03/04/81 JA: OH							
8120221		3403123823	103	MURRAY #1	CLARK	0.0	COLUMBIA GAS TRANSMI
-SOUTHERN OHIO PETROLEUM CO INC RECEIVED: 03/04/81 JA: OH							
8120219		3411121965	107	CHARLES D ZWICK #3	BETHEL	12.0	COLUMBIA GAS TRANSMI
-ST CLAIR OIL CO RECEIVED: 03/04/81 JA: OH							
8120260		3412120960	108	KIMNACH NO 1		5.0	PERMIAN OIL & GAS CO
-STOCKERSTITLER INC RECEIVED: 03/04/81 JA: OH							
8120206		3401921356	103	NO 4 DIERICK UNIT		2.0	HB OPERATING CO INC
8120207		3401921357	103	NO 6 BUHECKER	ROSE	1.0	HB OPERATING CO INC
-SUPERIOR PETROLEUM INC RECEIVED: 03/04/81 JA: OH							
8120208		3401921359	103	BECKWITH #1	HONROE	20.0	HB OPERATING CO INC
8120209		3401921363	103	BECKWITH #2	HONROE	20.0	HB OPERATING CO INC
8120205		3401921343	103	H V C D 9-E	HONROE	20.0	HB OPERATING CO INC
-TALBOTT OIL & GAS CO RECEIVED: 03/04/81 JA: OH							
8120211		3410521706	108	MORA RAY CARROLL #1		3.4	COLUMBIA GAS TRANSMI
8120216		3410521875	108	VIRGINIA VITATOE #3		3.6	COLUMBIA GAS TRANSMI
-UNITED PETROLEUM CORP RECEIVED: 03/04/81 JA: OH							
8120217		3409920869	108	BARNES #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8120232		3409920751	108	BOYMAN #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8120236		3409920860	108	HIRT #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8120235		3409920853	108	JEFF DELMONT #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
-WESTERN HYDROCARBONS CORP RECEIVED: 03/04/81 JA: OH							
8120263		3415121107	108	F & D GALLINA ET AL #1		21.0	EAST OHIO GAS CO
-WINSTON OIL COMPANY RECEIVED: 03/04/81 JA: OH							
8120260		3416724582	108	CHARLES LANTON #2		1.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8120267		3416724463	108	RUTH LEE #1			6.0 COLUMBIA GAS TRANSMI
-ZENITH EXPLORATION COMPANY				RECEIVED: 03/04/81			
8120166		3415722895	108	D CARL ARMSTRONG #1	ARMSTRONG		1.2 EAST OHIO GAS CO
*****				*****			
WEST VIRGINIA DEPARTMENT OF MINES				*****			
*****				*****			
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 03/05/81			
8120322		4703903453	108	IMPERIAL COAL #11-B	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120293		4703903459	108	OHLEY TRUST #10	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120321		4703903454	108	OHLEY TRUST #11	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120320		4703903461	108	OHLEY TRUST #15	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120315		4703903451	108	OHLEY TRUST #4-B	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120306		4703903393	108	OHLEY TRUST #6	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120316		4703903450	108	OHLEY TRUST #7	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120323		4703903452	108	OHLEY TRUST #8	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
8120292		4703903460	108	OHLEY TRUST #9	CABIN CREEK		12.0 COLUMBIA GAS TRANSMI
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 03/05/81			
8120314		4703301071	103	A-652	SARDIS DISTRICT		0.0 CONSOLIDATED GAS SUP
8120324		4709702107	103	A-890	UNION DISTRICT		0.0 CONSOLIDATED GAS SUP
-BEREA OIL AND GAS CORPORATION				RECEIVED: 03/05/81			
8120319		4710721030	107	C HOWARD #3	UNION		54.7 CONSOLIDATED GAS SUP
8120318		4710720907	107	C S HOWARD #1	UNION		18.2 CONSOLIDATED GAS SUP
*8120308		4700101201	102	HENRY WATSON #1	VALLEY		4.2 CONSOLIDATED GAS SUP
*8120307		4700101200	102	L O SINGLETON #1	VALLEY		12.2 CONSOLIDATED GAS SUP
*8120287		4700101203	102	T HARRIS #1	VALLEY		10.4 CONSOLIDATED GAS SUP
-BISCAYNE OIL & GAS INC				RECEIVED: 03/05/81			
8120299		4710700795	108	GEORGE HEWITT #4	BURELETTE		5.0 CONSOLIDATED GAS SUP
-BRAXTON OIL AND GAS CORP				RECEIVED: 03/05/81			
8120305		4704102867	103	D NO 1 MOODY	VANDALIA		10.0 CONSOLIDATED GAS SUP
8120286		4700701516	103	NO 2 CARTER	BURNSVILLE		20.0 CONSOLIDATED GAS SUP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 03/05/81			
8120312		4710900801	108	CHARLESTON NATIONAL BANK 12444	PINEVILLE A59442		10.0 GENERAL SYSTEM PURCH
8120290		4702103402	108	ELTON BUSH 12520	WEST VIRGINIA OTHER A857		12.0 GENERAL SYSTEM PURCH
8120311		4701900269	108	GAULEY MOUNTAIN COAL CO 11944	WEST VIRGINIA OTHER A857		18.0 GENERAL SYSTEM PURCH
8120317		4702103024	108	JAMES C BUSH 12494	W VA OTHER A83772		0.5 GENERAL SYSTEM PURCH
8120313		4703301228	108	JORDON CARTER 12279	WEST VIRGINIA OTHER A857		20.0 GENERAL SYSTEM PURCH
8120291		4701701887	108	MARGARET J McMILLAN 12301	WEST VIRGINIA OTHER A857		20.0 GENERAL SYSTEM PURCH
8120300		4704102678	103	MINOR J HALL 12581	WEST VIRGINIA OTHER A857		25.0 GENERAL SYSTEM PURCH
-D & D GAS CO				RECEIVED: 03/05/81			
8120309		4709901463	108	ARLAN VINSON #1	LINCOLN DISTRICT		18.0 COLUMBIA GAS TRANSMI
8120288		4709901529	108	GLEN HAYES CO #13-A	LINCOLN DISTRICT		18.0 COLUMBIA GAS TRANSMI
8120310		4709901505	108	J & A VINSON #1	LINCOLN DISTRICT		18.0 COLUMBIA GAS TRANSMI
8120289		4709901510	108	MCGLOTHLIN ET AL #2-A	LINCOLN DISTRICT		18.0 COLUMBIA GAS TRANSMI
-DENNIS D BLAUSER				RECEIVED: 03/05/81			
8120283		4708523563	108	RAY COTTRILL #1	CLAY		0.2 EQUITABLE GAS CO
8120282		4708523564	108	RAY COTTRILL #2	CLAY		1.1 EQUITABLE GAS CO
8120285		4702122391	108	SELVIA JOHNSON #1	DEKALB		7.9 CONSOLIDATED GAS COR
8120284		4702122393	108	SELVIA JOHNSON #2	DEKALB		7.9 CONSOLIDATED GAS COR
-DORAN & ASSOCIATES INC				RECEIVED: 03/05/81			
8120303		4703321983	103	D V H ROGERS #1 K-T 3	EAGLE		0.0 CONSOLIDATED GAS SUP
-FOX DRILLING CO INC				RECEIVED: 03/05/81			
8120297		4700101264	103	C POE #D-2	BELINGTON FIELD		40.0 COLUMBIA GAS TRANSMI
-GEORGE JACKSON				RECEIVED: 03/05/81			
8120294		4703302156	103	B F COFFMAN (B-4)	EAGLE DISTRICT A85772		25.0 CONSOLIDATED GAS SUP
-JAMES F SCOTT				RECEIVED: 03/05/81			
8120302		4701702456	108	COLEMAN-WRIGHT #4 S-282	WEST UNION DISTRICT		12.0 CONSOLIDATED GAS SUP
8120301		4703302222	103	LORNA ROBINSON S-287	EAGLE DISTRICT		12.0 CONSOLIDATED GAS SUP

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JD NO	JA-DKT	API NO	SEC D	WELL NAME	RECEIVED	JA	FIELD NAME	PRQD	PURCHASER
8120295	L & M PETROLEUM INC	4702103556	103	STALNAKER #1	03/05/81	JA: WV	WILLIAMS	10.0	CARNEGIE NATURAL GAS
8120304	NORMAN WETZ	4710700915	103	D STAATS #1	03/05/81	JA: WV	ST CLAIR	36.5	COLUMBIA GAS TRANSMI
8120281	ROCKWELL PETROLEUM COMPANY	4701722752	103	COX-GAIN #1A	03/05/81	JA: WV	ADKIN	30.0	CONSOLIDATED GAS SUP
8120278	SENECA-UPSHUR PETROLEUM CO	4704720840	103	P-214	03/05/81	JA: WV	ADKIN	30.0	CONSOLIDATED GAS SUP
8120277		4704720823	103	P-236			ADKIN	30.0	CONSOLIDATED GAS SUP
8120280		4704700825	103	P-264			ADKIN	30.0	CONSOLIDATED GAS SUP
8120279		4704700839	103	P-265			ADKIN	30.0	CONSOLIDATED GAS SUP
8120296	UNION DRILLING INC	4709702092	103	RECEIVED: 03/05/81	03/05/81	JA: WV	BANKS DISTRICT	0.0	COLUMBIA GAS TRANSMI
8120298		4709702061	103	LENI ASH TRACT #1 1578			HEADS DISTRICT	0.0	COLUMBIA GAS TRANSMI
		4709702061	103	MAE CARTER #2 1537					
** U.S. GEOLOGICAL SURVEY - DENVER CO									

8120107	CHANDLER & ASSOCIATES INC	0510380810	108	RECEIVED: 03/02/81	03/02/81	JA: CO 1	DRAGON TRAIL	22.0	NORTHWEST PIPELINE C
8120121	FUEL RESOURCES DEVELOPMENT CO	051038348	103	RECEIVED: 03/02/81	03/02/81	JA: CO 1	CATHEDRAL	12.0	MOUNTAIN FUEL SUPPLY
8120124		051038344	102	KA-20-3-101-S			CATHEDRAL	17.0	NORTHWEST PIPELINE C
8120123		051038343	103	MD-26-3-101-S			CATHEDRAL	102.0	MOUNTAIN FUEL SUPPLY
8120125		051038345	102	ME-28-3-101-S			CATHEDRAL	39.0	NORTHWEST PIPELINE C
8120122		051038350	103	#K-26-3-101-S			CATHEDRAL	17.0	MOUNTAIN FUEL SUPPLY
8120120		051038347	102	#N-16-3-101-S			CATHEDRAL	17.0	NORTHWEST PIPELINE C
8120119		051038070	102	MP-23-3-101-S			CATHEDRAL	44.0	NORTHWEST PIPELINE C
8120111	MOBIL OIL CORP	0510700000	102	#23-1 FEDERAL			COLORADO	365.0	
8120109	KANSAS-NEBRASKA NATURAL GAS CO INC	1509320690	103	RECEIVED: 03/02/81	03/02/81	JA: KS 1	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
8120105	MOBIL OIL CORP	1505520399	103	CAMPBELL 14-2			PANOMA	70.0	CITIES SERVICE GAS C
8120110	ARCO OIL AND GAS COMPANY	4301930527	103	RECEIVED: 03/02/81	03/02/81	JA: KS 1	SAN ARROYO	55.0	MESA PIPELINE CO
8120113	BELCO PETROLEUM CORPORATION	4304730712	103	HUGOTON-USA C NO 2			CHAPITA WELLS	0.0	MOUNTAIN FUEL SUPPLY
8120112		4304730652	103	RECEIVED: 03/02/81	03/02/81	JA: UT 1	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120115		4304730655	103	SAN ARROYO UNIT #31			DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120116		4304730655	103	CAMPBELL 14-2			DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120108	GAS PRODUCING ENTERPRISES INC	4304730660	103	RECEIVED: 03/02/81	03/02/81	JA: UT 1	NATURAL DUCK	0.0	COLORADO INTERSTATE
8120126	NORTHWEST EXPLORATION COMPANY	0504562550	103	NBU 42-35B 30469			NATURAL BUTTES UNIT	78.0	COLORADO INTERSTATE
8120114		0504562430	103	RECEIVED: 03/02/81	03/02/81	JA: CO 1	RULISON (WASATCH)	152.0	NORTHWEST PIPELINE C
8120118	NP ENERGY CORPORATION	4301930436	103	RULISON 121 (FORMERLY #3)			RULISON (WASATCH)	54.0	NORTHWEST PIPELINE C
8120117	SANTA FE ENERGY COMPANY	4301330475	103	RECEIVED: 03/02/81	03/02/81	JA: UT 1	CISCO OCHIE AREA	68.0	NORTHWEST PIPELINE C
		4301330475	103	FEDERAL 14-1A			GEDAR RIM (WASATCH RESER	273.0	KOCH HYDROCARBON CO
		4301330475	103	RECEIVED: 03/02/81	03/02/81	JA: UT 1			

OTHER PURCHASERS									
8120287	BROOKLYN UNION GAS CO								
8120307	BROOKLYN UNION GAS								
8120308	BROOKLYN UNION GAS								

BILLING CODE 0460-01-0

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8289 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1790-6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of March 16, 1981 to March 20, 1981.

Review Periods: The 45-day review period for Draft EIS's listed in this notice is calculated from March 27, 1981 and will end on May 11, 1981. The 30-day review period for Final EIS's as calculated from March 27, 1981 will end on April 27, 1981.

EIS Availability: To obtain a copy of an EIS listed in this notice you should contact the federal agency which

prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: March 24, 1981.

William N. Hedeman, Jr.,
Director, Office of Federal Activities (A-104).

US Department of Agriculture

APHIS: Draft—Cooperative Imported Fire Ant Program (EIS Order No. 810209); this EIS should have appeared in the March 20, 1981 Federal Register—therefore the comment period will end on May 4, 1981.

US Army Corps of Engineers

Draft—Grand Bayou Reservoir/Water Supply, Red River Parish, Louisiana (EIS Order No. 810220).

Final—Monroe Harbor Modification, Lake Erie, Monroe County, Michigan (EIS Order No. 810223).

Final Supplement—Cooper Lake and Channels Multipurpose Project, Texas (EIS Order No. 810218).

Department of the Navy

Draft Supplement—Naval Regional Medical Center, San Diego County, California (EIS Order No. 810221).

Department of Commerce

NOAA: Draft—Deep Seabed Mining Program, Pacific Ocean (EIS Order No. 810225); the review period for this EIS has been extended until May 29, 1981.

Extension: Shrimp Fishery FMP, Gulf of Mexico, published Federal Register March 13, 1981—review period extended until April 17, 1981. (No. 810182).

Environmental Protection Agency

Region 10: Draft—Wastewater Management for Boise, Eagle and Ada County, Idaho (EIS Order No. 810208).

Extension: Spokane County WWT Management Plan, WA, published in Federal Register February 20, 1981—review extended until May 29, 1981 (No. 810109).

Federal Energy Regulatory Commission

Draft—Terror Lake Hydroelectric Project, Kodiak National Wildlife Refuge, Alaska (EIS Order No. 810222);

NOTATION—anyone desiring to protest or file a petition to intervene with the FERC on the basis of this EIS should do so in accordance with the requirements of FERC's Rules of Practice and Procedure, 18 CFR 1.8, 1.10 (1979), within the time period set forth in this notice, unless otherwise stated.

Department of Housing and Urban Development

Draft—Cottonwood Housing Development Mortgage Insurance, Douglas County, Colorado (EIS Order No. 810219).

Final—Rancho Isabella Subdivision, Mortgage Insurance, Brazoria County, Texas (EIS Order No. 810211).

Final—Oquirrh Shawdows Subdivision, Mortgage Insurance, Salt Lake County, Utah (EIS Order No. 810215).

Final—Echo Farms Subdivision, Mortgage Insurance, New Hanover County, North Carolina (EIS Order No. 810217).

Department of the Interior

BLM: Draft—OCS Oil and Gas Lease Sales No. 67 and No. 69, Gulf of Mexico. (EIS Order No. 810227).

BLM: Draft—Prairie Potholes Vegetation Allocation, Several Counties, Montana (EIS Order No. 810213); the review period for this EIS has been extended until May 22, 1981.

BIA: Draft—Crow/Shell Coal Lease Agreement, Crow Reservation, Big Horn County, Montana and Sheridan County, Wyoming (EIS Order No. 810212); the review period for this EIS has been extended until May 24, 1981.

Nuclear Regulatory Commission

Final Supplement—Allens Creek Nuclear Generating Station, Permit, Austin County, Texas (EIS Order No. 810224).

US Department of Transportation

FHWA: Final—Fariss Road to Butler Road Connector, Multnomah County, Oregon. (EIS Order No. 810210).

FHWA: Final—US 54 Improvement and I-235 Interchange Addition, Sedgwick County, Kansas. (EIS Order No. 810216).

Withdrawal: Newburgh Riverfront Arterial, Orange County, NY, published Federal Register December 7, 1979 has been officially withdrawn by DOT (No. 791195).

[FR Doc. 81-8398 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-37-M

[PH-FRL 1756-6; PW-24]

ICI Americas, Inc.; Withdrawal of Food Additive and Pesticide Petitions**Correction**

In FR Doc. 5607, on page 13036, in the issue of Thursday, February 19, 1981, in the last column, under the section designated as the "SUPPLEMENTARY INFORMATION," the first paragraph, the eighth line from the bottom of the paragraph, correct "FAP 9H5235" to read "FAP 9H5232".

BILLING CODE 1505-01-4

[OPTS-51237; TSH-FRC 1789-6]

Toxic Substances Control; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-69—April 12, 1981.

PMN 81-71—April 14, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, D.C. 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-

Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The

section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51237]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-69

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 12, 1981.

Manufacturer's Identity. International Harvester Corporation, c/o Solar Turbine International, 2200 Pacific Highway, San Diego, CA 92138.

Specific Chemical Identity. Claimed confidential business information. Generic name: Benzophenone tetracarboxylic dianhydride copolyimide.

Use. The manufacturer states that the PMN substance will be used in a commercial and consumer use as seat cushions and mattresses and used in an industrial and commercial use as

thermal insulation, protective cushioning, and rigid paneling.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. The manufacturer states that acute screening tests for the new substance were run for oral and dermal toxicity with no indication of toxicity observed; eye and skin irritation tests showed no unusual irritation. The manufacturer also states that an Ames-mutagenicity test indicates the new chemical is non-mutagenic.

Exposure. The manufacturer states that at sites controlled by the submitter, eight manufacturing and processing workers will have inhalation and skin exposure 8–24 hr/da, 300 da/yr, and that an unknown number of workers using and disposing of the new chemical will have skin exposure for an unknown duration.

The manufacturer also states that an unknown number of commercial users could have indirect skin exposure to the new substance.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, 100–1,000 kg/yr of the new substance will be released into the air 24 hr/da, 300 da/yr, and from 1,000–10,000 kg/yr will be released into the land.

PMN 81-71

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Ethyl Corporation, 451 Florida Blvd., Baton Rouge, LA 70801.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenylpyrolidinedione.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Light tan to dark brown waxy solid.

Color (ASTM D-1500 Dil)—3

Flash point, COC—390°F

Crystallization point—32°C.

Specific gravity 60/60°F—0.922

Viscosity:

At 100°C—15.25 cSt

At 40°C—176.7cSt

Neutralization number, acid, meg/gm—1.95 typical.

Solubility:

Water—Insoluble.

70% ethanol—Insoluble.

Toxicity Data.

Ames Salmonella/Microsomal—Non-mutagenic.

Acute oral LD₅₀ (Wistar rats)—> 14 g/kg.

Acute dermal LD₅₀ (albino rabbits)—> 20 g/kg.

DOT skin corrosion (albino rabbits)—Non-corrosive, mild irritant.

Eye irritation (rabbits)—Moderate irritation.

Exposure. The manufacturer states that the PMN substance will be manufactured in an enclosed system with minimal worker exposure and that the new chemical will be present only in trace amounts in the final product.

Environmental Release/Disposal. The manufacturer states that the new chemical will be released into an approved, licensed landfill and the water of a privately owned (Ethyl) waste H₂O BOD treatment system.

[FR Doc. 81-9312 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51243; TSH-FRL 1790-2]

Toxic Substances Control; Methylenebis-(Diisopropylaniline); Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of a PMN and provides a summary.

DATE: Written comments by April 13, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to

EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and

for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before April 13, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxics Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51243]" and the PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

The following summary is taken from the data submitted by the manufacturer in the PMN:

Close of review period. April 28, 1981.

Manufacturer's Identity. Ethyl Corp., 451 Florida Blvd., Baton Rouge, LA 70821.

Specific Chemical Identity.

Methylenebis(diisopropylaniline).

Use. Chain extender for polyurethane elastomers.

Production Estimates. Claimed confidential business information.

Physical Chemical Properties.

Molecular weight—366.6.

Appearance—Dark amber, viscous liquid.

Odor—Negligible.

Density at 20°C—0.98 g/ml.

Flash point (PMCC)—219°F.

Boiling point at: 2.0 mm—246°C.

3.2 mm—263°C.

4.1 mm—273°C.

5.1 mm—281°C.

6.8 mm—288°C.

Viscosity (at 25°C—80°C Range)—470,000—81 cps.

Solubility at 25°C—Miscible in ethanol, toluene, and *n*-heptane.

Insoluble in water and 10% NaOH.

Percent soluble in 10% HCl—0.15 weight.

Toxicity Data.

Dermal LD₅₀ (rabbits)—>20g/kg.

Oral LD₅₀ (rats)—350—620 mg/kg.

Ames *Salmonella*/microsomal—No mutagenic activity.

In-vitro carcinogenicity—No transformation activity with or without metabolic activation.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81-3313 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51208A; TSH-FRL 1789-7]

Toxic Substances Control; 2-Propanol, 1-Methoxy-Acetate; Premanufacture Notice; Voluntary Suspension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before beginning to manufacture or import. During that 90-day review period, EPA evaluates the potential health and environmental effects of the PMN chemical. This notice announces that the submitting company had voluntarily suspended the review period for PMN P-80-360, pending the development and evaluation of additional information.

FOR FURTHER INFORMATION CONTACT: Richard Green, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460 (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, EPA is allowed 90 days to evaluate the potential health and environmental effects of a PMN chemical. The review period may be extended up to an additional 90 days under section 5(c) if the Agency can show "good cause".

Section 5(c) of TSCA allows the Agency to regulate a PMN chemical if it determines that available information is insufficient to permit a reasoned evaluation of health and environmental effects, and the chemical (1) may present an unreasonable risk or (2) will be produced in substantial quantities with substantial or significant environmental or human exposure. Section 5(f) authorizes Agency action to control substances which it determines will present an unreasonable risk. Proposed orders regulating a PMN chemical under section 5(e) or section 5(f) of TSCA must be issued no less than 45 days before the end of the review period. Proposed rules or injunctions obtained pursuant to section 5(f) must become effective before the expiration of the review period.

On December 12, 1980, the Dow Chemical Company submitted PMN P-80-360 for the substance 2-propanol, 1-methoxy-acetate. In conjunction with the PMN, the company submitted an interim report on tests which it was conducting to determine certain health and environmental effects of the PMN chemical. On February 18, 1981, the company voluntarily suspended the 90-day review period in order to allow it to submit, and for EPA to evaluate, a final testing report and other information which was requested by the Agency. The review period had been suspended indefinitely, pending further notice from the company.

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-3311 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-23]

Gulf-United Kingdom Freight Conference (Agreement No. 161-31); Rates and Practices; Order of Investigation and Hearing

On January 11, 1980, the Commission conditionally disapproved Agreement No. 161-31 which would have authorized the members of the Gulf-United Kingdom Freight Conference to establish rates and practices for certain activities

associated with the movement of intermodal cargoes from U.S. Gulf ports including service to inland points in the United Kingdom, and to agree with other conferences regarding certain inland services in Europe. The Commission concluded that the modification had been inadequately justified under the *Svenska* test,¹ and disapproved the Agreement subject to Proponents' right to seek a further hearing under certain conditions. On March 24, 1980, such further hearing request was filed.

The January 11, 1980 Order provided that, if Proponents sought a further hearing, they were to: (1) furnish a detailed recital of the facts which they intended to prove at the hearing; (2) describe the evidence which they intended to use to prove the recited facts; (3) explain why the furnished facts supported approval of the Agreement; and (4) state whether and why trial-type proceedings were considered necessary. Proponents' March 24 Request answers Point 4 by stating that trial-type proceedings are not believed to be necessary. However, the specific evidence by which Proponents intend to prove their case has not been described. Instead, they express a willingness to eliminate specific portions of the Agreement's text found objectionable by the Commission or to add provisions which the Commission has suggested as necessary or desirable. Moreover, Proponents confine any explanation of how they will prove their position to an assumption that such an explanation is inherent in any response to the requirements of proof set forth in the Commission's Order.

Proponents have therefore technically not met at least one and perhaps two of the four requirements for grant of a further hearing set forth in the January 11, 1980 Order. Nevertheless, a further hearing will be granted. This hearing shall be structured in such a fashion, however, as to produce sufficient information to allow the Commission to assess the Agreement's practical impact upon other ocean carriers and the shipping public.

Of major importance is the fact that the document now before the Commission is the fourth version of Agreement No. 161-31 submitted by Proponents, and the actual changes Proponents seek to make in their currently approved organic agreement are unclear and vague. The latest version of Amendment No. 31 uses terms which are not specifically defined and whose meaning may not be generally understood. For example,

"inland delivery charges" may mean local drayage at the destination terminal, but might be construed to include line-haul surface movements in the United Kingdom, and "transportation via U.S. Gulf ports" could be construed to authorize U.S. intermodal operations which allegedly are not covered by Amendment No. 31. Accordingly, Proponents shall be ordered to furnish a complete republication of Agreement No. 161-31 which shows the deletions and additions from Proponents' existing Agreement in the manner specified by 46 CFR 522.4(a), and which identifies with clarity and specificity the express ratemaking activities in which Proponents wish to engage.

In addition to requiring that the agreement itself be refiled, we are also requiring the filing of affidavits and legal memoranda in order that several unanswered issues may be addressed.

Because some vessels serving the Gulf/U.K. trade serve adjacent trades on the same voyage, it is unclear how much of the total traffic carried aboard Proponents' vessels is attributable to the Gulf/U.K. trade. Accordingly, the record in this proceeding is expected to reveal whether Proponents allocate vessel space between trades and, if so, the amount of container space allocated to each trade. Even if there is no formal allocation of container space, the Commission needs to have a breakdown by trade of cargo historically carried on voyages in the Gulf/U.K. trade. The type of cargo carried in these trades and the utilization of Proponents' vessels are also relevant factors and it will be necessary to establish what percentage of conference cargo is now containerized and what percentage of this cargo moves to inland destinations in Europe and the United Kingdom.

The nature of competition in the Gulf/U.K. trade is another critical element which has not been demonstrated by Proponents. They will be expected to furnish the names and service offerings of competing lines in both the Gulf/U.K. trade and adjacent trades and the conference's market share of both total traffic and containerized traffic. An estimate of the intermodal cargo carryings of nonconference lines is also necessary.

Any instances of rate instability or overtonnaging relied upon by Proponents must be identified and the manner in which Amendment No. 31 would operate to reduce or eliminate such instability must be demonstrated.

Finally, the benefits Amendment No. 31 will produce for the shipping public have not been established. Among the unanswered questions are whether

Proponents' present conference service has been satisfactory to shippers; whether shippers have requested that the conference offer intermodal service; and whether Amendment No. 31 will provide shippers with benefits that are not available from nonconference intermodal services. In addressing those questions, it is expected that Proponents will describe the details of their proposed United Kingdom intermodal service, including the points to be served, the commodities to be carried, the frequency of service, and the general rate levels contemplated.

A further hearing will give Proponents a final opportunity to come forward with the necessary evidence to resolve the questions discussed above and otherwise support Amendment No. 31.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), an investigation and hearing is ordered to determine whether Agreement No. 161-31 should be approved, disapproved or modified; and

It is further ordered, That the member lines of the Gulf-United Kingdom Freight Conference listed in the Appendix are designated as the Proponents of Agreement No. 161-31; and

It is further ordered, That in accordance with 46 CFR 502.42, the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding; and

It is further ordered, That the parties address, *inter alia*, the following issues:

1. how does the Gulf/U.K. trade interrelate with liner operations in adjacent trades in defining the relevant market within which Agreement No. 161-31 would operate?

2. What effect would approval of Agreement 161-31 have on competition among carriers operating in the relevant market?

3. What benefits would approval of Agreement 161-31 have on the shipping public?; and

It is further ordered, That this proceeding be limited to the submission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit; and

It is further ordered, That the republished agreement together with affidavits of fact and a memorandum of

¹ *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

law shall be filed by Proponents and served upon all parties of record no later than the close of business on May 15, 1981; and

It is further ordered, That the Bureau of Investigation and Enforcement shall file a reply memorandum and supporting affidavits of fact by the close of business on June 15, 1981; and

It is further ordered, That an answering memorandum and supporting affidavits shall be filed by Proponents no later than close of business on June 30, 1981. Requests for hearing or for oral argument shall be filed on or before July 7, 1981; and

It is further ordered, That this Order be published in the Federal Register and a copy be served upon all parties of record; and

It is further ordered, That any person other than parties of record having an interest in this proceeding may file a petition for leave to intervene in accordance with 46 CFR 502.72, and, if said petition is granted, shall adhere to the filing schedule established for the party or position supported by the intervenor; and

It is further ordered, That all future notices, orders, or decisions issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with 46 CFR 502.118, as well as mailed directly to all parties of record.

By the Commission.*

Joseph C. Polking,
Acting Secretary.

Appendix

C. J. Smith, Chairman, Gulf/United Kingdom Freight Conference, Suite 927, Whitney Bldg., New Orleans, LA 70130

Gulf-Europe Express, c/o Edward M. Schmeltzer, Esq., Schmeltzer, Aptaker & Sheppard, 1801 Massachusetts Ave., N.W., Washington, D.C. 20036

Gulf-Great Britain-Scandinavian Line, Ltd., 6 Lloyds Avenue, London, England EC 3N 3AX

Hapag-Lloyd A/G, c/o United States Navigation, Inc., 17 Battery Place, New York, New York 10004

Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 70130

Sea-Land Service, Inc., P.O. Box, Edison, N.J. 08817

[FR Doc. 81-9238 Filed 3-26-81; 8:45 am]

BILLING CODE 6730-01-M

*Commissioner Peter N. Teige not participating.

Matson Navigation Co.; Application for Permission To Submit Alternative Data

The Federal Maritime Commission hereby gives notice that Matson Navigation Company (Matson) has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual and projected financial data. Matson proposes to submit certain fuel costs, consumption data and a certification as alternative data in support of general rate changes related to increased fuel costs.

Interested parties may inspect the data submitted in support of the application at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 16, 1981. A copy of any comments should also be forwarded to Matson Navigation Company, P.O. Box 3933, San Francisco, California 94119; and the comments should indicate that this has been done.

Dated: March 24, 1981.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-8304 Filed 3-26-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Animal Drugs; Central Soya Co., Inc.; Monensin and Roxarsone Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of a new animal drug application (NADA) providing for use of a premix containing monensin and roxarsone for use in chicken feed. The sponsor, Central Soya Co., Inc., requested withdrawal of approval.
EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, is the

sponsor of NADA 91-912 which provides for use of a premix containing monensin and roxarsone for use in the feed of chickens. The application was originally approved April 27, 1973. In a letter dated November 1, 1980, the firm requested that approval of NADA 91-912 be withdrawn because the product is no longer being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), notice is given that approval of NADA 91-912 and all supplements for monensin and roxarsone premix is hereby withdrawn, effective April 6, 1981.

In a separate document published elsewhere in this issue of the Federal Register; § 558.355(b)(4) is amended to remove that portion of the regulation which reflects approval of this NADA.

Dated: March 13, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-8305 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-81-1065]

Certification of a State Land Sales Program

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Certification of the Land Sales Program of the State of California Department of Real Estate.

SUMMARY: The Secretary gives public notice that the State of California Department of Real Estate has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. A determination has been made to accept the application and certify the land sales program, and a formal agreement was entered into on January 6, 1981, commencing the effect of the certification. The purpose of this public notice is to advise the public, and particularly California land developers and other state agencies with land sales regulatory responsibilities, of the terms

of the agreement and the agreement's effect upon land sales businesses.

EFFECTIVE DATE: January 6, 1981.

ADDRESSES: HUD Office of Interstate Land Sales Registration, Room 4130, 451 7th Street, SW., Washington, D.C. 20410, California Department of Real Estate, 1719—29th Street, P.O. Box 160009, Sacramento, California 95816.

FOR FURTHER INFORMATION CONTACT: Ann Lawhead, U.S. Department of Housing and Urban Development (202) 755-6314.

SUPPLEMENTARY INFORMATION: The agreement between the California Department of Real Estate (DRE) and the HUD Office of Interstate Land Sales Registration (OILSR) affects those land subdivisions located in California for which both a California Subdivision Final Public Report and a Federal Statement of Record and Property Report (a federal registration) are required.

The federal requirements will be satisfied, and a registration for the particular subdivision automatically becomes effective upon receipt of a certified copy of the California Subdivision Final Public Report in proper form, a copy of the DRE's fee card and a federal registration fee in the amount set out in existing regulations governing administration and enforcement of the Interstate Land Sales Full Disclosure Act. The certified Public Report and fee card copy may be submitted by either the subdivision developer or by the DRE. No other documentation will be required. Federal rescission language will be incorporated into the body of the Public Report, as appropriate, and in sales contracts. No separate federal disclaimer page, no agent certification or separate information relative to costs or special risks, no financial statements, activity reports or conversions to 1979 federal regulatory requirements will be required of California developers using the certification process. The federal effective date will not appear on the Public Report.

Developers of California subdivisions with currently effective pass-through registrations must either continue to attach to their Public Reports the separate federal disclaimer and rescission page or may apply to the DRE to incorporate the federal rescission language directly into the Public Report. They are not required to continue attaching financial statements, agent and cost certification pages or Risks of Buying Land.

BACKGROUND: Prior to June 1980, HUD

was authorized to accept as meeting the registration requirements of the Interstate Land Sales Full Disclosure Act those materials filed with state authorities who were responsible for regulating land sales, provided the Secretary determined that such action was appropriate in the public interest. These materials would be in lieu of the Statement of Record and Property Report a developer otherwise would have to submit in making a federal registration. Since the authority was linked to registration requirements, HUD took the position that state disclosure documents must meet federal standards in order to be accepted. With the exception of a brief period in 1975, subdivision materials filed with California have been accepted by HUD for registration purposes; however, all of the materials filed with the State were required to be duplicated and until recently, a complete examination of those materials was made at the federal level, in addition to the processing by the State.

In December 1979, the Interstate Land Sales Full Disclosure Act was amended. HUD was given the authority to certify states if either disclosure requirements or substantive regulation or a combination of the two gives land purchasers protection substantially equivalent to that provided by administration of the federal law. Once a state is certified, HUD may accept a state's disclosure materials, and any documentation required, and declare these effective as a federal registration.

Rules were adopted in June 1980 setting out procedures and criteria for certifying state land sales programs and allowing a long lead time for applications. The only applications received thus far are from the States of California and Oregon. An affirmative decision has been made regarding the California application, and a formal agreement was signed on January 6, 1981, immediately following the close of a 60 day public comment period announced in the Federal Register on November 4, 1980. No comments were received. The formal agreement is as follows:

Be It Known That: The State of California, Department of Real Estate (DRE) and the U.S. Department of Housing and Urban Development Office of Interstate Land Sales Registration (OILSR)

Agree as Follows:

1. That the State of California has adopted and is effectively administering a land sales program that gives lot purchasers and lessees protection at least equivalent to that given them by the Federal Interstate Land Sales Program.

2. That the State of California's land sales program is certified. A developer or subdivider who is issued a California Subdivision Public Report for a subdivision located in the State may satisfy the registration requirements of the Interstate Land Sales Full Disclosure Act by filing or having filed with the Secretary of HUD a final public report, DRE fee card and fee in lieu of the federal Statement of Record and Property Report. A California subdivision will be considered registered with OILSR upon OILSR's receipt of a certified current Public Report and a fee in the amount specified in OILSR Regulations.

3. That each agency agrees to notify the other within 30 days of any modification or amendment to its laws, regulations or administrative procedures, or of any substantial changes in its administrative capabilities, and to send copies of the pertinent documents, if any, effecting the modifications or amendments, including legal opinions.

4. That each agency agrees to notify the other of any action taken to suspend sales in a subdivision covered by this agreement subsequent to the issuance of a Public Report and to send to the other copies of Do Not and Refrain Orders, Suspension Orders and injunctions obtained.

5. That the DRE will certify as true and currently in effect and send to OILSR copies of all Public Reports including amended and renewed reports as needed by subdividers to comply with the Interstate Land Sales Full Disclosure Act, and will also send a copy of the DRE's fee card with the address of the subdivider listed thereon.

6. That while additional documents will not be required to be certified and sent as a matter of course, the DRE will cooperate with OILSR by sending copies of any additional documents that are specifically requested.

7. That the DRE will cooperate with any other states obtaining HUD certification of land sales programs in the same fashion as set forth in 5 and 6 above.

8. That the DRE will accept a property report covering land located in another state but offered for sale in California if the property report has been approved by the other state, provided the other state's land sales program has been certified, and the other state property report will be the only property report (public report) required by the DRE with respect to the sale or lease of the subdivided lots.

9. That the balance of both Federal and California requirements apply, the substance of this agreement being limited to disclosure documents required by both agencies and not intended as a substitute for the substantive requirements of the State of California or of the enforcement authority of either agency. Thus the DRE is not required to accept as an issued public report a property report from another certified state when the subdivision in question and its operation do not meet the substantive requirements of California law. In addition, the OILSR is not precluded from beginning an investigation or from entering administrative, civil or criminal proceedings.

10. That OILSR will not certify the land

sales program of any other state unless that state's program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the Interstate Land Sales Full Disclosure Act.

11. That the DRE will exert its best efforts to maintain the level of administration upon which certification is based.

12. That the DRE will take care to assure that purchasers are advised in both public reports and contracts of sale or lease of rescission rights accruing to them under Federal law, and that no representations will be made by subdividers that they will install or complete roads, sewers, water, gas, or electric service, or recreational amenities unless the subdividers stipulate in their contracts of sale or lease that they will provide or complete such services or amenities—the purpose of which is to assure that purchasers have a private right of action as vested in them by federal law.

13. That complaints received by OILSR from Californians concerning California subdivisions will be sent to the DRE, and that the DRE will advise OILSR of any action taken or resolution of each complaint and OILSR a copy of the DRE's reply to the complainant. Where such complaints clearly address only federal requirements, however, OILSR will handle the complaint directly. The DRE and OILSR will cooperate where both have a direct interest in the complaint.

14. That each agency agrees to cooperate to the maximum extent possible and legally feasible in enforcement matters. OILSR will send to DRE copies of California subdivision site inspections performed by its field representatives. DRE will do on-site inspections of new subdivisions prior to issuing public reports when the subdivisions also will be registered with OILSR.

15. That OILSR will apprise the DRE of any investigations it engages in affecting California subdivisions or subdividers.

16. That this agreement does not affect the authority of either agency to assess or collect fees, particularly for filing and registration purposes.

17. That the Secretary of HUD is required periodically to review the laws and regulations and administration thereof of any state whose land sales program is certified, that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers equivalent protection to that offered by the Interstate Land Sales Full Disclosure Act, that prior to withdrawal of certification the Secretary must issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

18. That the DRE may withdraw its own certification by notice to the Secretary.

This agreement is entered into on the 6th day of January, 1981.

Richard D. Cochran,
Assistant Commissioner for the State of California, Department of Real Estate,
and Thomas C. Colliar, Jr.,
for the U.S. Dept. of HUD Office of Interstate Land Sales Registration.

Issued at Washington, D.C. on March 23, 1981.

William O. Anderson,
General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-9361 Filed 3-26-81; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Ely District Advisory Council; Meeting

AGENCY: District Advisory Council.

ACTION: Notice of meeting.

SUMMARY: The Ely District Advisory Council will conduct its fourth meeting on Wednesday, April 29, 1981. The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District BLM office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for April 29, 1981:

- (1) Minutes of previous meeting.
- (2) Status report on Egan Resource Area Problems and Issues.
- (3) Reports from working committees.
- (4) Report on Schell Grazing EIS and Scoping meetings.
- (5) Determination of next meeting date and agenda.

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 3:00 p.m. and 3:30 p.m., April 29, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the meetings will be available for public inspection at the District Office within 30 days following the meeting.

DATE: April 29, 1981, 10:00 a.m.
ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.
FOR FURTHER INFORMATION CONTACT: Ms. Cleone Jonas, 702-289-4865.

Date Signed: March 19, 1981.

Neil B. McCleery,
District Manager.

[FR Doc. 81-9246 Filed 3-26-81; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Fuel Costs Recovery; Expedited Procedures

Decided: March 24, 1981.

In our decisions of February 25, March 3, 9, and 16, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.9-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. March 27, 1981.

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

Agatha L. Mergenovich,

Secretary.

Appendix.—Fuel Surcharge	
Base data and price per gallon (including tax)	
Jan. 1, 1979	63.5¢
Data of current price measurement and price per gallon (including tax)	
Mar. 23, 1979	134.7¢

	Transportation performed by—			
	Owner-operator ¹	Other ²	Bus carrier ²	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.9	3.3	7.1	3.0
Percent surcharge allowed	19.0	3.3	7.1	2.2

¹ Apply to all truckload.

² Including less-than-truckload traffic.

³ The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

⁴ The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-9367 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Arcata Corporation, 2750 Sand Hill Road, Menlo Park, California 94025.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

- (a) Arcata Publications Group, Inc., TC Industrial Park, Depew, New York 14043
- (b) Computer Printing Corporation, 36 Depot Street, Buffalo, New York 14206
- (c) Halliday Lithograph Corporation, Circuit Street, West Hanover, Massachusetts 02339
- (d) Kingsport Press, Inc., Post Office Box 711 (Press Street), Kingsport Tennessee 37662
- (e) Arcata Publications Group, 5201 South Soto Street, Los Angeles, California 90058
- (f) Fairfield Graphics, Inc., P.O. Drawer AN (North Miller Road), Fairfield, Pennsylvania 17320
- (g) Keyes Fibre Company, Two Stamford Square, 3003 Summer Street, Stamford, Connecticut 06905
- (h) Baird-Ward Printing Company, Inc., Post Office Box 539, (Thompson Lane & Powell Avenue), Nashville, Tennessee 37202
- (i) CPS Industries, Incorporated, Columbia Highway, Franklin, Tennessee 37064

1. Parent corporation is Evergreen Industries, Inc. whose principal office is 1701 Bellamah, N.W., Albuquerque, New Mexico 87104.

2. Wholly-owned subsidiaries which will participate in the operations, and address of the respective principal offices are as follows:

(a) Ponderosa Products, Inc. whose principal office is at 1701 Bellamah, N.W., Albuquerque, New Mexico 87104.
 (b) Evergreen Lumber Company, Inc. whose principal office is Post Office Box 40, Snowflake, Arizona 85937

1. Parent corporation and address of principal office: Kaman Corporation, Blue Hills Avenue, Bloomfield, CT 06002.
 2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- (a) Kaman Music Corporation—Connecticut.
- (b) Kaman Musical String Corporation—New Jersey.
- (c) Currier Piano Company, Inc.—North Carolina.
- (d) Coast Wholesale Music Co. of Los Angeles—California.
- (e) Coast Wholesale Music Co. of San Francisco—California.
- (f) C. Bruno & Son, Inc.
- (g) Ovation Instruments, Inc.—Connecticut.
- (h) Kaman Aviation Services Corporation—Connecticut.
- (i) AirKaman, Incorporated—Connecticut.
- (j) AirKaman of Jacksonville, Inc.—Connecticut.
- (k) AirKaman of Omaha, Inc.—Connecticut.
- (l) AirKaman of Westover, Inc.—Connecticut.
- (m) Kaman Aircraft Products Corporation—Connecticut.
- (n) Kaman Aerospace Corporation—Delaware.
- (o) Kamatics Corporation—Connecticut.
- (p) Kaman Bearing and Supply Corporation—Connecticut.
- (q) Kaman Bearing and Supply Corp. California—California.
- (r) Kaman Bearing and Supply Corp. East—Connecticut.
- (s) Kaman Bearing and Supply Corp. Intermountain—Nevada.
- (t) Kaman Bearing and Supply Corp. Midwest—Connecticut.
- (u) Kaman Bearing and Supply Corp. Northwest—Idaho.
- (v) Kaman Sciences Corporation—Delaware.
- (w) Kaman Export Corporation—Connecticut.

1. Parent corporation and address of principal office: North American Philips Corporation (NAPC), a Delaware corporation, 100 East 42nd St., New York, NY 10017

2. Wholly-owned subsidiaries that will participate in the operations and address of their respective principal offices:

- (1) Advance Transformer Company, an Illinois corporation, 2950 North Western Avenue, Chicago, Illinois 60618
- (2) Arpax International Sales Corporation, a Maryland corporation, 100 East 42nd Street, New York, New York 10017
- (3) Alliance Manufacturing Company, Inc., an Ohio corporation, 1630 Lake Park Boulevard, Alliance, Ohio 44601
- (4) Amperex Electronic Corporation, a Delaware corporation, Providence Pike, Slatersville, Rhode Island 02876
- (5) Amperex Electronics Industries, Inc., a Delaware corporation, George Washington Highway, Smithfield, Rhode Island

(6) Dialight Corporation, a Delaware corporation, 203 Harrison Place, Brookland, New York 11237

(7) Anchor Brush Company, Inc., a Delaware corporation, 625 South Railroad Street, Montgomery, Illinois 60538

(8) Chicago Magnet Wire Corp., An Illinois corporation, 901 Chase Avenue, Elk Grove Village, Illinois 60007

(9) C.P.D., Inc., a Texas corporation, 6811 West Carpenter Freeway, Dallas, Texas 75247

(10) Kulka Electric Corp., A New York corporation, 520 South Fulton Avenue, Mount Vernon, New York 10550

(11) Mepco/Electra, Inc., a Delaware corporation, Columbia Road, Morristown, New Jersey 07960

(12) Norelco Service, Inc., a Delaware corporation, 100 East 42nd Street, New York, New York 10017

(13) North American Philips Controls Corporation, a Delaware corporation, Cheshire Industrial Park, P.O. Box 760, Cheshire, Connecticut 06410

(14) The Magnavox Company, a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804

(15) Baker, Knapp & Tubbs, Inc., a North Carolina corporation, 416 Merchandise Mart, Chicago, Illinois 60654

(16) LaSalle-Delitch Company, Inc., a Delaware corporation, 640 Industrial Parkway, Elkhart, Indiana 46514

(17) Magnavox CATV System, Inc., a Delaware corporation, 133 West Seneca Street, Manlius, New York 13104

(18) Magnavox Consumer Electronics Company, a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804

(19) Magnavox International, Inc., a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804

(20) Philips High Fidelity Laboratories, Ltd., a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804

(21) Magnavox Government and Industrial Electronics Company, a Delaware corporation, 1313 Production Road, Fort Wayne, Indiana 46804

(22) The Selmer Company, a Delaware corporation, 640 Industrial Parkway, Elkhart, Indiana 46514

(23) North American Philips Lighting Corporation, a Delaware corporation, Bank Street, Highstown, New Jersey 08520

(24) Lustra Lighting Corporation, a Delaware corporation, 180 Manor Road, East Rutherford, New Jersey 07073

(25) Norelco Lighting Supply Company, a Delaware corporation, Bank Street, Highstown, New Jersey 08520

(26) Verd-A-Ray Corporation, a Delaware corporation, 615 Front Street, Toledo, Ohio 43605

(27) Philips Broadcast Equipment Corp., a Delaware corporation, 99 Jericho Turnpike, Jericho, New York 11753

(28) Philips Business Systems, Inc., a Delaware corporation, 175 Froehlich Farm Boulevard, Woodbury, New York 11797

(29) Philips Electronics, Inc., a Delaware corporation, 100 East 42nd Street, New York, New York 10017

- (30) Philips Electronic Instruments, Inc., a Delaware corporation, 750 South Fulton Avenue, Mt. Vernon, New York 10550
- (31) Philips Test and Measuring Instruments, Inc., a Delaware corporation, 400 Crossways Park Drive, Woodbury, New York 11797
- (32) Philips Elmet Corporation, a Delaware corporation, Lisbon Road, Lewiston, Maine 04340
- (33) Philips Medical Systems, Inc., 710 Bridgeport Avenue, Shelton, Connecticut 06484
- (34) Philips Roxane, Inc., a Delaware corporation, 2621 North Belt Highway, St. Joseph, Missouri 64506
- (35) Herman H. Smith, Inc., a New York corporation, 812 Snediker Avenue, Brooklyn, New York 11207
- (36) Thompson-Hayward Chemical Company, a Delaware corporation, 5200 Speaker Road, Kansas City, Kansas 66106
- (37) Consumer Products Division, Philips Park, Bokum Road, Box 500, Essex, Connecticut 06426
- (38) North American Philips Controls Division, Cheshire Industrial Park, P.O. Box 768, Cheshire, Connecticut 06410
- (39) Ohmite Manufacturing Company Division, 3601 Howard Street, Skokie, Illinois 60076
- (40) Philips Laboratories Division, 345 Scarborough Road, Briarcliff Manor, New York 00510
- (41) N.A.P. Commercial Electronics Corp., a Delaware corporation, 100 First Avenue, Waltham, Massachusetts 02254
- (42) N.A.P. Consumer Electronics Corp., a Delaware corporation, I-40 and Straw Plains Pike, P.O. Box 6950
- (43) Philips E.C.G. Inc., a Delaware corporation, Johnston Street, Seneca Falls, New York 13148
- (44) North American Philips Consumer Electronics Corp., a Delaware corporation, 100 East 42nd Street, New York, New York 10017

1. Parent corporation and address of principal office: Peterson Contractors, Inc. (an Iowa corporation), 104 Blackhawk St., Reinbeck, Iowa 50669.

2. The wholly-owned subsidiaries that will participate in the operations, and their States of Incorporation:

- (a) Cyclone Transport, Inc., 104 Blackhawk St., Reinbeck, Iowa 50669
- (b) Landfill Service Corp., 104 Blackhawk St., Reinbeck, Iowa 50669

1. Parent Corporation: Pratt & Lambert, Inc., 75 Tonawanda Street, Buffalo, NY 14207

2. Wholly-owned subsidiary which will participate in the operations, and address of its respective principal office: Southern Coatings & Chemical Co., Inc., 730 Fulton Street, Sumter, SC 29150.

1. Parent corporation and address of principal office: Quality Stores, Inc., 1460 Whitehall Road, North Muskegon, Michigan 49445.

2. Wholly-owned subsidiary which will participate in the operations: Sterling Big R., Inc., 216 Oak Street, P.O.

Box 1351, Sterling, Colorado 80751, incorporated in the State of Colorado.

1. Name or names and address of principal office of parent corporation, individual, or group of individuals organized as a partnership, or in some other manner: Robert P. Schofield and George B. Schofield, sole owners. P.O. Box 110, Bound Brook, NJ 08805.

2. Wholly-owned subsidiaries which will participate in the operations and the State of incorporation of each: Geo. Schofield Co., Inc., a New Jersey corporation, Mineral Carriers, Inc., a New Jersey corporation.

Parent corporation and address of principal office: Scientific-Atlanta, Inc., One Technology Parkway, Box 105600, Atlanta, Georgia 30348.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Systems Communications Cable Incorporated d.b.a. Scientific Atlanta—Rhode Island.

(b) Spectral Dynamics Corporation—California.

(c) Adar Associates, Inc.—Massachusetts.

1. Parent corporation and address of principal office: J. R. Simplot Company, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- a. J.R. Simplot Company (Nevada) d.b.a. Simplot Soilbuilders
- b. Simplot Industries, Inc. (Utah)
- c. Simplot Industries, Inc. (Utah) d.b.a. C & Y Farms
- d. Simplot Industries, Inc. (Utah) d.b.a. Western Stockmen's Supply
- e. Simplot Industries, Inc. (Utah) d.b.a. Simplot Silica Products
- f. Cal Ida Chemical Company (California)
- g. SimCal Chemical Company (California)
- h. North Fork Ranch Company (Nevada)
- i. North Fork Ranch Company (Nevada) d.b.a. Skyline Farms, Inc.

Parent corporation and address of principal office: Stanley Home Products, Inc., 333 Western Ave., Westfield, MA 01085.

Wholly-owned subsidiary which will participate in the operations, and address of its principal office: Better Products, Inc., P.O. Box 357, Northampton, MA 01060.

1. Parent corporation and address of principal office: Univar Corporation, 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104.

2. Wholly-owned divisions and subsidiaries which will participate in the operations, and address of their respective principal offices:

- (a) Pacific Resins & Chemicals, Inc., 1754 Thorne Road, P.O. Box 2277, Tacoma, WA 98401
- (b) Penick & Ford, Limited, 10th Avenue and First Street S.W., Cedar Rapids, IA 52406
- (c) Great Western Malting Co. (Division of Penick & Ford, Limited), Foot of West 11th Street, P.O. Box 1507, Vancouver, WA 98663
- (d) Kcinep & Drof, Ltd., 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104
- (e) Centennial Mills (Division of Kcinep & Drof, Ltd.), 1464 N.W. Front Avenue, P.O. Box 3773, Portland, OR 97208
- (f) Idaho Malting Company, 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104
- (g) Van Waters & Rogers (Division of Univar Corporation), 2600 Campus Drive, Box 5932, San Mateo, CA 94403
- (h) Van Waters & Rogers, Ltd, 9800 Van Home Way, Richmond, B.C., Canada V6X 1W5, P.O. Box 2009, Vancouver, B.C., Canada V6B 3R2
- (i) Vancouver Fumigating Company Limited (A subsidiary of Van Waters & Rogers, Ltd.), 9800 Van Home Way, Richmond, B.C., Canada V6X 1W5
- (j) VWR Scientific Inc., 3745 Bayshore Blvd., Brisbane, CA 94005, Box 3200, Rincon Annex, San Francisco, CA 94119

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8336 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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:

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, unless 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.

Republication

No. MC-FC-78777. By decision of February 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Glover Truck Lines, Inc., all of the operating authority in No. MC-115056 and subs thereunder of Lane Truck Lines, Inc. Applicant's representative is: Charles Ephraim, 408 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006.

Note.—This authority was originally published on November 27, 1979, under docket number MC-F-14205. The authority to be transferred is as follows: *Lumber*, from Sunbury, NC, and points in North Carolina within 100 miles thereof, and points in Nansemond County, VA to points in Virginia, Maryland, Pennsylvania, Delaware, West Virginia, New Jersey, the District of Columbia, and points in the New York, NY commercial zone; *Damaged shipments of lumber*, from points in West Virginia to Sunbury, NC, and points within 100 miles thereof, and points in Nansemond County, VA; *Lumber* [except veneer, plywood and other laminated wood], from points in Nansemond County, VA and Sunbury, NC, and points in North Carolina within 100 miles thereof, to points in Connecticut and Ohio; *Wooden boxes, box shooks, and wooden pallets*, from points in Chowan and Hertford Counties, NC to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Ohio, West Virginia and the District of Columbia, and *damaged, refused and returned shipments* in the reverse direction; *Fiberglass swimming pools*, from Edenton, NC to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, West Virginia, Mississippi, Ohio, Illinois, Texas, Minnesota, Michigan, Kentucky, Tennessee, Louisiana and the District of Columbia; and *damaged shipments* in the reverse direction; *Lumber*, from New York, NY, Jersey City, NJ, and Baltimore, MD to Edenton, NC and Norfolk, VA; *Lumber* [except plywood and veneer], from Snell, Laurel, Richmond, Cologne, Dewitt, Pendleton, and Bukner, VA to

Edenton, NC, and *damaged shipments* in the reverse direction; *Pickle products*, from Ahoskie, NC to points in New York, New Jersey, Connecticut, Virginia (except Richmond, Fredericksburg and that portion of the commercial zone of Washington, DC lying in Virginia), Maryland (except Baltimore, MD and its commercial zone and that portion of the commercial zone of Washington, DC lying in Maryland), and Pennsylvania (except Philadelphia, PA and its commercial zone); *Glass jars and jar caps*, from points in New York, New Jersey, Pennsylvania and Maryland to Ahoskie, NC; *Cans*, from points in Maryland to Ahoskie, NC; *Barrels and Spices*, from points in New York to Ahoskie, NC; *Sugar*, in containers, from points in New York, Pennsylvania, and Maryland to Ahoskie, NC; *Pickles*, from Ahoskie, NC to points in Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine; *Wooden boxes, box shooks and pallets*, from points in Chowan and Hertford Counties, NC to points in Georgia, South Carolina, and Tennessee.

No. MC-FC-78898. By decision of January 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Expedite Truck Lines, Transferee of Montebello, CA, of Certificate of Registration No. MC-120764 (Sub-Nos. land) issued February 11, 1964 and June 13, 1966, respectively to Royal Transportation Co., Inc., of Los Angeles, CA, authorizing the transportation of general commodities between all points in and places in the Los Angeles Basin Territory as described in Part II attached hereto. Applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Ratio Tariff No. 4-A. 2. Automobiles, trucks and buses, viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile trucks and trailers combined, buses and bus chassis. 3. Livestock, viz., Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Commodities requiring protection from heat by the use of ice (either waste or solidified carbon dioxide) or by mechanical refrigeration. 5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechanical mixing in

transit. 8. Logs. Subject to the following conditions: That private consummation of the transaction herein authorized Transferee shall furnish a copy of the order of the Public Utilities Commission of the State of California transferring to it the California intrastate authority corresponding to the above mentioned Certificates of Registration. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary line intersects the Pacific Ocean; then northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepalveda Boulevard; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue to Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highway Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and

including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific ocean; northwesterly along the shoreline of the Pacific ocean to point of beginning.

(a) General Commodities between Los Angeles Territory, as described in part II set forth below, on the one hand, and San Diego Territory, as described in part II set forth below, on the other hand. (b) Sand between Oceanside, on the one hand, and all points and places in Los Angeles and Orange Counties and all points and places in San Diego County, other than Oceanside, all on the other hand. The operating right described in paragraph (a) above does not include the right to service intermediate points. Applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truckchassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide or by mechanical refrigeration). 5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and Highway No. 101, Alternate; then northeasterly on Sunset Boulevard to State Highway No. 7 northerly along State Highway No. 7 to

State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; then northerly along an imaginary line to point of beginning. San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (four miles north of La Jolla); then easterly to Miramar on State Highway No. 395; then southeasterly to Lakeside of the El Cajon-Ramona Highway; then southerly to Bostonia on U.S. Highway No. 80; then southeasterly to Jamul on State Highway No. 94; then due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9339 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 9]

Motor Carriers; Intrastate Applications

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 No. T-3572, filed February 3, 1981. Applicant: FERRY STREET TERMINAL & TRANSFER INC., 1272 Broadway, Albany, NY 12204. 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 Albany, Saratoga, Washington and Warren Counties and points in Rensselaer County included in the commercial zone of the City of Albany. 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 be directed to the Interstate Commerce Commission.

New York Docket No. T-9226, filed March 17, 1981. Applicant: DONALD E. CLARK, d.b.a. CLARK'S EXPRESS, 1781 Miller Road, Castleton, NY 12033. 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 Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rensselaer, Schenectady and Ulster Counties. 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 be directed to the Interstate Commerce Commission.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9306 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules

of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems [e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions] we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-088

Decided: March 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 33641 (Sub-161), filed February 9, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant), (801) 972-7263. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 60430 (Sub-35), filed February 26, 1981. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre, PA 18703. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005 (202) 783-7900. Transporting *general commodities* [except classes A and B explosives], between points in PA, on and east of U.S. Hwy 15, on the one hand, and, on the other, points in NJ.

MC 126070 (Sub-5), filed March 9, 1981. Applicant: BERNARD J. HEMMINGER, d.b.a. QUICK VAN LINES, 1801 Griswold Ave., Sterling, IL 61081. Representative: Bernard J. Hemminger (same address as applicant) (815) 625-3020. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of hardware and home and office appliances, between points in IA, IL, and WI.

MC 130850 (Sub-1), filed March 2, 1981. Applicant: LOW COUNTRY ADVENTURES, LTD., 246 Turnberry Village, P.O. Box 4942, Hilton Head Island, SC 29938. Representative: Charlene Barrett (same address as applicant) (803) 785-8212. Transporting *passengers and their baggage* in charter and special operations, beginning and ending at Hilton Head Island, SC and extending to points in Chatham, Effingham and Fulton Counties, GA.

MC 144790 (Sub-3), filed March 3, 1981. Applicant: HOWARD HERLEE LISK, d.b.a. HOWARD LIST, Route 1, Box 166, Wadesboro, NC 28170. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *ores and minerals*, between points in Spartanburg County, SC, on the one

hand, and, on the other, points in the U.S.

MC 148620 (Sub-8), filed March 5, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., NE., Atlanta, GA 30043. Transporting *transportation equipment*, between points in the U.S. under continuing contract(s) with Southeast Performance Wheel Distributors, Inc. of Fort Lauderdale, FL.

MC 150820 (Sub-1), filed March 2, 1981. Applicant: LEXINGTON TRANSFER, INC., 1036 McKay Drive NE, Anoka, MN 55303. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927-8855. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of asphalt and asphalt products, (a) between points in IL, on the one hand, and, on the other, points in MN, ND, SD, and WI, and (b) between St. Paul, MN, on the one hand, and, on the other, points in ND, SD, IA, MO, and WI, (2) *machinery*, between the facilities of Air Purification, Inc., in the U.S., on the one hand, and, on the other, points in the U.S., (3) *metal products*, between Minneapolis, MN, on the one hand, and, on the other, points in ND, SD, IA, MN, NE, WI, IL, IN, and MO, and (4) *such commodities* as are dealt in or used by manufacturers and distributors of polyethylene containers, between points in Maricopa County, AZ, Winnebago County, IA, and Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 153301 (Sub-1), filed March 2, 1981. Applicant: COMPLETE REFUSE REMOVAL, INC., 782 Smyrna Hill Drive, Smyrna, GA 30081. Representative: Raymond E. Fowler (same address as applicant) (404) 433-2421. Transporting *waste materials*, between points in Fulton and De Kalb Counties, GA, on the one hand, and, on the other, points in Sumter County, AL.

MC 154240, filed February 9, 1981. Applicant: HEIL WINDERMERE STORAGE & MOVING CO., 8849 Freeway Dr., Macedonia, OH 44058. Representative: Richard J. Heil (216) 467-1111. Transporting *metal products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in IL, IN, MD, MI, and PA.

Volume No. OP1-091

Decided: March 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 2860 (Sub-219), filed March 9, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant). Transporting *containers*, between the facilities of The Continental Group, Inc., at points in IA, IL, IN, KS, KY, MN, MO, MS, OH, and WI, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MN, MO, MS, OH, and WI.

MC 13471 (Sub-13), filed March 2, 1981. Applicant: WILEY'S AUTO EXPRESS, INC., Oak Lane and MacDade Blvd., Glenolden, PA 19036. Representative: Fred E. Wiley, Jr. (same address as applicant) (215) 583-4567. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Haff and Howard, Inc., of Burlington, NJ.

MC 35320 (Sub-644), filed March 11, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745-7262. Transporting *general commodities* (except classes A and B explosives), serving Jacksonville, FL, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 35320 (Sub-645), filed March 2, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745-7262. Transporting *general commodities* (except classes A and B explosives), serving points in Santa Cruz County, AZ, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 47171 (Sub-205), filed March 11, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2810, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in KY, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NC, NJ, NY, SC, PA, RI, VA, and DC.

MC 52460 (Sub-318), filed March 6, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruzinga (same address as applicant) (918) 446-4434. Transporting *food and related products*, between points in Bexar County, TX, on the one hand, and, on the other, points in OK.

MC 52460 (Sub-319), filed March 9, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th

St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruzinga (same address as applicant) (918) 446-4434. Transporting *pulp, paper, and related products*, from points in Coconino County, AZ, Orange County, CA, and Mayes County, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IA, KS, KY, LA, MS, MO, NE, NM, NC, SC, TN, and TX.

MC 108631 (Sub-21), filed March 2, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville R. at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *machinery and metal products*, between points in Northampton County, PA, on the one hand, and, on the other, points in the U.S.

MC 115651 (Sub-98), filed March 10, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Hensley, 805 McLachlen Bank Bldg., 688 Eleventh St., NW, Washington, DC 20001 (202) 628-9243. Transporting *such commodities* as are dealt in or used by the printing industry, between points in the U.S.

MC 117730 (Sub-86), filed March 9, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle St., Chicago, IL 60602, (312) 726-9722. Transporting *food and related products*, between points in IA, IL, IN, KY, MI, MO, OH, TN, and WI.

MC 118341 (Sub-4), filed March 5, 1981. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2298, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *transportation equipment*, between points in Cameron County, TX, on the one hand, and, on the other, points in MI, OH, and IN.

MC 118420 (Sub-9), filed March 3, 1981. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 357, Carnesville, GA 30521. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301 (404) 522-2322. Transporting *building materials*, between the facilities of CertainTeed Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-296), filed March 6, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Thrd Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant) (515) 576-6831. Transporting *chemicals*

and related products, between points in Polk County, IA, Northampton County, PA, and Richland County, OH, on the one hand, and, on the other, points in the U.S.

MC 133221 (Sub-42), filed March 2, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963-6212. Transporting *chemicals and related products*, between points in Union County, NJ, on the one hand, and, on the other, those points in the U.S. on and east of U.S. Hwy 85.

MC 133221 (Sub-44), filed March 2, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963-6212. Transporting *metal products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 133391 (Sub-6), filed March 9, 1981. Applicant: SCHWERMAN TRUCKING CO., OF VA., INC. 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201 (414) 671-1600. Transporting *clay, concrete and stone products*, between Richmond and Chesapeake, VA, on the one hand, and, on the other, points in NC.

MC 134291 (Sub-4), filed March 10, 1981. Applicant: JOSEPH R. ST. HILAIRE, d.b.a. ST. HILAIRE'S DELIVERY SERVICE, 285 Emmett St., Bristol, CT 06010. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with W. A. Krueger Co., of Brookfield, WI.

MC 135231 (Sub-56), filed March 9, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN, 55118 (612) 457-6889. Transporting *such merchandise* as is dealt in by mail order houses, between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-55), filed March 9, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6445, Lincoln, NE 68506, (402) 489-3558. Transporting *such commodities* as are dealt in or used by discount and variety stores, between points in Dallas County,

TX, on the one hand, and, on the other, points in the U.S.

MC 138861 (Sub-23), filed March 10, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 298-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 138861 (Sub-24), filed March 6, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036 (202) 298-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bic Pen Corp., of Milford, CT.

MC 141950 (Sub-1), filed March 4, 1981 Applicant: IOWA-MINNESOTA EXPRESS LTD., 2216 5th Ave. South, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245-4300. Transporting *food and related products*, between points in Hamilton and Story Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 142181 (Sub-23), filed March 4, 1981. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219 (615) 244-8052. Transporting *such commodities* as are dealt in by catalogue showroom, department, and discount stores, between points in the U.S.

MC 143280 (Sub-17), filed March 9, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889. Transporting *food and related products*, between points in Henry County, IN, and Madison County, IL, on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-18), filed March 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 6834 Washington Ave., South, Eden Prairie, MN 55344. Representative: Robert P Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889. Transporting *lumber and wood products*, between points in Jackson County, OH, Smyth County, VA, Lenawee County, MI, and Dakota

County, MN, on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-19), filed March 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-689. Transporting *food and related products*, between points in Grant County, SD, on the one hand, and, on the other, points in the U.S.

MC 143411 (Sub-3), filed March 11, 1981. Applicant: VALLEY CONTRACT CARRIERS, INC., P.O. Box 3479, McAllen, TX 78501. Representative: Harry F Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Texas Citrus Exchange of Mission, TX.

MC 14871 (Sub-3), filed March 9, 1981. Applicant: MS & SONS CORP., P.O. Box 334, Humboldt, IA 50548. Representative: Scott E. Damel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 348-0832. Transporting *feed ingredients*, between points in IA, on the one hand, and, on the other, points in MN and ND.

MC 144121 (Sub-8), filed March 9, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison WI 53719, (608) 273-1003. Transporting *food and related products and machinery*, between points in the U.S., under continuing contract(s) with Kuether Distributing Company, of Minneapolis, MN.

MC 144740 (Sub-33), filed March 9, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daughterty (same address as applicant) (909) 652-2611. Transporting *chemical and related products* between points in the U.S., under continuing contract(s) with Time Chemical, Inc., of Atlanta, GA.

MC 145301 (Sub-11), filed March 5, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431-Raritan Center, Edison, NJ 08817 Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield VA 22151, (703) 941-8200. Transporting (1) *chemical and related products*, (2) *petroleum, natural gas and their products*, and (3) *rubber and plastic products*, between points in Hudson and Union Counties, NJ, Harris County, TX, Cook and DuPage Counties, IL, and East Baton Rouge and Orleans

Counties, LA, on the one hand, and, on the other, points in the U.S.

MC 145301 (Sub-12), filed March 5, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431-Raritan, Edison, NJ 08817 Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield VA 22151, (703) 941-8200. Transporting *chemicals and related products, and petroleum, natural gas and their products*, between points in Madison, Will, and Cook Counties, IL, Lake County, IN, and Galveston and Brazoria Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 146041 (Sub-8), filed March 5, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005 (202) 347-9332. Transporting *textile mill products*, between points in VA, NC, SC, TN, GA, and CA, on the one hand, and, on the other, points on the international boundary line between the U.S. and Canada in WA, ID, and MT.

MC 146180 (Sub-6), filed March 10, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005 (202) 438-6474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Singer Furniture Division, of Lenoir, NC.

MC 147461 (Sub-6), filed March 9, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW, Washington, DC 20036, (202) 452-7422. Transporting *currency, coin, securities, and other valuables*, between points in MD, NC, SC, VA, WV, and DC.

MC 150030 (Sub-2), filed March 9, 1981. Applicant: NICHOLAS POLSELLI, d.b.a., TEMPERATURE CONTROL TRANSPORT, 74 South St., Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *food and related products*, between points in MA, on the one hand, and, on the other, points in FL.

MC 152180 (Sub-2), filed March 13, 1981. Applicant: CONTAINER EXPRESS, INC., 1809 Krug St., Building 1019, P.O. Box 2032, Albany, GA 31702. Representative: Norman L. Underwood, 3400 Peachtree Road, Suite 1525, Atlanta, GA 30326, (404) 266.1650. Transporting *general commodities*

(except classes A and B explosives), between points in FL, GA, AL, SC, NC, TN, KY, and VA.

MC 152800 (Sub-1), filed March 9, 1981. Applicant: BUNCH TRUCKING COMPANY, INC., Route 3, Box 618, Washington, NC 27889. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *chemicals and related products*, between points in DE, MD, NC, SC, and VA.

MC 153201 (Sub-1), filed February 10, 1981. Applicant: GTL TRANSPORT COMPANY, a Corporation, 110 Dill Rd., Suffolk, VA 23434. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Building, Norfolk, VA 23510, (804) 627-0070. Transporting (1) *general commodities* (except classes A and B explosives), between points in the Norfolk, VA, commercial zone as defined by the Commission, and (2) *lumber and wood products*, and *chemicals and related products*, between Suffolk, VA, on the one hand, and, on the other, points in DE, MD, NC, SC, and WV.

MC 153320 (Sub-1), filed March 5, 1981. Applicant: KLEEN-BRITE CHEMICAL COMPANY, INC., P.O. Box 485, 10 Moore St., Rochester, NY 14602. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. Transporting *such commodities* as are dealt in or used by chain grocery stores and food business houses, between points in CT, DE, MA, MD, ME, MI, NJ, NH, NY, OH, PA, RI, VA, VT, WV, and DC, on the one hand, and, on the other those points in NY, north of Sullivan, Dutchess and Ulster Counties.

MC 154640, filed March 9, 1981. Applicant: THE SMITHFIELD PACKING COMPANY, INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Building, Norfolk, VA 23510, (804) 627-0070. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ocean Spray Cranberries, Inc., of Plymouth, MA.

MC 154650, filed March 9, 1981. Applicant: G. M. LANGDON TRUCKING, INC., Route 1, Angier, NC 27501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *chemicals and related products*, between points in NC, SC, and VA.

MC 154660, filed March 9, 1981. Applicant: MAC'S ENTERPRISES AND LEASING, INC., 9164 N. 43rd Ave., Suite 2, Phoenix, AZ 85302. Representative: A.

Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. Transporting *machinery*, between points in the U.S., under continuing contract(s) with ITT Courier Terminal Systems, Inc., of Tempe, AZ.

MC 154661, filed March 11, 1981. Applicant: D. L. CABLE, d.b.a. RED LINE EXPRESS, P.O. Box 6837, Greensboro, NC 27405. Representative: D. L. Cable (same address as applicant), (919) 275-0323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with F.M.S., Inc., of Washington, DC.

Volume No. OPY-3023

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 14215 (Sub-93), filed March 10, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *metal products*, and (2) *ores and minerals*, between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 120364 (Sub-32), filed February 23, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719; (608) 273-1003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden machines, between points in the U.S., under continuing contract(s) with Falls Products, Inc., of Genoa, IL.

MC 127115 (Sub-23), filed March 9, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1300. Transporting *metal products*, between points in the U.S., under a continuing contract(s) with David J. Joseph Co., of Cincinnati, OH.

MC 136545 (Sub-35), filed March 11, 1981. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting *general commodities* (except classes A and B explosives), between points in Price County, WI, on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-87), filed March 9, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant),

(813) 334-4517. Transporting *rubber*, between points in Spalding County, GA, on the one hand, and, on the other, those points in FL on and south of FL Hwy. 50.

MC 141344 (Sub-3), filed March 10, 1981. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, VA 23228. Representative: Richard J. Lee, Suite 1222, 700 East Main St., Richmond, VA 23219, (804) 648-7247. Transporting *commodities which because of their size or weight requires the use of special handling or equipment*, between points in VA, NC, SC, GA, TN, KY, WV, MD, DE, PA, and DC.

MC 141424 (Sub-8), filed March 9, 1981. Applicant: P-Y TRANSPORT, INC., 50 S. William St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783-7900. Transporting *transportation equipment*, between the facilities of Redco Corporation, on the one hand, and, on the other, points in the U.S.

MC 144315 (Sub-8), filed March 9, 1981. Applicant: PORT CITY LEASING, INC., 602-20th St., N., Lewiston, ID 83501. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *building materials* (1) between points in WA, OR, ID, and MT, and points in UT, CO, WY, ND, SD, MN, WI, and NE, and (2) between points in WA, OR, and ID, and points in MT. CONDITION: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC-144315 and related subs, at applicant's written request.

MC 144715 (Sub-18), filed March 10, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-8), filed March 9, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NJ 08039. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *empty containers*, between the facilities of All-Pak, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151765, filed March 9, 1981. Applicant: JOHN FRANCIS BAKER, SR., AND ROBERT LEE BAKER, d.b.a., BAKER'S GARAGE, 8414 Washington

Blvd., Jessup, MD 20794. Representative: Alex S. Katzenberg III, 110 E. Madison St., Baltimore, MD 21202, (301) 837-6200. Transporting *transportation equipment*, between points in DE, MD, NJ, PA, VA, WV, and DC.

MC 152194 (Sub-1), filed March 3, 1981. Applicant: NECOMA TRANSPORT, INC., 11 South 360 Madison Street, Hinsdale, IL 60521. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle Street, Chicago, IL 60602, (312) 726-9722. Transporting *petroleum and petroleum products*, between Chicago, IL, on the one hand, and, on the other, points in IA, IN, MI, MO, OH, and WI.

MC 152494 (Sub-2), filed February 17, 1981. Applicant: CHESSIE MOTOR EXPRESS, INC., 3200 Terminal Tower, P.O. Box 6419, Cleveland, OH 44101. Representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, (2) between points named in (1) above, on the one hand, and, on the other, points in AK, AZ, CA, CO, HI, ID, KS, MA, MT, NE, NV, NM, ND, OK, OR, SC, UT, WA, and WY, restricted to the transportation (1) which is auxiliary to or supplemental of a railroad; or (2) which has a prior or subsequent movement by rail; or (3) where the origin or destination is a point served by The Chessie System and its affiliated lines and The Family Lines Rail System and its affiliated lines.

Note.—This is related to MC-F. 14571.

MC 153494 (Sub-1), filed March 9, 1981. Applicant: PORTS INTERNATIONAL, INC., 3730 NW 54th St., Miami, FL 33142. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53rd St., Miami, FL 33166, (305) 592-0036. Transporting *general commodities* (except classes A and B explosives), between points in Broward, Dade and Palm Beach Counties, FL, restricted to traffic having an immediately prior or subsequent movement by water or rail.

MC 154626, filed March 9, 1981. Applicant: ACE LIQUID WASTE HAULERS, INC., 3175 Beechmont Court, Cincinnati, OH 45226. Representative: Stephen D. Strauss, 2613-22 Carew Tower, Cincinnati, OH 45202, (513) 621-4607. Transporting (1) *toxic and hazardous wastes*, for reuse or recycling, between points in Paulding and Franklin Counties, OH, Muskegon County, MI, and Davidson County, TN, on the one hand, and, on the other,

points in the U.S., and (2) *used liquid solvents*, between points in Montgomery County, OH, on the one hand, and, on the other, points in MI, IN, KY, NC, and PA. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from its date of issuance.

FF-544, filed March 9, 1981. Applicant: PENSER TRANSPORTATION, INC., 1610 Industrial Blvd., Jacksonville, FL 32205. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville; FL 32202, (904) 353-9707. As a *freight forwarder*, transporting *general commodities*, (except household goods and classes A and B explosives), between points in FL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA, and TN.

Volume No. OPY-3-025

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 109724 (Sub-9), filed March 11, 1981. Applicant: PAUL J. SCHMIT d.b.a. PAUL J. SCHMIT TRUCKING, 1480 North Springdale Rd., Waukesha, WI 53186. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53202 (414)-273-7410. Transporting *sand*, between points in the U.S., under continuing contract(s) with Badger Mining Corporation, of Fairwater, WI, and Faskure Division of Aurora Industries, Inc., of Aurora, IL.

MC 116544 (Sub-246), filed March 11, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415)-856-0117. Transporting *food and related products*, between points in Deaf Smith County, TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 134545 (Sub-4), filed March 13, 1981. Applicant: STEWART S. COOK, JR., d.b.a. Frank Salerno, 2751 Queen St., Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *chemicals and related products*, between points in the U.S. under continuing contract(s) with Hi-Pure Chemicals, Inc., of Nazareth, PA.

MC 138884 (Sub-8), filed March 10, 1981. Applicant: CONDOR CORPORATION, Wilson Rd., Springfield, ME 04224. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207)-773-5651. Transporting *general commodities*

(except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilner Wood Products Co., of Norway, ME and Springhouse Products Co., of Rumford, ME.

MC 140665 (Sub-136), filed March 13, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44268, (216) 296-2877. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armour Dial Company, on the one hand, and, on the other, points in the U.S.

MC 144384 (Sub-5), filed March 13, 1981. Applicant: ART BETZ, 816 "B" St., P.O. Box 955, South Sioux City, NE 68776. Representative: Arthur J. Corra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products*, between points in NE and IA, on the one hand, and, on the other, points in CA, OR, and WA.

MC 147344 (Sub-23), filed March 5, 1981. Applicant: RED'S EXPRESS, INC., 309 Beech St., Modesto, CA 95354. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104, (414)-273-7410. Transporting *general commodities* (except classes A and B explosives), (A) over regular routes, (1) Between Modesto, CA and Dodge Ridge, CA over CA Hwy 108, (2) Between Modesto, CA and Sacramento, CA: From Modesto over CA Hwy 99 to junction CA Hwy 120, then over CA 120 to junction Interstate Hwy 5, then over Interstate Hwy 5 to Sacramento and return over the same route, (3) Between Modesto, CA and Los Banos, CA: From Modesto over CA Hwy 99 to junction CA Hwy 59, then over CA Hwy 59 to junction CA Hwy 152, then over CA Hwy 152 to junction CA Hwy 33, then over CA Hwy 33 to junction CA Hwy 132, then over CA Hwy 132 to Modesto, CA, and return over the same route, (4) Between Modesto, CA and Chico, CA over CA Hwy 99, (5) Between Modesto, CA and Angels Camp, CA: From Modesto over CA Hwy 99 to junction CA Hwy 16, then over CA Hwy 16 to junction CA Hwy 49, then over CA Hwy 49 to junction CA Hwy 99, then over CA Hwy 99 to Modesto and return over the route, (6) Between Modesto, CA and San Francisco, CA: From Modesto, CA over CA Hwy 99 to junction CA Hwy 120, then over CA Hwy 120 to junction Interstate Hwy 205, then over Interstate Hwy 205 to junction Interstate 580, then over Interstate Hwy 580 to junction CA Hwy 17, then over CA Hwy 17 to junction U.S. Hwy 101, then over U.S.

Hwy 101 to San Francisco, and return over the same route, (7) Between San Francisco and Modesto, CA: From San Francisco, CA over Interstate Hwy 80 to junction CA Hwy 17, then over CA Hwy 17 to junction Interstate Hwy 580, then over Interstate Hwy 580 to junction Interstate Hwy 205, then over Interstate Hwy 205 to junction CA Hwy 120, then over CA Hwy 120 to junction CA Hwy 99, then over CA Hwy 99 to Modesto, and return over the same route, (8) Between San Francisco, CA and Sacramento, CA, over Interstate Hwy 80, (9) Between Sacramento, CA and Redding, CA, over Interstate Hwy 5, (10) Between Modesto, CA and Los Angeles, CA: From Modesto over CA Hwy 99 to junction Interstate Hwy 5, then over Interstate Hwy 5 to Los Angeles, and return over the same route, (11) Between Sacramento, CA and Nevada City, CA: From Sacramento over Interstate Hwy 80 to junction CA Hwy 49, then over CA Hwy 49 to Nevada City, and return over the same route, (12) Between Sacramento, CA and Truckee, CA, over Interstate Hwy 80, and (13) Between Truckee, CA and Sacramento, CA: From Truckee over CA Hwy 89 to junction CA Hwy 50, then over CA Hwy 50 to Sacramento and return over the same route, serving the off-route points in the counties named in (B) below; and (B) over irregular routes, between points in Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Sierra, Nevada, Placer, El Dorado, Calaveras, Tuolumne, Mariposa, Merced, Madera, Fresno, Amador, Stanislaus, San Joaquin, Sacramento, Yolo, Solano, Los Angeles, Contra Costa, Alameda, San Francisco, San Mateo and Santa Clara Counties, CA.

Volume No. OPY-4-36

Decided: March 23, 1981.

By the Commission; Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134156 (Sub-2), filed March 11, 1981. Applicant: AL SALEM, d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Dr., Salem, VA 24153. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting (1) *chemicals and related products*, between Roanoke, VA, on the one hand, and, on the other, points in the U.S., and (2) *food and related products*, between Richmond, VA, Tacoma, WA, and points in Kalamazoo and Calhoun Counties, MI and Union County, SD, on the one hand, and, on the other, points in the U.S.

MC 149256 (Sub-2), filed February 5, 1981. Applicant: KEN-WAY TRUCKING, INC., 110 Brannan St., San Francisco, CA 94107 Representative:

Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in AZ, NV, OR, and WA.

MC 152456 (Sub-1), filed March 12, 1981. Applicant: CULLICUTT ENTERPRISES, INC., Rt. #3, Box 229-AA, Mooresville, NC 28115. Representative: Aaron W. Perkins, Jr., 31 Corban Ave., SW, Concord, NC 28025, (704) 786-3600. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with American Display Corporation, of Concord, NC.

MC 153168 (Sub-1), filed March 18, 1981. Applicant: J. H. MAXYMILLIAN, INC., 86 South Main St., Lanesboro, MA 01237 Representative: James H. Maxymillian (same address as applicant) (413) 499-3050. Transporting (1) *hazardous materials*, and (2) *waste or scrap materials not identified by industry producing*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Kooching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 154676, filed February 26, 1981. Applicant: PACIFIC MOUNTAIN ADVENTURE, INC., P.O. Box 6866, San Jose, CA 95150. Representative: Tom Trotter (same address as applicant) (408) 245-9681. Transporting *passengers*, between points in Santa Clara County, CA, on the one hand, and, on the other, points in OR, NV, WA, UT, AZ, CO, ID, MT, and WY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9338 Filed 3-20-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

- With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY5-17

Decided March 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 134038 (Sub-10), filed March 9, 1981. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: Mark R. Feather, 1600 Citizens Plaza, Louisville, KY 40202, 502-589-5400. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143988 (Sub-15), filed March 10, 1981. Applicant: J. W. TATE, d.b.a. JAMAR TRUCKING COMPANY, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147348 (Sub-11), filed March 6, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson Drive, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201, (501) 375-3022. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150099 (Sub-2), filed March 9, 1981. Applicant: ALL STATE TRUCKING COMPANY, INC., 3400 Mesa Dr., P.O. Box 24274, Houston, TX 77013. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150139 (Sub-2), filed March 9, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 S. Howell Ave., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E. Gilman St.,

Madison, WI 53703, 608-256-7444. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150939 (Sub-13), filed February 23, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting for and on behalf of the United States Government, *general commodities* (except used household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the applications for common control to Team 5, Room 6370.

MC 152229 (Sub-2), filed March 4, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128, Salinas, CA 93202. Representative: Ben Ryburn (same address as applicant), (408) 757-2991. Transporting *general commodities*, between Bridgetown, Cheviot, Coverdale, Dent, 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 U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 154098, filed February 9, 1981. Applicant: STEF'S EXPRESS, LTD., 5530 Wisconsin Ave., Suite 1100, Chevy Chase, MD 20015. Representative: Harold Krauthamer (same address as applicant), 301-951-0240. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154469, filed March 2, 1981. Applicant: WARREN L. ADAMS, d.b.a. WARREN TRANSPORTATION, 2667 English St., Maplewood, MN 55109. Representative: Warren L. Adams (same address as applicant), 612-484-1469. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor

vehicle in such vehicle, between points in the U.S.

MC 154538, filed February 27, 1981. Applicant: GARY A. BAIN and CHARLES G. JOHNSON, d.b.a. AID TO SHIPPERS, P.O. Box 12396, Kansas City, MO 64116. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. As a *broker, of general commodities* (except household goods) between points in the U.S.

MC 154539, filed March 2, 1981. Applicant: DOROTHY HORNE, d.b.a. CAPITAL TRANSFER & STORAGE COMPANY, 1700 National Ave., Helena, MT 59601. Representative: Dorothy Horne (same address as applicant) (406) 442-3970. Transporting *general commodities* between Helena, Clancy, Jefferson City, and Boulder, MT, on the one hand, and, on the other, points in the U.S.

Volume No. OP1-092

decided: March 20, 1981.

By the Commission, Review Board No. 1, Members Oaker, Chandler, and Taylor.

MC 39411 (Sub-9), filed March 11, 1981. Applicant: GEORGE E. TREYZ, INC., 186 State St., Binghamton, NY 13902. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036 (202) 463-6044. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 143291 (Sub-7), filed March 3, 1981. Applicant: RAYLS BROTHERS TRANSFER, INC., Route 1 North, Box 342, Hoopston, IL 60942. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521 (312) 629-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bodine's, Incorporated, of Chicago, IL.

MC 150420 (Sub-2), filed March 12, 1981. Applicant: WES-FLO CO., INC., P.O. Box 17401, Tampa, FL 33082. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801 (305) 628-2171. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152081 (Sub-1), filed March 6, 1981. Applicant: GREAT AMERICAN

VAN & STORAGE, INC., 4607 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006 (202) 833-8884. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154560, filed March 4, 1981. Applicant: MURRAY TRUCK LINES, INC., 519 E. Chester St., Jackson, TN 38301. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219 (615) 244-8100. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154641, filed March 10, 1981. Applicant: RAINEY LAKE LEASING, INC., Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Rd., Edina, MN 55424 (612) 927-8855. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154651, filed March 9, 1981. Applicant: WILLIE MACK, INC., 549 Jackson Ave., Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572-5551. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP1-809

Decided: March 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 124050 (Sub-6), filed March 9, 1981. Applicant: MERCER BROS. TRUCKING CO., P.O. Box 952, Highway 301 North, Wilson, NC 27893. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3020

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154554, filed March 5, 1981. Applicant: VIRGIL H. & LARRY E. McNABB, d.b.a. McNABB COMPANY,

1009 9th Ave., Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (402) 397-9900. (1) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9334 Filed 3-25-81; 8:35 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of

publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-203

Decided: March 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59264 (Sub-74F), filed December 11, 1980, previously published in the Federal Register of January 6, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, P.O. Box 2015, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in by wholesale, retail and chain grocers and food business houses (except commodities in bulk), between points in NY, MD, DE, VA, NJ, PA, and DC, on the one hand, and, on the other, the facilities of Wakefern Food Corporation Distribution Center at or near Wallkill (Orange County) NY.

Note.—This republication corrects the territorial description.

MC 148414 (Sub-5), filed February 2, 1981. Applicant: UNIDYNE CORPORATION, 3835 East Princess Anne Rd., Norfolk, VA 23502. Representative: David P. L. Berry, 820 First & Merchants National, 300 East Main St., Norfolk, VA 23510. Transporting *furniture and fixtures*, between points in the U.S. under continuing contract(s) with Atlantic Furniture Manufacturing Company, Incorporated, of Norfolk, VA.

FF-545, filed February 3, 1981. Applicant: GEM SHIPPING SERVICE, 305 Velasco St., Houston, TX 77003. Representative: Charles L. Clow, 815 15th St. NW., Washington, DC 20005. As a *freight forwarder*, transporting *general commodities*, between points in the U.S.

Volume No. OPY-3207

Decided March 18, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 153964 (Sub-1), filed March 10, 1981. Applicant: OCEAN DRIVE TOURS, INC., 49 N. Arkansas Ave., Atlantic City, NJ 08401. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, (212) 532-5181. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties, NJ, and extending to points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9337 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a

major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract"

Volume No. OP1-090

Decided March 19, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Taylor.

MC 134501 (Sub-91), filed February 5, 1981 and previously noticed in the Federal Register issue of March 2, 1981. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *such commodities* as are dealt in by retail, department, discount, and variety stores between points in the U.S.

Note.—This republication clarifies the commodity description.

MC 150181 (Sub-1), filed February 5, 1981, and previously noticed in the Federal Register issue of March 5, 1981. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: Dennis Dean Kirk, 915 Pennsylvania Bldg., 425—13th St., NW., Washington, DC 20004 (202) 737-1030. Transporting *passengers and their baggage*, in special and charter operations, limited to the transportation of not more than six passengers in any one vehicle, not including driver,

between points in NY, PA, MA, CT, MD, DE, NJ, VA, RI, VT, NH, ME, and DC.

Note.—This republication clarifies the type of service to be performed.

Volume No. OP2-047

Decided: January 2, 1981.

By the Commission, Review Board No. 2. Chandler, Eaton, and Liberman.

MC 4242 (Sub-8), filed November 17, 1980. Applicant: PITTSBURGH-FAYETTE EXPRESS, INC., Fourth and Main Streets, Belle Vernon, PA 15012. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Regular 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 requiring special equipment), (1) beginning at Pittsburgh, PA¹; from Pittsburgh over PA Hwy 88 to Monongahela, then over PA Hwy 88 to West Brownsville, then over PA Hwy 40 to Brownsville; then returning via Hwy Route 40 to West Brownsville, then over Hwy route 88 to Millsboro and returning via the same route to the place of beginning, (2) beginning at the intersection of Hwy Route 88 and Brightwood Road, then over Brightwood Road to Bethel, then over Hwy Route 02063 to Coverdale, then returning over Hwy 02063 to Brightwood Road, then continuing along Brightwood Road to its intersection with Hwy 88, (3) beginning at Finleyville; then over Hwy Route 62034 (Washington Road) to Thomas and Courtney; then over Hwy Route 62034 to Hwy Route 62052, then to the intersection of Hwy Route 519 through Wylandville to intersection of Hwy Route 31 at Eightfour, then over Hwy Route 31 to intersection with Hwy Route 88 at Monongahela, and returning over the same route to place of beginning, (4) beginning at Finleyville; then over Hwy Route 62174 (Elrama Road) through Gastonville to Elrama, then returning over the same route to place of beginning, (5) beginning at Monongahela, then over Hwy Route 62175, 62016 and 62014 to Ginger Hill; then over Hwy Route 62040 to Bentleyville, then over Hwy 62016 to intersection with Hwy Route 62175, then returning over the same route to the place of beginning, (6) beginning at Monongahela; then over Hwy Route 481 to intersection with Hwy Route 71, then over Hwy Route 71 to Bentleyville, then over Hwy Route 71 to Scenery Hill, then over Hwy Route 40 to Beallsville, then over Hwy APP508 to Bentleyville, then returning over the same route to place of

¹All points named are in Pennsylvania.

beginning. (7) beginning at California: then over Hwy Route 62178 through Daisytown to intersection with Hwy Route 40, then over Hwy Route 40 through Richeyville to intersection with Hwy Route 62018 at Beallsville, then south over Hwy Route 62018 to intersection Hwy Route 62194, then over Hwy Route 62194 to intersection Hwy Route 62140 at Marianna, then over Hwy Route 62146 to intersection with Hwy Route 62078, then over Hwy Route 62078 to intersection with Hwy Route 30081, then over same route to Clarksville, then over Hwy Route 62012 to intersection with Hwy Route 88, then returning over the same route to place of beginning. (8) beginning at West Brownsville: then over Hwy Route 40 to intersection with Hwy Route 62018, then over Hwy Route 62018 to intersection with Hwy Route 62176, then over Hwy Route 62176 to Fredericktown, then over Hwy Route 88 to Vestaburg, then continuing over Hwy Route 88 to intersection Hwy Route 62198, then over Hwy Route 62198 to Denbo, then returning over Hwy Route 62198 to intersection with Hwy Route 88, then over Hwy Route 88 to West Brownsville. (9) beginning at the intersection of Hwy Route 88 and Library Road at Hillcrest; then over Library Road to intersection with Dicks Run Road at Broughton, then over Dicks Run Road to Bruceton, then returning over Dicks Run Road to Broughton, then via Lebanon Church Road past the County Airport to intersection Hwy Route 02084, then over Hwy Route 02084 to intersection with Hwy Route 837 at Dravosburg, then via Hwy Route 837 to Coal Valley, then over an unnumbered hwy to intersection with Hwy Route 51 near Pleasant Hills and returning over unnumbered Hwy to its intersection with Hwy Route 02182 at Coal Valley, then over Hwy Route 02182 to Large, then returning over Hwy Route 02182 to Coal Valley, then over Hwy Route 837 to intersection with Hwy Route 88 at Courtney, then returning over the same route to the place of beginning. (10) beginning at Pittsburgh: then over Hwy Route 51 to Brentwood, then over Hwy Route 51 to Perryopolis, then over Hwy Route 763 to Layton, then returning via Hwy Route 763 to Perryopolis, then over Hwy Route 51 to intersection with Hwy Route 711 at Star Junction, then over Hwy Route 711 to intersection with Hwy Route 119 in city of Connellsville, then over Hwy Route 119 to South Connellsville, then returning over Hwy Route 119 to intersection with Hwy Route 31, then over Hwy Route 31 to Borough of West Newton, then over Hwy Route 64258 to Sutersville, then over Hwy Route 64226 to Scott Haven,

Industry, Buena Vista, North Buena Vista and South Versailles Township, then westwardly over an unnumbered Hwy through Lincoln Township to Hwy Route 02239, then over Hwy Route 02239 to Hwy Route 837, then over Hwy Route 837 to Coal Valley, then over unnumbered Hwy to Pleasant Hills, then returning over the same route to place of beginning. (11) beginning at Elizabeth: then over Hwy Route 02239 to intersection with Hwy Route 31 at Brownsdale, then over Hwy Route 31 through East Monogahela and Gallatin, then continuing over Hwy Route 31 to intersection with Hwy Route 906 at Milesville, then over Hwy Route 906 at Webster, then returning over the same route to Milesville to Hwy Route 31, then over Hwy Route 31 to intersection with Hwy Route 64087, then over Hwy Route 64087 to Smithdale, then over an unnumbered Hwy to Mustard, then returning over the unnumbered Hwy to intersection with an unnumbered Hwy, then north over the latter unnumbered Hwy to Douglass, Blythedale and Industry, then returning over the numbered Hwy and Hwy Route 64087 to intersection Hwy Route 31, then over Hwy Route 31 to West Newton, then over an unnumbered Hwy to Collinsburg, then returning over the unnumbered Hwy to intersection with Hwy Route 31 near West Newton, then over an unnumbered Hwy to Bells Mills and Yukon, then returning over the same route to West Newton, then over Hwy Route 71 to intersection Hwy Route 981 near Pricedale, then over Hwy Route 981 to intersection Hwy Route 64187, then over Hwy Route 64187 to Van Meter, then over an unnumbered Hwy to Wickhaven, then over Hwy Route 26014 to Whitsett, then over an unnumbered Hwy to Jacobs Creek, then over Hwy Route 64122 to Smithton, then over Hwy Route 971 to intersection with Hwy Route 64189, then over Hwy Route 64189 to intersection Hwy Route 31, then over Hwy Route 31 to Hwy Route 64164, then over Hwy Route 64164 to Wyano, then returning over the same route to place of beginning. (12) beginning at Pricedale: then over Hwy Route 71 to intersection with Hwy Route 711 at Belle Vernon, then over Hwy Route 711 to Fayette City, then over Hwy Route 26174 to Arnold City, then returning to Fayette City via the same route, then over Hwy Route 711 to Gillespie, then over Hwy Route 26018 to intersection with an unnumbered Hwy, then over the said unnumbered Hwy to Newell, then returning over the said unnumbered Hwy to Hwy Route 26018, then via Hwy Route 26018 to Brownsville, then over Hwy Route 26098 and an unnumbered

Hwy to Alicia, then over Hwy Route 26001 and an unnumbered Hwy to East Millsboro, then over an unnumbered Hwy and Hwy Route 26095 to intersection with Hwy Route 26004, then over Hwy Route 26004 to Hwy Route 112, then over Hwy Route 112 to intersection with Hwy Route 166, then over Hwy Route 166 through Republic, Merrittstown and Allison to intersection with Hwy Route 40, then over Hwy Route 40 to intersection Hwy Route 26165, then over Hwy Route 26165 to Grandstone, then returning over the same route to Hwy Route 40, then over Hwy Route 40 to Brownsville, then returning over the same route to place of beginning. (13) to use, as an operating route only, in either direction, a route beginning at Pittsburgh, then over Hwy Route 30 to intersection with the Pennsylvania Turnpike, then over the Pennsylvania Turnpike to New Stanton, Westmoreland County, then over Hwy Route 119 to intersection with Hwy Route 31, excluding the right to pick up and deliver on Hwy Route 30, the Pennsylvania Turnpike and Hwy Route 119, except as hereinabove authorized. (14) to transport, as a common carrier, general commodities over an Alternate Route: beginning at Connellsville, Fayette County, then over Hwy Route 711 to intersection with Hwy Route 31 near Jones Mills, Fayette County, then over Hwy Route 31 to a point on applicant's certificated routes: (15) beginning at the intersection of Hwy Routes 711 and 381 near Normalville, Fayette County, then over Hwy Route 381 to the borough of Ohiopyle, Fayette County; (16) between Pittsburgh and the PA-WV state line, near Mt. Morris, PA, then over U.S. Hwy 19, serving all intermediate points and points in Allegheny County, PA, as off-route points. II Irregular Routes: (1) between Pittsburgh, PA, on the one hand, and, on the other, points in Brownsville, Fayette County, PA and California, Charleroi and Donora, Washington County, PA, RESTRICTED against the transportation of packages exceeding 25 pounds in weight: (2) between points in Allegheny County, PA and points in Greene County, PA; (3) between points in Borough of Belle Vernon, Fayette County, PA, and points within 20 miles of Belle Vernon; (4) between points in the Borough of Masontown, Fayette County, PA, and points within 3 miles of Masontown; (5) between points in Allegheny County, PA, on the one hand, and, on the other, points in borough of masontown, Fayette County, PA, and points within 3 miles of Masontown; (6) between points in Allegheny County, PA, on the one hand, and, on the other,

points at the PA-WV state line at Mt. Morris, Greene County, PA, by way of Washington and Waynesburg, PA, restricted against service between Pittsburgh and Washington, PA, and points in Allegheny County, PA.

Volume No. OP4-073

Decided March 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151207 (Sub-3F), filed October 27, 1980, previously noticed in the Federal Register of December 2, 1980. Applicant: P.S.T. Transport, Inc., 11236 West Ave., San Antonio, TX 78213. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217

Transporting (1) *malt beverages*, from the facilities of Pearl Brewing Company, Inc., at San Antonio, TX, to points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, and (2) *materials and supplies* used in the manufacture of malt beverages, in the reverse direction.

Note.—The purpose of this republication is to show GA as a destination state instead of CA.

MC 153287 (Sub-1), filed February 6, 1981, previously noticed in the Federal Register issue of March 5, 1981, and republished this issue. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 West Wilson Bridge Rd., Worthington, OH 43085. Representative: William H. Borghesani, 1150 17th Street NW., Suite 1000, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in Calhoun, Jefferson, and Shelby Counties, AL, Alameda, Los Angeles, Orange, Santa Barbara, and Ventura Counties, CA, Fairfield, Hartford, and New Haven Counties, CT, New Castle County, DE, Cobb, De Kalb, Douglas, Fulton, Gordon, and Glynn Counties, GA, Cook, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, Madison, St. Clair, and Will Counties, IL, Fayette, Lake, and Porter Counties, — IN, Clinton, IA, Madison County, KY, E. Baton Rouge, Lafayette, Orleans, Rapides, St. Landry, W. Baton Rouge, and Calcasieu Parishes, LA, Baltimore, Baltimore City, Wicomico, and Garrett Counties, MD, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, Mason, Muskegon, and Wayne Counties, MI, Audrain, Callaway, and St. Louis Counties, MO, Lander County, NV, Bergen, Burlington, Camden, Cape May, Essex, Hudson, Middlesex, Passaic, and Union Counties, NJ, Cattaraugus, Chautauqua, Erie, and Niagara Counties, NY, Buncombe, and Mecklenburg Counties, NC, Clark, Crawford, Cuyahoga, Defiance,

Delaware, Franklin, Guernsey, Hamilton, Lucas, Marion, Montgomery, Scioto, Shelby, Summit, and Wayne Counties; OH, Allegheny, Armstrong, Clearfield, Delaware, McKean, Mifflin, Montgomery, Philadelphia, Tioga, and Westmoreland Counties, PA, Providence County, RI, Abbeville, Anderson, Charleston, Greenville, Greenwood, and Spartanburg Counties, SC, Cocke, Hamblen, Knox, and Washington Counties, TN, Dallas, Galveston, Harris, Jefferson, Limestone, and Tarrant Counties, TX, Milwaukee and Waukesha Counties, WI, and Big Horn County, WY, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correctly state the points of tacking.

Note.—Applicant states it intends to interline at West Haven, CT, Philadelphia and Pittsburgh, PA, Baltimore, MD, Buffalo and Olean, NY, Columbus, OH, Morristown and Knoxville, TN, Atlanta, GA, Asheville, NC, Greenville, SC, Lafayette, LA, Houston and Dallas, TX, St. Louis, MO, Chicago, IL, and Los Angeles, CA.

Volume No. OP5-77

Decided: March 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 18088 (Sub-69), filed February 6, 1981. (republication) Previously published March 13, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephram, 406 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Clorox Company, of Oakland, CA, (2) Union Underwear Company, Inc., of Bowling Green, KY, and (3) Kerr-McGee Corporation, of Oklahoma City, OK and their subsidiaries and affiliates.

Note.—This republication adds subsidiaries and affiliates.

MC 110288 (Sub-23), filed February 5, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *metal products*, (2) *machinery*, and (3) *transportation equipment*, between the facilities of Miner Enterprises, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113658 (Sub-40F), filed November 5, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general*

commodities (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation, at applicant's request, of its presently held certificates in No. MC-113658, and sub-numbers thereunder.

MC 115669 (Sub-203), filed January 5, 1981, previously noticed in the Federal Register issue of February 5, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). Transporting *salt and salt products*, and *products* used in the agricultural, water treatment, food processing, wholesale grocery and industrial supply industries, between Chicago, IL, Detroit, MI, St. Paul, MN, St. Louis, MO, Omaha, NE, Milwaukee, WI, and points in Alameda County, CA, Reno County, KS, Iberia County, LA, Manistee and St. Clair Counties, MI, Lake and Wayne Counties, OH, Van Zandt County, TX, and Salt Lake County, UT, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 130578 (Sub-1), filed February 5, 1981. Applicant: KARL STORCH, d.b.a. SUN TOURS, 2420 Broadway NE, Albuquerque, NM 87102. Representative: Karl Storch (same address as applicant). To operate as a *broker*, at Albuquerque, NM, of *passengers and their baggage*, between points in the U.S.

MC 134798 (Sub-6), filed February 3, 1981. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Rd., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Lowe Chemical Company of Cleveland, OH.

MC 141069 (Sub-2F), filed November 7, 1980. Applicant: PHILIP R. BERNSTEIN, d.b.a. PHIL BERNSTEIN TRUCKING COMPANY, 2101 Epps Street, Fort Worth, TX 76104. Representative: Marshall Krage, 1919 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20006. Transporting *general commodities* (except household goods and Classes A and B explosives), between points in TX.

MC 146078 (Sub-39F), filed November 17, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR

72104. representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *outdoor recreational equipment and accessories, and heating and air conditioning equipment*, between the facilities of the Coleman Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149269 (Sub-1), filed February 3, 1981, previously noticed in Federal Register issue of March 10, 1981. Applicant: PALMER INDUSTRIES, INC., P.O. Box 839, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *rubber and plastic products*, between points in Franklin County, OH, and Tuscaloosa County, AL, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description.

MC 150499 (Sub-3), filed February 5, 1981. Applicant: ENGLER TRUCK SERVICE, INC., RR 3, Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, IL, IN, MI, NV, NM, NC, OH, SC, and WI.

MC 151478 (Sub-1), filed February 2, 1981. Applicant: DOC'S CARTAGE COMPANY, INC., 5027 West 81st Street, Burbank, IL 60459. Representative: Naomi M. Dockstader, (same address as applicant). Transporting *general commodities*, (except classes A and B explosives) between Chicago, IL, on the one hand, and, on the other, points in IL.

MC 151839 (Sub-2F), filed December 23, 1980, previously noticed in the Federal Register issue of February 3, 1981. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy, Chesapeake, VA 23320. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. 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 Suffolk, Richmond, and Petersburg, VA, and (2) between Suffolk, VA, on the one hand, and, on the other, points in NC and MD, restricted to

traffic having a prior or subsequent movement by rail or water.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8335 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publications to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-046,

Decided March 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 111812 (Sub-757), filed January 21, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant) (605) 339-8424. Transporting *chemicals and related products, and maintenance supplies, and such commodities* as are dealt in by grocery and discount stores, between the facilities used by Procter and Gamble at (1)(a) Kansas City, KS, (b) St. Louis, MO, (c) Iowa City, IA, (d) Omaha, NE, (e) Cincinnati, OH, and (f) Chicago, IL, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, NM, OR, UT, WA and WY, and (2) between Lexington, KY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8305 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 47]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2304 (Sub-49)X, filed March 16, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, 6600 Bessemer Ave., Cleveland, OH 44127
Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215.

Applicant seeks to remove restrictions from the lead and Sub-Nos. 16, 19, 20, 21, 24, 26, 27, 29, 31G, 34, 36F, 37F, and 40F by (1) broadening the commodity description (a) from general commodities (with the usual exceptions) in the lead and Sub-Nos. 16, 19, 20; additional exceptions for the transportation of livestock, perishable commodities, rayon and rayon factory supplies in Sub-No. 24; and the usual exceptions in permit No. MC-2304 (Sub-No. 37F) to "general commodities, except classes A and B explosives;" (b) from iron and steel products and steel mill products in the lead, and iron and steel, iron and steel products and articles in Sub-Nos. 21, 24, 29, 31G, and springs and spring parts in Sub-No. 36F to "metal products"; (c) from iron and steel and iron and steel products, pallets and empty containers used in their transportation in the lead to "metal products and parts and empty containers used in transporting metal products"; (d) coal mine machinery and supplies and farm machinery in Sub-No. 24 to "machinery"; (e) from heavy machinery, machine tools, electrical and steam equipment, vaults and parts thereof, and other heavy or bulky commodities requiring specialized handling and equipment in Sub-No. 27 to "those commodities which because of

their size or weight require the use of special handling or equipment"; (f) from springs and parts used in the attachment and installation of springs in Sub-No. 34 and 36F to "metal products and materials and supplies used in the attachment and installation of metal products"; (g) from foodstuffs, and materials and supplies used in the manufacture, sales and distribution of foodstuffs to "food and related products" in Sub-No. 40F; (2) by changing less than county-wide territorial authorizations to city-wide or county-wide territorial authorizations: in the lead from Norwood, OH, to Hamilton County, OH; Peoria, IL, to Peoria County, IL, Evansville, IN, to Vanderburgh County, IN; Connorsville, IN, to Fayette County, IN; Grand Rapids, MI, to Kent County, MI; Alliance, OH, to Stark County, OH, Salem, OH, to Columbiana County, OH; Sebring, OH, to Mahoning County, OH; in Sub-No. 19, from Gibraltar, MI, to Wayne County, MI; in Sub-No. 21, from Warren and Niles, OH, to Trumbull County, OH; in Sub-No. 26 from a facility at Burns Harbor, IN; to Porter County, IN; in Sub-No. 27 from Wilmington, DE, to New Castle County, DE; in Sub-No. 31G from Peoria, IL to Peoria County, IL, Connorsville, IN, to Vanderburgh County, IN; Evansville, IN, to Fayette County, IN, Wilmington, DE, to New Castle County, DE; facility in Putnam County, IL, to Putnam County, IL, in Sub-No. 34, from Columbia, TN, to Maury County, TN; Dubois, PA, to Clearfield County, PA; McDonald, OH, to Trumbull County, OH; Gary, IN, to Lake County, IN; in Sub-No. 40F, from Hoopeston, IL, to Vermilion County, IL; Princeville, IL, to Peoria County, IL, Mayville, WI, to Dodge County, WI; and Turkey, NC, to Sampson County, NC; (3) broaden the territorial descriptions from existing one-way authority to radial authority between the counties named above and named points throughout the U.S., in the lead and Sub-Nos. 16, 20, 21, 24, 26, 27, 29, 31G, 34, 36F, and 40F; (4) broadening the territorial description by removing restrictions limiting service to transportation originating at or destined to named points; (5) authorize service at all intermediate points (a) between Detroit, MI, and Cleveland, OH; Washtenaw County, MI and the MI-OH state line; Washtenaw County, MI and Toledo, OH; Detroit, MI and Macomb County, MI, in the lead; (b) between St. Louis, MO and points in St. Clair County, IL, East St. Louis, IL and Belleville, IL, East St. Louis, IL and Millstadt, IL in Sub-No. 24F

MC 26377 (Sub-32)X, filed March 17, 1981. Applicant: LEONARDO TRUCK

LINES, INC., 511 South First St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9, 19, 20, 21 and 23F certificates (1) to broaden its commodity description from fruits and vegetables, agricultural and horticultural products, dressed meats, green hides, vinegar, foodstuffs, beer and wine, and cottonseed meal to "food and related products" in paragraphs 1, 2, 3, 5, and 6 of the regular route portion of the lead certificate; paragraphs 2, 5, and 6 of the irregular route portion of the lead; and Sub-Nos. 9, 19, 20 and 21; from petroleum products to "petroleum, natural gas, and their products" in paragraph 4 of the regular route portion of the lead; from livestock, live poultry and wool to "farm products" in paragraph 6 of the regular route portion paragraph 1 of the irregular route portion of the lead certificate; from salt, sacks, twine, sheet metal and builder's hardware to "chemicals and related products, rubber and plastic products, textile mill products, pulp, paper and related products; metal products, and building materials" in paragraph 3 of the irregular-route portion of the lead; from cement to "commodities in bulk" in paragraph 4 of the irregular-route portion of the lead; and from plastic articles to "rubber and plastic products" in Sub-No. 23F; (2) to substitute counties for cities as follows: in the irregular route portion of the lead certificate, Yakima County, WA for Yakima, Grand, and Zillah, WA in paragraphs 2, 3, and 4; Deschutes County, OR for Bend, OR, in paragraph 5; Washington, Clackamas, and Multnomah Counties, OR, for Portland, OR, in paragraphs 5 and 6; Umatilla County, OR, for Milton, OR, in paragraphs 5 and 6; Marion and Polk Counties, OR, for Salem, OR, in paragraphs 5 and 6; and King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA; and Whatcom County, WA for Blaine, WA, in paragraph 5; in Sub-No. 9, Umatilla County, OR for Milton-Freewater, OR; Snohomish County, WA for Arlington, WA; Skagit County, WA for Buklington, WA; and San Diego County, CA for San Diego, CA; and in Sub-No. 19, Clark County, WA for Vancouver, WA; (3) to authorize service at all intermediate points on its authorized regular routes in the lead certificate, between: Zillah, WA and Portland, OR; Tacoma, WA and Zillah, WA; Grandview, WA and Portland, OR; Portland, OR and Grandview, WA; and Grandview, WA and Tacoma, WA; (4) to authorize round trip service on all its authorized regular routes in the lead

certificate between specified points in OR and WA, and to authorize radial service over its irregular routes between named points, in OR and WA, in the lead; Umatilla County, OR and Snohomish County, WA, and Skagit County, WA and San Diego County, CA in Sub-No. 9; four counties in WA and named points in WA and OR, in Sub-No. 19; CA and three WA counties and two WA counties and CA, in Sub-No. 20; and two CA counties and WA, in Sub-No. 21; (5) to remove restrictions limiting service to pick up or delivery only on its authorized regular routes in the lead certificates; (6) to remove facilities restrictions: Welch Foods, Inc. in Sub-No. 19 and A & B Plastic, Co., in Sub-No. 23F, and (7) to remove various commodity restrictions: in the regular route portion of the lead, paragraph 4 (in containers); Sub-No. 19 (in cargo containers); Sub-No. 19 (limiting transportation to traffic having a subsequent movement by water); and Sub-No. 23F (in bulk, in tank vehicles only):

MC 31237 (Sub-13)X, filed March 13, 1981. Applicant: DIGNAN TRUCKING, INC., P.O. Box 7463, Baltimore, MD 21227. Representative: Frank B. Hand, Jr., 521 South Cameron Street, Winchester, VA 22601. Applicant seeks to remove restrictions in its Sub-No. 11F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives and commodities in bulk)" and (2) to remove restriction to the transportation of traffic having a prior or subsequent movement by water.

MC 32882 (Sub-159)X, filed March 16, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Luster, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 104F and 121F certificates to (A) broaden the commodity description in each certificate to "metal products and building materials" from buildings, building sections and panels, and metal prefabricated structural components and panels, and parts and accessories, and (B) broaden the territorial descriptions by removing the "except AK and HI" restriction, and removing the restriction limiting service to the transportation of traffic originating at the named origin in Sub-No. 104F, substitute county-wide authority in place of the specified facilities and city origins, and substitute radial authority in place of one-way authority, as follows: Sub-No. 104F, between Utah County, UT (facilities near Spanish Fork, UT), and points in

the United States; and Sub-No. 121F, between Kings County, CA (facilities at Hanford, CA), and points in 16 States.

MC 35320 (Sub-646)X, filed March 12, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 78 certificate to (1) broaden its commodity descriptions (a) in the regular and irregular route portion, sheets 1, 2, 7, 8, 11, and 12, from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", and (b) in the regular route portion, sheets 4 and 7, and in the regular route portion, sheet 12, from classes A and B explosives and general commodities (with exceptions), to "general commodities"; (2) remove a facilities limitation in the regular route portion, sheet 1 and 2; (3) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service, in the regular route portion, sheet 3, between Nashville, TN, and Evansville, IN, and St. Louis, MO; between McLeansboro, IL, and Evansville, IN; and between Morganfield, KY, and Henderson, KY; sheet 4, between Philadelphia, PA, and New York, NY; between Old Hickory, TN, and Philadelphia, PA; sheet 5, between Winchester, VA, and Philadelphia, PA; between Stephens City, VA, and Philadelphia, PA; sheet 6, between Murfreesboro, TN, and Chattanooga, TN; sheet 7, between Chattanooga, TN, and Rockwood, TN, between Murfreesboro, TN, and Monteagle, TN, between Chicago, IL, and Evansville, IN; and sheet 8, between Trenton, NJ, and Darby, PA; (4) eliminate the restrictions against transportation of shipments between specified combinations of points in AL, TN, NJ, and PA, regular route portion, sheets 1, 2, 3, 7, and 8; (5) in their regular route portion, sheet 13 eliminate the restrictions limiting traffic to that originating at or destined to points south of Philadelphia, PA, and precluding transportation of strictly local traffic between any 2 points north of the TN-VA state line; and on sheet 12, precluding transportation to strictly local traffic, but not interline traffic (6) in the regular route portion change one-way to radial authority between: points in NJ counties and CT; and PA counties and MA (with exceptions), (7) remove a restriction against tacking Sub-No. 78 with the applicant's lead certificate at Nashville, TN with regard to traffic moving to or from points in TN (except 7 cities) and (8) remove the restrictions

designating the particular regular route in connection with which the off-route points of Decator, IL, Cockeysville, MD, Portagen, IN, and Mt. Vernon, and Pride, IN, may be served to change the description to the off-route points "in connection with carrier's regular-route operation."

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 35958 (Sub-6)X, filed March 11, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Applicant seeks to remove restrictions in its lead certificate and subs 4F and 5F as follows: (1) in its lead certificate to broaden the commodity description from sand, gravel, crushed stone, slag and soil and earth strappings to "commodities in bulk"; (2) in Sub 4F to broaden the commodity description from agricultural lime, in bulk, in dump vehicles and limestone, in bulk, in dump vehicles, to "commodities in bulk," and to broaden the territory from DeVault and Norristown, PA to Chester and Montgomery Counties, PA and authorize radial service between those counties and points in Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Gloucester, Salem, Morris, Warren, Camden and Cumberland Counties, NJ; (3) in Sub 5F, to broaden the commodity description from slag, sand and gravel to "commodities in bulk," and to broaden the territory from Mornsville to Bucks County, PA, and authorize radial service between points in Bucks County, PA, on the one hand, and, on the other points in DE, MD, NJ and NY; to broaden the territory under its stone and stone products authority to authorize radial service between points in Berks County, PA, facility at Birdsboro, on the one hand, and, on the other, points in DE, MD and NJ; and to broaden the commodity description from sand and gravel to "commodities in bulk" and to broaden the territory to authorize radial service between Cumberland County, NJ (facilities at or near Millville), and points in MD, DE and PA.

MC 41406 (Sub-169)X, filed March 9, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 51, and 74F certificates (1) to broaden its commodity descriptions from general commodities with numerous exceptions to "general commodities (except classes A and B

explosives"); (2) to remove plantsite restrictions in all certificates; (3) to authorize county-wide service in place of city-wide authority, in the lead sheet 2, Porter County, IN for Burn Harbor, IN; and sheet 3, Porter County, IN for Portage, IN; Sub-No. 13, Porter County, IN for Burns Harbor, IN; Sub-No. 51, Posey County, IN for Mt. Vernon, IN, and; Sub-No. 74F, Jefferson County, IN for Madison, IN; and (4) in Sub-No. 51, remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by water or rail.

MC 42261 (Sub-154)X, filed March 17, 1981. Applicant: LANGER TRANSPORT CORP., P.O. Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its lead certificate (1) to broaden the commodity description in both the regular and irregular portions of the lead certificate from general commodities with various exceptions to "general commodities (except classes A and B explosives)"; (2) to broaden its commodity description from petroleum and petroleum products except medicinal petroleum products, paraffine wax, and asphalt, to "petroleum and petroleum products"; (3) remove restrictions limiting service to the transportation of commodities "in bulk, in tank trucks" or "loose and in packages", in sheets 3, 4 and 5, and; (4) to authorize radial authority in place of one-way movements, in sheets 3, 4 and 5, between specified points, generally, in NY, NJ, PA, DE, CT, and MA.

MC 52680 (Sub-9)X, filed March 9, 1981. Applicant: D. A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 North LaSalle-Suite 2027, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead permit (1) to broaden the territorial description to between points in the U.S., under continuing contract(s), and (2) to broaden the commodity description in part 2 of the lead permit from packinghouse products and supplies to "food and related products."

MC 73165 (Sub-546)X, filed March 11, 1981. Applicant: EAGLE MOTOR LINES, INC., 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 424, 425, 427, 445F, 482F, 487F, and 516F certificates to (1) broaden its commodity descriptions (a) in Sub-No. 424, from pipe, boiler tubing, and fabricated steel pipe, boilers and boiler parts, including valves, coal crusher-feeders, and burners, fabricated

steel weldments, steel castings, and steel plates, to "metal products, and machinery", (b) in Sub-No. 425, from air pollution control equipment, heating equipment and cooling equipment, and parts and accessories therefor, to "pollution control equipment, and equipment for heating, cooling, moving, humidifying and dehumidifying of air, gas, or liquid," (c) in Sub-No. 427, from metal working press, metal drawing press, metal rolling machinery, machine parts, wrought castings, weldings, and gear and materials and supplies used in the manufacture of such items (except commodities in bulk), to "machinery, and metal products and materials and supplies used in the manufacture of machinery and metal products", (d) in Sub-No. 445F, from material handling equipment, and parts, accessories and attachments for material handling equipment, to "machinery" (e) in Sub-No. 482F, from switch ties, bridge timbers, crossing panels, poles, posts, and wood products, and parts and accessories for the commodities thereof, to "lumber and wood products, and railroad equipment", and (f) in Sub-No. 487F, part (1), from urethane products and plywood, to "urethane products, and lumber and wood products", in part (2), from plywood, to "lumber and wood products"; (2) replace its facilities and/or cities with county-wide authority (a) in Sub-No. 424, facilities at Erie, PA, and Sapulpa, OK, with Erie County, PA, and Creek County, OK, (b) in Sub-No. 425, facilities at Houston, TX, with Houston, TX, (c) in Sub-No. 427, facilities at or near Salem, OH, with Columbiana County, OH, (d) in Sub-No. 445F, Crystal Lake, IL, and Houston, TX, with McHenry County, IL, and Harris County, TX, (e) in Sub-No. 482F, facilities at or near Lufkin, TX, with Angelina County, TX, (f) in Sub-No. 487F, facilities at Diboll, TX, and Angelina County, TX, and (g) in Sub-No. 516F, facilities at or near Pocatello, ID, with Bannock County, ID; (3) change its one-way authority to radial authority (a) in Sub-Nos. 424, 445F, 482F, 487F, and 516F, between the above-named counties, and points in the U.S., and (b) in Sub-No. 425, between Houston, TX, and points in the U.S. in and east of MN, IA, MO, OK, and TX; and (4) eliminate (a) in Sub-Nos. 427 and 516F, the commodities in bulk exceptions, and (b) in Sub-Nos. 424, 427, 445F, 482F, and 487F, the AK and HI exceptions.

MC 80653 (Sub-31)X, filed March 13, 1981. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove

restrictions in its Sub-Nos. 6F, 13F, 15F, 16F, 20F, 22F, 24F, and 28F certificates to (1) broaden the commodity descriptions from (a) turbines, heat exchangers, and parts to "machinery" in Sub-No. 6F; (b) iron and steel articles, corrugated steel sheets, materials, equipment, and supplies used in the manufacture or distribution of corrugated steel sheets to "metal products" in Sub-Nos. 13F, 15F, 16F, and 22F; (c) automotive and truck parts and empty containers to "machinery and transportation equipment" in Sub-No. 24F; and (d) crude silicon carbide and crude silicon carbide briquettes to "ores and minerals and clay, concrete, glass or stone products" in Sub-No. 28F; and (e) truck cabs, machinery, and machine parts to "machinery and transportation equipment" in Sub-No. 20F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 6F, 16F and 22F; (3) change city-wide to county-wide authority from Dover and Mansfield to Tuscarawas and Richland Counties, OH, respectively, in Sub-No. 15F; Montgomeryville to Montgomery County, PA in Sub-No. 16F; Allentown and Macungie to Lehigh County, PA, and Stockertown to Northampton County, PA in Sub-No. 24F; and Niagara Falls to Niagara County, NY in Sub-No. 28F; (4) expand one-way authority to radial authority between (a) Philadelphia, PA and points in the U.S. (except PA, MA, RI, CT, NY, NJ, DE, MD, VA, WV, NC and DC), in Sub-No. 6F; (b) Baltimore, MD and points in DE, VA, WV, TN, KY, IN, NC, and DC, and those points in PA on and west of a line beginning at the PA-MD State line and extending north on U.S. Hwy 220 to its junction with U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line; and Columbus, OH and points in PA, NY, NJ, CT, DE and VA in Sub-No. 13F; (c) Richland and Tuscarawas Counties, OH and points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, and DC in Sub-No. 15F; (d) Montgomery County, PA and those points in the US in and east of MN, IA, MO, AZ and LA in Sub-No. 16F; (e) Philadelphia, PA and those points in the US in and east of WI, IL, MO, AR and TX in Sub-No. 20F; and (f) Niagara County, NY and points in NJ, PA, DE, MD, VA, WV, OH, and DC in Sub-No. 28F; (5) remove the restriction against service to "AK and HI" in Sub-No. 6F; and (6) eliminate the facilities limitations in Sub-Nos. 6F, 13F, 15F, 20F, 22F, 24F and 28F.

MC 85970 (Sub-52)X, filed March 6, 1981. Applicant: SARTRAIN TRUCK LINE, INC., 1625 Hornbrook Street, P.O. Box 1298, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008

Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137 Applicant seeks to remove restrictions in its Authority acquired in MC-F-13938, to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and (2) broaden the territorial description to serve all intermediate points on its regular routes between Tiptonville and Union City, TN.

MC 107544 (Sub-158)X, filed March 17, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 153F certificate to (1) broaden the commodity description from chemicals, in bulk to "commodities in bulk"; (2) remove the "in tank vehicles" restriction; (3) expand city-wide to county-wide authority from Jonesboro to Clayton County, GA, Garyville to St. John the Baptist Parish, LA, and Muscle Shoals to Colbert County, AL.

MC 109397 (Sub-537)X, filed February 26, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs, (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 174, 508, 454, 177, 487, 226, 262, and 513 to (1) broaden the commodity descriptions (a) from irradiated source, special nuclear, radioactive and by-product materials, when moving in shielded shipping containers, in Sub-No. 174, and source, special nuclear, and by-products materials, radioactive materials, which because of size or weight require special equipment and handling, and related reactor equipment, component parts, and associated materials, in Sub-No. 454F (paragraph 64), to nuclear materials, radioactive materials, hazardous and industrial waste materials, (b) from classes A and B explosives in Sub-No. 508F and (1) commodities bearing a security classification by the United States Government, (2) weapons, and ammunition which are designated sensitive by the United States Government, and (3) drugs which are designated sensitive by the United States Government, in Sub-No. 177, to (1) ordinance and accessories, hazardous materials, and other dangerous articles; (2) blasting materials, supplies and agents; (3) chemicals, drugs, and related products; and (c) from oilfield equipment and supplies, pipe, pipe-line material, machinery and equipment incidental to and used in connection with the

construction, repairing, or dismantling of pipelines, in Sub-Nos. 487, and 454, aircraft ground support equipment (except automobiles, trucks and buses as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in Sub-No. 226, aircraft and aircraft parts, and equipment and machinery and parts and materials and supplies used in the maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk and except automobiles, trucks, and buses as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in Sub-No. 262, aircraft ground support equipment (except automobiles, trucks, and buses as defined in *Descriptions in Motor Carrier Certificates*, weighing less than 15,000 pounds, 61 M.C.C. 209 and 766), which because of size or weight requires the use of special equipment, in Sub-No. 454F, and (i) aerospace craft; (ii) aerospace ground support equipment, and aerospace ground support systems; (iii) attachments, materials, accessories and supplies used in the manufacture, maintenance, servicing, or operation of the commodities in (i) and (ii) above, (except commodities in bulk), in Sub-No. 513F, to (a) metal products; (b) machinery; (c) transportation equipment; and (d) commodities, which because of size or weight require the use of special equipment or special handling; (3) remove a restriction requiring a prior or subsequent movement by rail or water in Sub-No. 174, (4) remove exception of AK or HI from nationwide authority in Sub-Nos. 454F paragraphs 3, 23, and 64, 226, 262, and 513, (5) remove a restriction requiring commodities to move to or from pipe-line rights-of-way, and (6) remove a weight restriction in Sub-No. 177

MC 109881 (Sub-11)X, filed March 5, 1981. Applicant: STERNS TRANSPORT, INC, P.O. Box 397, Bradley Beach, NJ 07720. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 7, and 10 certificates and E-1 letter notice to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions) in the lead (sheets 1 and 2) and the above named sub numbers; (b) "food and related products" from sea-foods in the lead (sheet 2) and (c) "coal and related products" from coal in the lead (sheet 2); (2) replace some cities with county-wide authority: Metuchen and Nixon with Middlesex County, NJ, Point Pleasant, Bay Head, Lakewood, Long Beach

Island, Barnegat City and Beach Haven with Ocean County, NJ in the lead; Morrisville with Bucks County, PA in the lead and Sub-No. E-1; and Wall Township with Monmouth County, NJ, in Sub-Nos. 6 and 7; (3) eliminate the facility limitation at Schuylkill County, PA, in the lead; and (4) remove the restriction limiting service to interline traffic in the lead and Sub-Nos. 6, 7, and 10.

MC 111274 (Sub-70)X, filed March 10, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550 Representative: Frederick C. Schmidgall (same as applicant). Applicant seeks to remove restrictions in its Sub 25 and 26 certificate to broaden the territorial description to between points in the United States, under a continuing contract(s) with a named shipper.

MC 111496 (Sub-39)X, filed March 16, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 33F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) remove restrictions against service to intermediate points to authorize service at all intermediate points on its described regular routes between Fargo, ND and Portland, OR; between Kalispell, MT and Portland, OR, and between Wolf Point, MT and Beach, ND.

MC 115215 (Sub-41)X, filed March 9, 1981. Applicant: NEW TRUCK LINES, INC., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, Jr. (same as applicant). Applicant seeks to remove restrictions in its lead, and Sub-Nos. 13, 23, 24, 29, and 33, 35, 37 certificates to (1) broaden the commodity description from (a) lumber, wood chips, lumber products, poles, posts, timbers, wooden fence sections, wooden boxes, wooden posts, wooden poles, wooden timbers, plywood, pilings, crossties, and crossarms to "lumber and wood products" and forest products in lead and Sub-Nos. 23, 24, 33(b) in its lead certificate from bottle-carrying crates and plastic pipe to "rubber and plastic products and metal products"; (c) in its lead, sub 29 and 35 certificates from heavy machinery which requires special equipment, and lumber handling machinery and dry kiln outfits, to "machinery", (d) in its lead certificate from clay products to "clay, concrete, glass, or stone products"; (e) in Sub-No.

13 certificate from explosives, explosive components, and explosive products to "ordnance and accessories and hazardous products"; (1) in Sub-No. 37 certificate from sheet rock to "pulp, paper, and related products"; (2) by replacing city-wide authority with county-wide authority: Percy, FL, with Taylor County, FL, Duval County for Jacksonville, FL, Calhoun County for Blountstown, FL, Alachua County for Newberry, FL, Baldwin County for Milledgeville, GA, in lead; Perry, FL, with Taylor County, FL, in Sub-No. 13; Jacksonville, FL, with Duval County in Sub-No. 29; Alachua County for Gainesville, FL, in Sub-No. 33; (3) remove plantsite restrictions in the lead, Sub-Nos. 13 and 33 certificates; (4) remove a restriction against commodities in bulk in the lead certificate; (5) remove interlining restriction in the lead certificate; (6) remove a subsequent movement by water restriction in the Sub-No. 29 certificate; and (7) expand the territorial authority from one-way to radial authority primarily between the southeastern states in the lead, and Sub-Nos. 13, 23, 24, 29, 33, 35, 37

MC 116645 (Sub-35)X, filed March 9, 1981. Applicant: BULK TRANSPORTERS, INC., P.O. Box 127, Gilcrest, CO 80623. Representative: Leslie R. Kehl, Suite 1600, 1660 Lincoln St., Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 10, 11, 13, 16, 22, 26F, 27F, and 28F certificates to (1) broaden the commodity description in each to read "commodities in bulk" from various specific food products in bulk, in tank vehicles, as follows: liquid and dry sugar, syrup and molasses, blends of sugar and syrup, vinegars, milk and milk products, animal and vegetable oils, liquid animal feed, and distillery solubles, and also remove the in tank vehicle restrictions; (2) broaden the territorial descriptions to authorize county-wide authority in place of specified cities and plantsites, and change from one-way service to radial service: lead certificate, between points in Adams, Boulder, Larimer, Logan, Morgan, Sedgwick, and Weld Counties, CO (Johnstown, Brighton, Eaton, Fort Morgan, Greeley, Longmont, Loveland, Ovid, and Sterling, CO), and Denver, CO, and points in KS, MN, MO, NE, NM, OK, TX, UT and WY; Sub-No. 6, between Delta County, CO (Delta, CO), and Kansas City, MO; Sub-No. 8, between points in Adams, Arapahoe, Jefferson, and Denver Counties, CO, and points in TX, WY, and UT; Sub-No. 10, between points in Scotts Bluff County, NE (Morrill, NE) and Weld County, CO

(Lucerne, CO), and points in CO, WY, NE, SD, UT, KS, MT, and ID; Sub-No. 11, between Jefferson County, CO (Wheat Ridge, CO), and points in CO, KS, NE, and OK, Sub-No. 13, between Denver, CO (plantsite near Denver, CO), and points in AZ, CO, KS, NE, NM, OK, TX, UT, and WY; Sub-No. 16, between Denver, CO, and points in 20 States, and between Arkansas County, AR (Stuttgart, AR), and points in OR, TX, and Denver, CO; Sub-No. 22, between Logan County, CO (facilities at Sterling, CO), and points in CO, MT and WY, and described portions of SD, NE, and KS; Sub-No. 26F, between Logan County, CO (facilities at Sterling, CO), and points in six States; Sub-No. 27F, between Weld County, CO, and points in AZ, MT, ND, and SD; Sub-No. 28F, between points in Scotts Bluff County, NE (Minatare, NE), and points in KS, and points on and north of Interstate 40 in NM, OK and TX. Applicant also seeks to remove a restriction against the transportation of molasses destined to points in CO, SD, KS and NE in Sub-No. 10.

MC 118859 (Sub-12)X, filed March 16, 1981. Applicant: BULLOCK TRUCKING COMPANY, INC., P.O. Box 1634, Thomasville, GA 31792. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 11F certificate to (1) broaden the commodity description from lumber (except plywood) to "construction materials", and (2) broaden its one-way authority to radial authority between points in AL, and, points in GA, and between points in GA, and, points in FL and SC.

MC 120098 (Sub-40)X, filed March 17, 1981. Applicant: UINIAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, UT 84104. Representative: Patrick J. Farley (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 4 certificate to (1) broaden the commodity descriptions from well-servicing equipment and supplies, and drilling parts and supplies, except drilling rigs and tubular goods, and except carbon dioxide in bulk, in tank vehicles to "mercator commodities" and (2) to remove restriction of traffic originating at or destined to Vernal, UT.

MC 120772 (Sub-2)X, filed March 10, 1981. Applicant: MIDWAY CARTAGE, INC., 4900 S. Merrimac Avenue, Chicago, IL 60638. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions in its MC 149332F permit to: (1) expand the commodity description from aluminum articles to "metal products"; (2) remove the restriction against the transportation of commodities in bulk; and (3) broaden

the territorial description to authorize service between points in the U.S. under continuing contract(s) with a named shipper.

MC 123023 (Sub-18)X, filed March 12, 1981. Applicant: DIPIETRO TRUCKING CO., 8612 South 218th Street, Kent, WA 98031. Representative: George H. Harl, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its MC 141140 (Sub-No. 1) permit to (1) broaden the commodity description from flour, flour preparations, cereals, frosting preparations, sugar and salt to "food and related products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 124045 (Sub-4)X, filed March 16, 1981. Applicant: RAYMOND G. WISHARD d.b.a. WISHARD TRUCKING, RD 5, Chambersburg, PA 17201. Representative: Charles E. Creager, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to broaden the commodity description in its Sub-No. 3 from cullets to "commodities in bulk".

MC 124083 (Sub-63)X, filed March 4, 1981. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 9, 11, 22, 24, 25, 27, 30, 33, 36, 37, 41, 44, 46, 48, 51, 52, 53, 55, 56, 57, 58, 59, and 61 certificates to (1) broaden the commodity descriptions in all certificates to "commodities in bulk" from: pig iron in Sub-No. 2, coke in Sub-No. 3, ferro alloys, pig iron, coke and slag, scrap metal, and coal in Sub-No. 9, in bulk road building materials and construction materials (except liquid bulk in tank vehicles) and dry bulk commodities (not including cement) in Sub-No. 11, salt, not for human consumption in Sub-No. 15; coke and pig iron in Sub-No. 24, coke in Sub-Nos. 22, 25, and 27, salt in Sub-No. 30, salt (except in packages) in Sub-No. 33, lead litharge in Sub-No. 36, diammonium phosphate in Sub-No. 37, dolomite in Sub-No. 41, scrap metal in Sub-No. 44 and 51, ferrous sulphate crystals in Sub-No. 46, soda ash in Sub-No. 48, scrap rubber in Sub-No. 52, scrap metal and dry commodities in Sub-No. 53, salt and salt products in Sub-No. 55, dolomite limestone in Sub-No. 56 and 59, dry bulk commodities in Sub-No. 57, scrap metal, and metal for remelting in Sub-No. 58, and fertilizer in Sub-No. 61F, (2) eliminate the facilities limitations in

Sub-Nos. 37, 53, 55, 57 and 61F, (3) remove restriction against liquid bulk materials in tank vehicles in Sub-No. 11; and coke in unit bulk pack containers in Sub-No. 22, (4) remove a restriction requiring dump vehicles and/or similar self-unloading equipment in Sub-Nos. 2, 3, 11, 25, 27, 30, 41, 44, 46, 48, 52, 56, 57, 58, 59, and 61, (5) remove restriction requiring prior and/or subsequent movement by rail and/or water in Sub-Nos. 11, 24 and 53, (6) remove river terminals limitations at Madison and Aurora, IN in Sub-No. 11; (7) remove originating at and/or destined to restrictions in Sub-Nos. 37 and 53; (8) replace city-wide with county-wide authority in Sub-No. 56 Portland, IN with Jay County, IN, in Sub-No. 57 Owensboro, KY with Daviess County, KY; in Sub-No. 37 Depue, Colfax and Riverdale, IL, and Des Moines, IA with Bureau, McLean, and Cook Counties, IL and Polk County, IA; (9) authorize radial service in lieu of one-way between (a) Bureau, McLean, and Cook Counties, IL and Polk County, IA, and points in KS, NE, SD, ND, and MN, (b) Jay County, IN, and , points in NY and WV, and (c) Daviess County, KY, and, points in AR, VA and WV.

Note.—The authority contained in certificates listed above will be subsumed by Sub-Nos. 53, 56, 57, and 37 [above] and by Sub-No. 58 which reads "Between points in IL, IN, MI, OH, PA, IA, MO, KY and TN."

MC 124230 (Sub-43)X, filed March 17, 1981. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, CO 81321. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-42F certificate by broadening the commodity description from ore and ore concentrates, in bulk to "commodities in bulk".

MC 125335 (Sub-117)X, filed March 9, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82818, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 16F, 24F, 57F, 49F, 52F, 32F, 67F, 68F, and 106F certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)," from general commodities (with the usual exceptions), in Sub-No. 9F; (b) "pulp, paper and related products," from paper and paper products in Sub-No. 16F; (c) "petroleum, natural gas and their products, chemicals and related products, rubber and plastic products" from petroleum, petroleum products, vehicle body sealer, sound deadener compounds and filters,

and materials, equipment, and supplies used in the manufacture and distribution of those commodities, in Sub-No. 49F and 52F; (d) "rubber and plastic products, and pulp, paper and related products," from plastic and plastic products and paper and paper products, and materials, equipment and supplies, in Sub-No. 68F; (e) "rubber and plastic products," from plastic containers, in Sub-No. 106F; and (f) "machinery, metal products, and transportation equipment" from motorcycles and recreational vehicles, components and accessories, in Sub-No. 67F; (2) delete the commodities in bulk restriction, in Sub-Nos. 24F, 32F, 49F, 52F, and 57F, and the restriction prohibiting the transportation of frozen commodities, in Sub-No. 32F; (3) remove the restriction limiting the transportation of traffic to named plantsites, in Sub-Nos. 16F, 24F, 32F, 49F, 57F and 67F; (4) broaden the territory description to county-wide authority in lieu of existing one-way service: (a) New Haven County, CT, for New Haven, CT; Onondaga County, NY, for Syracuse, NY; and Providence County, RI, for Pawtucket, RI, in Sub-No. 9F; (b) Hancock and Pleasants Counties, VA, for Congo and St. Marys, VA, in Sub-No. 52F; (c) Cook County, IL, for Chicago Heights, IL, in Sub-No. 57F; (d) Dauphin and York Counties, PA for York and Middletown, PA, in Sub-No. 67F; (e) Gwinnett County, GA and Cumberland County, NJ, for Norcross, GA, and Millville, NJ, in Sub-No. 68F; and (f) New Hanover County, NC, for Wilmington, NC, in Sub-No. 106F; (5) authorize radial authority in place of existing one-way service between (a) New Haven County, CT, Baltimore, MD, Boston, MA, Detroit and Grand Rapids, MI, Onondaga County, NJ, Troy and New York, NY, Cleveland and Cincinnati, OH, Harrisburg, Philadelphia and Pittsburgh, PA, and Providence County, RI, and Jacksonville, Orlando, Tampa and Miami, FL, in Sub-No. 9F; (b) Mobile, AL and points in FL, in Sub-No. 16F; (c) Chicago, IL, and Kansas City and Leavenworth, KS, points in FL and MO, in Sub-No. 24F; (d) Forest Park, GA, and points in FL, in Sub-No. 32F; (e) Warren County, MS, and points in FL, GA, IL, IA, KS, MO, NE, NJ, NY, OK, PA, TN, TX, and WI, in Sub-No. 49F; (f) Hancock and Pleasants Counties, VA, and points in AL, AR, GA, FL, MS, NC, OK, SC, TN, and TX, in Sub-No. 52F; and, (g) Cook County, IL, and points in IA, MN, NE, ND, SD, WI, and KS, (except Kansas City and Leavenworth, KS), in Sub-No. 57F; (h) York and Dauphin Counties, PA, and points in WI, IA, KS, NE, MN, AL, GA, MS, FL, and MO, in Sub-No. 67F; (i) between Gwinnett County, GA, and

Cumberland County, NJ; and between the 2 specified counties in GA and NJ and points in NC, SC, AL and FL, in Sub-No. 68F; and (j) New Hanover County, NC, and points in the U.S. in and east of CO, ND, NE, SD, OK, and TX, in Sub-No. 106F; and (6) eliminate the restriction limiting traffic to that which is moving on freight forwarders bills of lading, in Sub-No. 9F.

MC 125924 (Sub-8)X, filed March 9, 1981. Applicant: MARIS TRANSPORT LTD., P.O. Box 158, Oakville, Ontario Canada, L6J 4Z5. Representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5, and 7F certificates to (1) broaden the commodity description from automobiles, trucks, buses, farm tractors, motor vehicles to "transportation equipment, and machinery" in all of the above Sub-Nos., (2) remove "mixed loads" restriction in Sub-Nos. 4 and 5; (3) authorize county-wide service for city-wide authority: Wayne County for Dearborn & Wayne, MI, in Sub-No. 4; (4) remove a Canadian plantsite restriction in Sub-No. 5; (5) authorize radial service in lieu of existing one-way authority between US-CN line located in MI, NY and points in MI, IN, OH, PA, NY, VT, NH, in Sub-No. 5; between Detroit, MI, and ports of entry on the boundary line of US-CN in MI (from Detroit, MI) in Sub-No. 7; (6) remove restriction limiting transportation to traffic originating at or destined to points in CN in Sub-No. 4, and (7) remove the commodity exception "except trailers" in Sub-No. 7.

MC 127524 (Sub-31)X, filed March 18, 1981. Applicant: QUADREL BROS. TRUCKING CO. INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 21F certificate to (1) broaden commodity description from mineral oil (in marinated tankwagon in bulk) to "commodities in bulk", (2) replace city with county-wide authority: Bayonne and Bayway, NJ with Hudson and Union Counties, NJ, (3) delete the restriction requiring that shipments have a prior or subsequent movement by water, and (4) authorize radial service in place of one-way, between Hudson and Union Counties, NJ, and, Baltimore, MD.

MC 129086 (Sub-34)X, filed March 16, 1981. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions from its Sub-No. 25

certificate to broaden the commodity description from cullet, in bulk to "commodities in bulk"

MC 133119 (Sub-190)X, filed March 16, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its Sub-Nos. 14, 30F, 42, 57, 58, 61, 72, 79, 96, 144F, 145F, 159F, 165F, 171F, 177F, and 185F certificates to broaden the commodity descriptions, as follows: Sub-Nos. 42 and 58, to "food and related products" from meat, meat products and by-products, and articles distributed by meat packinghouses as described in Sections A and C of the *Descriptions case*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk); Sub-Nos. 14, 30F, 57, 61, 72, 145F and 165F to "farm products and food and related products" from bananas, and agricultural commodities and products exempt from regulation under Section 203(b)(6) of the Act and 49 U.S.C. 10526(a)(6) when transported in mixed loads with bananas; and Sub-Nos. 79, 96, 144F, 159F, 171F, 177F, and 185F to "food and related products" from dehydrated potato products, frozen foods and materials and supplies, and foodstuffs (except commodities in bulk).

Applicant also seeks to broaden the territorial descriptions by removing restrictions limiting service to the transportation of shipments originating at named facilities and destined to named destinations (Sub-Nos. 42, 58, 72, 79, 96, 144F and 171F), limiting service to shipments having an immediately prior movement by water (Sub-Nos. 14, 57, 61 and 72) or having a subsequent movement in foreign commerce (Sub-No. 58), and limiting service to transportation of traffic in shipper-owned containers equipped with mechanical refrigerations (Sub-No. 72). It also seeks to remove the restriction excluding service in AK, HI, and TN in Sub-No. 144F, substitute county-wide authority in place of the named facilities and cities, and authorize radial service in place of existing one-way authority, as follows: Sub-No. 42, between Amarillo, TX, and points in 18 States; Sub-No. 58, between Amarillo, TX (Facilities near Amarillo, TX), and points in 18 States; Sub-No. 79, between Laramie County, WY, and points in the U.S. (except WY, MT, ID, WA, OR, ME, VT, NH, CT, RI and MA); Sub-No. 96, between Macon County, GA (Montezuma, GA), and points in 18 States and a described portion of FL, Sub-No. 144F, between points in Davidson and Rutherford Counties, TN (facilities near Nashville and

Murfreesboro, TN), and points in the U.S., Sub-No. 159F, between Omaha, NE and points in Albany County, WY (Laramie, WY), and points in 27 States; Sub-No. 171F, between points in Hancock County, OH (facilities near Findlay, OH), and points in 12 States; Sub-No. 177F, (a) between points in Lapeer, Saginaw, and St. Clair Counties, MI (facilities near Imlay City, Bridgeport, and Memphis, MI), and points in eight States, (b) between points in Washington County, MS (facilities near Greenville, MS), and points in 15 States, and (c) between points in Lapeer, Saginaw, and St. Clair Counties, MI (facilities near Imlay City, Bridgeport, and Memphis, MI), and Washington County, MS (facilities near Greenville, MS); Sub-No. 185F, between points in Shelby County, TN, and points in the U.S., Sub-No. 14, between points in Carteret County, NC (Morehead City, NC), and points in ND, IA, and MN; Sub-No. 30F, between points in Charleston County, SC (Charleston, SC), and points in MN, ND, and WI; Sub-No. 57, between points in Mobile County, AL (Mobile, AL), and points in eight States and the ports of entry on the U.S.-Canadian boundary line in MT, Sub-No. 61, between Galveston County, TX (facilities at Galveston, TX), and points in MN, MT, ND, SD, and WI; Sub-No. 72, between points in Harrison County, MS (facilities at Gulfport, MS), and points in eight States; Sub-No. 145F, between points in Hillsborough County, FL (Tampa, FL), and points in 16 States; and Sub-No. 165F, between points in Galveston County, TX (Galveston, TX), and points in CO, KS, NE, IA, IL, and MO.

MC 133591 (Sub-141)X, filed March 13, 1981. 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 with county-wide authority: St. Joseph, MO, with Buchanan and Andrew Cos., MO; 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

MC 135524 (Sub-164)X, filed March 9, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Road, Youngstown, OH 44509. Applicant seeks to remove restrictions from its Sub-Nos. 22F, 33F, 37F, 44F, 46F, 52F, 56F, 60F, 65F, 66F, 73F, 75F, 77F, 78F, 80F, 96F, 97F, 103F, 104F, 105F, 106F, 109F, 124F, and 150F certificates to (1) broaden the commodity description in the following Subs: (22F) from clay and clay products to "clay, concrete, glass, or stone products"; (33F) from aluminum and zinc alloy ingots to "metal products"; (37F) from zinc, zinc dust, metallic cadmium, lead sheets, and materials, equipment and supplies to "metal products, machinery, ore and minerals, and clay, concrete, glass or stone products"; (46F, 73F, and 75F) from foodstuffs and non-alcoholic carbonated beverages, fountain syrups and fruit juices to "food and related products"; (52F, 124F and 150F) from iron and steel articles, equipment, and materials, and supplies to "metal products"; (56F, 106F, and 109F) from lumber, lumber mill products, forest products, and wood products to "lumber and wood products, building materials and forest products"; (60F) from pallets to "lumber and wood products, rubber and plastic products and building materials"; (65F) from pre-cut logs and wooden buildings and materials and supplies used in the construction, installation and erection thereof, to "lumber and wood products, machinery, forest products, metal products and building materials"; (66F and 97F) from railway car wheels, locomotive wheels, railway axles, railway bearings, and materials, equipment and supplies used in the manufacture and distribution thereof, to "metal products, transportation equipment, rubber and plastic products and machinery"; (77F) from magnesium to "metal products and ores and minerals"; (75F) from lumber to "lumber and wood products, building materials and forest products"; (80F) from steel sheets and steel coils to "metal products"; (96F) from steel tubing to "metal products"; (103F) from refractories, refractory products, brick, and materials, equipment and supplies to "clay, concrete, glass and stone products, building materials and machinery"; (104F) from iron and steel articles to "metal products"; and (105F) from metal rolling mill machinery, parts and supplies to "machinery, metal products, rubber and plastic products"; (2) remove the restriction except AK and HI from the following Subs: 37F, 46F,

52F, 60F, 66F, 96F, 97F, 105F, 124F and 150F; (3) remove the restriction against bulk commodities in Subs: 66F, 73F, 97F and 150F; (4) remove the facilities limitations in 22F, 33F, 46F, 52F, 56F, 60F, 65F, 66F, 73F, 77F, 80F, 96F, 104F, and 150F; and (5) expand facilities or specific point authority to county-wide authority and also expand its one-way to radial authority in the following Subs: (22F) between Thomas County, GA (plantsite near Meigs, GA), and, 38 States; (33F) between Cuyahoga County, OH (plantsite at Maple Heights, OH), and those points in the U.S. and east of MN, IA, MO, AR, and LA; (37F) between Beaver County, PA (Josephstown, PA), and, U.S.; (46F) between Broome County, NY (plantsite Johnson City, NY), and, U.S.; (52F) between Monroe County, MI (plantsite Monroe, MI), and, U.S.; (56F) between Kootenai, Benewah, Latah, Nez Perce, Lewis, Clearwater Counties, ID (plantsites near Coeur d'Alene, St. Maries, Poylatch, Lewiston, Kamiah, Spalding, Jaype, Santa, Post Falls, ID), and IN, KY, MI, MO, OH, PA, TN, and WV; (60F) between Westmoreland County, VA (Kinsale, VA), and, U.S.; (65F) between Missoula County, MT (plantsite Missoula, MT), and, those points in the U.S. in and east of MN, IA, MO, AR and LA; (66F) between Lee County, IA (facilities at Keokuk, IA), and, U.S.; (73F) between Northumberland County, PA (plantsite near Milton, PA), and, FL, GA, NC, and SC; (75F) between Columbus, OH, and MI, IN, KY, WV, PA, and NY; (77F) between Scuiry County, TX (plantsite near Snyder, TX), and, IL, IN, IA, KY, NE, NJ, OH, PA, and WV; (78F) between Flathead, Ravalli and Beaverhead Counties, MT (Columbia Falls, Darby and Dillon, MT), and those points in the U.S. in and east of ND, SD, NE, KS, OK and TX; (80) between Birmingham, AL, and, those points in the U.S. in and east of MN, IA, MO, OK, and TX; (96F) between Chicago, IL and Dallas County, TX (plantsite Chicago, IL and Carrollton, TX), and, points in the U.S.; (97F) between Cambria County, PA (Quemahoning Township, PA), and, points in the U.S.; (103F) between Audrain County, MO (Farber, MO) and 22 named States; (104F) between Toledo, OH, and, IL, IN, KY, MI, PA, TN, WI, and WV; (105F) between Columbiana County, OH (Salem, OH), and points in the U.S.; (106F) between facilities in MN, and, points in the U.S. in and east of MN, IA, MO, AR, and LA; (109F) between points in OR, WA, ID and MT, and, points in 11 named States, restricted to traffic originating at the facilities of a named shipper; (124F) between Jefferson County, IN (Madison,

IN), and, points in the U.S., and, (150F) between Muscatine County, IA (Wilton, IA), and, points in the U.S.

MC 135598 (Sub-56)X, filed March 6, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, 7, 8, 9, 11F, 12F, 13F, 15F, 17F, 19F, 21F, 22F, 24F, 25F, 30F, 31F, 32F, 34F, 35F, 36F, 37F, 39F, 40F, 41F, 42F, 43F, 45F, 46F, 47F, and 48F to (1) broaden the commodity descriptions as follows: from dump vehicle bodies, trailer and dump vehicle attachments to "transportation equipment" in Sub-No. 3; from charcoal to "coal and coal products and lumber and wood products" in Sub-Nos. 4, 34, 40, and 43; from dry animal and poultry feed mineral mixtures in Sub-No. 6 and also malt beverages, ingredients used in animal and poultry feeds, to "food and related products" in Sub-Nos. 6, 8 (parts 1 and 2), 12, 13, 15, 17, 24, 32, 35, 42, 47; from tonics, medicines, dry earth paint and insecticides to "chemicals and related products"; from livestock and poultry feeders to "machinery" in Sub-Nos. 8 (part 2) and 32; from racks, pallet, storage or warehouse and materials, in Sub-Nos. 7 and 48, from wood store fixtures, in Sub-No. 19 and from store furniture, fixtures, furnishings, shelving, in Sub-No. 45 (part 1) to "furniture and fixtures"; from (1) limestone, limestone products, mineral mixtures and trace mineral ingredients, and (2) ingredients used in the manufacture of the commodities in (1) above to "clay, concrete, glass, and stone products, food and related products, and chemicals and related products" in Sub-No. 11; from (1) paper and paper articles and (2) materials and supplies used in the manufacture or distribution of the commodities named in (1) above to "pulp, paper and related products" in Sub-No. 21 and from (1) wrapping paper, cellulose film products, foil pans and foil wrappers, and material, equipment and supplies used in the manufacture and distribution of the commodities in (1) above to "pulp, paper and related products, rubber and plastic products and metal products" in Sub-No. 36F; from (1) air compressors, air compressor parts, power pumps, power pump parts, machine parts, internal combustion engines and rough castings and (2) materials used in the manufacture of air compressors, air compressor parts, power pumps and power pump parts to "machinery and rough casting" in Sub-No. 25; from iron and steel articles in Sub-No. 30, and aluminum and zinc ingots in Sub-No. 37 to "metal products";

from chemicals, cleaning and scouring compounds, buffing and polishing compounds, in containers, in Sub-Nos. 31 and 41, and paint and paint products, in Sub-No. 39, to "chemicals and related products"; from urethane foam panels, and materials, equipment and supplies used in the manufacture of urethane foam panels to "rubber and plastic products" in Sub-No. 48; (2) to broaden the territorial scope by: removing and/or replacing named facility limitations with country-wide authority and replacing one-way authority with radial as follows: in the lead, Adams County for Quincy, IL; in Sub-No. 22, Lee County, IA, for Keokuk, IA, and to authorize radial authority in lieu of one-way authority in the basic Certificate between Adams County, IL, on the one hand, and, on the other, points in IL, MO, IA, and WI; in Sub-No. 22, between Lee County, IA, on the one hand, and, on the other, and points in the U.S.; and in Sub-No. 30, between those points in IN located in the Chicago Commercial Zone, on the one hand, and, on the other, a described area in IL and IA; in Sub-Nos. 6 and 8; Adams County, IL, for Quincy, IL, in Sub-No. 8, Henry County for Alpha, IL, and Des Moines County for Burlington, IA; in Sub-No. 12, Adams and Peoria Counties for Quincy and Peoria, IL, Marion County for Hannibal, MO, Audrain County for Mexico, MO; and in Sub-No. 13, Des Moines County for Burlington, IA; in Sub-No. 15, Adams County, IL, for Quincy, IL; in Sub-No. 17, Houston County for Pabst, GA, in Sub-No. 24; Lee County for Fort Madison, IA, and Adams County for Quincy, IL; in Sub-No. 32, Adams County for Quincy, IL; in Sub-No. 35, Franklin County for Columbus, OH, McDonough and Adams Counties for Macomb and Quincy, IL, Des Moines County for Burlington, IA, and Marion County, for Hannibal, MO; in Sub-No. 42, Franklin County for Frankfort, KY, and Adams County for Quincy, IL; and, in each instance (except Sub-No. 47 which already contains round-trip authority) to authorize radial authority in lieu of one-way authority between each of the respective counties, on the one hand, and, on the other, points in the states of IA, MO, WI, IL, KY, TN, and AL; in Sub-No. 7, Adams County for Quincy, IL, and to authorize radial authority between Adams County and Rock Island, IL, on the one hand, and, on the other, all points in the U.S.; in Sub-No. 9, Henry County, for Paris, TN, Pulaski County for Olmstead, IL, and Stoddard and Scott Counties for Bloomfield and Oran, MO; in Sub-No. 21, Lake Marion and Knox Counties for Griffith, Indianapolis, and Vincennes, IN, Marshall County for Marshalltown,

IA, St. Louis County for Bridgeton, MO, Madison and Davidson Counties for Jackson and Nashville, TN, and Racine County for Burlington, WI; in Sub-No. 25, Adams County for Quincy, IL, in Sub-No. 31, Rankin County for Pearl, MS; in Sub-Nos. 4 and 34, Osage County for Meta, MO; in Sub-No. 40, Crawford and Texas Counties for Wesco and Plato, MO; and in each instance (except Sub-No. 43), to authorize radial authority in lieu of one-way authority between each of the respective counties, and the states of AL, AR, CO, DE, KS, KY, IL, IN, IA, LA, MD, MI, MN, MS, MO, NE, ND, NJ, NY, OH, OK, PA, SD, TN, TX, VA, WV, WI, and GA, or all points in the U.S.. in Sub-No. 11, Adams County for Quincy, IL, and Marion County for Hannibal, MO, and to authorize radial authority in lieu of one-way authority in said counties on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MI, MO, OH, TN, and WI; in Sub-No. 3, Rock County for Edgerton, WI, Cole County for Jefferson City, MO, and Champaign County for Urbana, IL, and to authorize radial authority in lieu of one-way authority between the involved counties; in Sub-No. 19, Adams County for Quincy, IL, in Sub-No. 45, Kaufman County for Terrell, TX, and in Sub-No. 46, Denton County for Louisville, TX, and in Sub-Nos. 19 and 46 to authorize radial authority in lieu of one-way authority between the involved counties, on the one hand, and, on the other, all points in the U.S., in Sub-No. 36, Lee County for Fort Madison, IA, and Clay County, MS, for West Point, MS; in Sub-No. 37, Cuyahoga County for Maple Heights, OH, and to authorize radial authority in lieu of one-way authority between the involved county, on the one hand, and, on the other, points in IL, IN, IA, MO, and WI; in Sub-No. 39, Lee County for Fort Madison, IA, and to authorize radial authority in lieu of one-way authority between Lee County, IA, on the one hand, and, on the other, points in CT, MA, NJ, and PA; in Sub-No. 41, Kendall County for Plano, IL, Fulton County for Atlanta, GA, Lee County for Fort Madison, IA, Lake and Seneca Counties for Paynesville and Fostoria, OH, Montgomery County for Fort Washington, PA, Passaic County for Clifton, NJ, Oklahoma County for Oklahoma City, OK, Hampden County for Springfield, MA, and Jefferson County for Birmingham, AL, and to authorize radial authority in lieu of one-way authority between Kendal County, IL, and the other named counties; and (3) remove the in bulk, except in bulk, and/or in tank vehicles restrictions in Sub-Nos. 6, 8, 11, 25, 36, 39, and 43; and

(4) remove the restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 3, 4, 7, 8, 17, 21, 25, 31, and 43.

MC 136646 (Sub-6)X, filed March 6, 1981. Applicant: LE MARS TRANSPORT, INC., P.O. Box 353, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-Nos. 1, 2 and 5 certificates to (1) broaden the commodity description to (a) "petroleum, natural gas and their products" from anhydrous ammonia in Sub-Nos. 1 and 5; (b) "chemicals and related products" from liquid fertilizer in Sub-No. 2; (2) delete the "in bulk, in tank vehicles" restriction in Sub-No. 1; (3) delete the plantsite restriction in Sub-No. 5; (4) broaden city-wide service to county-wide authority: Sac, Webster, and Clay Counties for Early, Fort Dodge, and Spencer, IA, in Sub-No. 1; Dubuque County with Dubuque, IA, in Sub-No. 2; Woodbury and Webster Counties for Sergeant Bluff and Fort Dodge; IA, in Sub-No. 5, (5) authorize radial service in place of existing one-way authority between the counties named above and points in MN, IL, WI, MN, ND, SD, NE in all referenced authority.

MC 138520 (Sub-3)X, filed March 9, 1981. Applicant: R. JOHNS TRANSFER, INC., 2206 Patterson Ave., S.W., Roanoke, VA Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 1 certificate against transporting (1) commodities in bulk, (2) commodities the transportation of which require the use of special equipment, and (3) commodities in trailers or containers, having a prior or subsequent movement by water and foreign commerce; and; (4) broaden the commodity descriptions from paper and paper products to "pulp, paper and related products"; beer and wine to "food and related products"; tires, tubes, to "rubber and plastic products"; appliances and lawn mowers to "machinery"; motor oil and its by-products to "petroleum, natural gas and their products".

MC 142059 (Sub-164)X, filed March 6, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joilet, IL 60434. Representative: Jack Riley (same as applicant's). Applicant seeks to remove restrictions in its Sub-Nos. 7, 13, 14, 18F, 25F, 45F, 49F, 60F, 65F, 69F, 71F, 72F, 93F, 99F, 110F, 111F, 120F, 127F, 128F, 129F, and 131F certificates to broaden its commodity descriptions to (1) "food and related products" from foodstuffs in Sub-Nos. 7, 45F, 65F, 69F,

72F, 99F, and 127F; from hides in Sub-No. 18F; and from frozen potatoes and potato products in Sub-No. 49F, (2) "rubber and plastic products and building materials" from plastic foam products and building materials in Sub-No. 13, (3) "rubber and plastic products" from plastic foam articles in Sub-No. 14, (4) "pulp, paper and related products" from paper and paper articles in Sub-Nos. 25F and 129F, (5) "lumber and wood products" from lumber and lumber mill products in Sub-No. 60F, (6) "pulp, paper and related articles and building materials" from wallboard and fibreboard in Sub-No. 71F, (7) "clay, concrete, glass or stone products, chemicals and related products, lumber and wood products, metal products, petroleum or coal products and rubber and plastic products" from tile and accessories in Sub-No. 110F, (8) "clay, concrete, glass or stone products" from calcined magnesite in Sub-No. 111F, and from precast concrete products, modular mausoleum crypt systems, concrete forming systems and precast modular crypt units in Sub-No. 128F, and from flat glass and glass glazing units in Sub-No. 131F, and (9) "pulp, paper and related products and rubber and plastic products" from paper and paper articles and plastic bags in Sub-No. 120F. Applicant seeks to replace specified plantsites and/or cities with countywide or citywide authority as follows: in Sub-No. 7, Champaign, IL, to Champaign County, IL; in Sub-No. 14, Belvidere, IL to Boone County, IL; in Sub-No. 18F, Dakota City, NE, to Dakota County, NE; in Sub-No. 25F, Normal, IL, to McLean County, IL, Sub-No. 45F and 99F, Jacksonville, IL, to Morgan County, IL; Sub-No. 49F, Plover and Beaver Dam, WI, to Dodge and Portage Counties, WI; Sub-No. 65F, Bethlehem, Mechanicsburg and Shiremanstown, PA, to Cumberland, Leigh and Northampton Counties, PA; Sub-No. 69F, DeKalb, Mendota and Rochelle, IL and Arlington, Markeson and Plover, WI, to DeKalb, LaSalle and Ogle Counties, IL, and Columbia, Green Lake and Portage Counties, WI; Sub-No. 71F, Lockport, NY, to Niagara County, NY; Sub-No. 72F, Hoopston and Princeville, IL, and Mayville, WI, to Peoria and Vermilion Counties, IL, and Dodge County, WI; Sub-No. 93F, Plainfield, IL, to Will County, IL; Sub-No. 111F, Tuscumbia, AL, to Colbert County, AL, Sub-No. 127F, Findlay, OH, to Hancock County, OH; Sub-No. 128F, Oshkosh, WI, to Winnebago County, WI, Dade City, FL, to Pasco County, FL, and from Laurel, MD, to Prince Georges County, MD; Sub-No. 129F, Downingtown, PA, to Chester County, PA; and Sub-No. 131F, Carson and

Fullerton, CA, to Los Angeles and Orange Counties, CA, Cinnamunson, NJ, Burlington County, NJ, Lancaster, OH, to Fairfield County, OH, and Truesdail, MO, to Warren County, MO. Applicant also seeks to replace one way authority to radial authority in Sub-Nos. 7, 14, 18F, 25F, 45F, 49F, 65F, 69F, 71F, 72F, 99F, 110F, 111F, 127F, 128F, 129F, and 131F, between the above counties and points throughout the U.S. Applicant seeks to eliminate all restrictions against service to AK and HI and delete all plantsite and "originating at and destined to" restrictions in Sub-Nos. 7, 13, 18, 25, 45, 49, 60, 65, part (1) of Sub-No. 69, 71, 72, 99, 110, 111, 129, and 131, remove commodity restrictions such as in bulk, in tank vehicles, and except frozen in Sub-Nos. 7, 13, 14, 45, 60, 65, 69, 72, 93, 99, 110, 111, 120, 127, and 129.

MC 142672 (Sub-166)X, filed March 16, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947 Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 24F, 40F, 121F and 139F certificates and MC-142065 Sub-Nos. 1 and 10 permits to (1) broaden the commodity descriptions from (a) food stuffs and food ingredients, confectionery and chewing gum to "such commodities as are manufactured, distributed or used by manufacturers and distributors of foodstuffs" in Sub-Nos. 3, 4, and 139F and Sub-Nos. 1 and 10 permits; (b) petroleum, petroleum products, emulsified petroleum sizing, and gasoline additives to "such commodities as are manufactured, distributed or used by manufacturers, distributors and suppliers of petroleum and coal products and chemicals and related products" in Sub-No. 40F; (2) remove the restrictions (a) "except in bulk, in tank and hopper containers" in Sub-No. 40F; (b) "except frozen and commodities in bulk" in Sub-No. 121F; and "except in bulk, in vehicles equipped with mechanical refrigeration" in permits Sub-Nos. 1 and 10; (3) eliminate the facilities limitations in Sub-Nos. 3, 4, 24F, 40F, 121F, and 139F; (4) expand city-wide to county-wide authority from Little Rock to Pulaski County, AR, and Los Angeles to Los Angeles County, CA in Sub-No. 24F; and Houston to Harris County, TX in Sub-Nos. 24F and 121F; (5) broaden the territorial descriptions to (a) between points in the US under continuing contract(s) with a named shipper in Sub-Nos. 1 and 10 permits; (b) radially between Philadelphia, PA, and points in AZ, CA, NV and NM in Sub-No. 3; (c) Philadelphia, PA, and points in AR, LA,

MS, OK, TN and TX in Sub-No. 4; (d) Cincinnati and Columbus, OH, Pulaski County, AR, Los Angeles County, CA, and Memphis, TN, and Dallas and Harris County, TX in Sub-No. 24F; (e) Jefferson County, TX and points in IL, IN, MO, OH and TN in Sub-No. 40F; (f) Harris County, TX and points in AR, LA, NM, and OK, Forest Park, GA and points in KY in Sub-No. 121F; and (g) Philadelphia, PA and points in GA, IL, IN, NC, OH and SC in Sub-No. 139F; and (6) remove the restrictions (a) "originating at and destined to" in Sub-Nos. 3 and 4; and (b) "in mixed loads" in Sub-No. 40F.

MC 143110 (Sub-15)X, filed March 9, 1981. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 7F, 8F, 10F, 11F, permits to (1) broaden the commodity descriptions from (a) roofing, building, insulating, maintenance materials, equipment and supplies to "building materials" in lead, (b) vacuum cleaners, vacuum cleaner bags, floor polishers, rug shampoos, janitorial hardware, mop heads and cloth bags, parts, materials, and supplies (except in bulk), plastic household cleaning and maintenance products and supplies (except in bulk), compound, waxes, etc., to "machinery, pulp, paper and related products, chemical and related products, textile mill products, lumber and wood products, rubber and plastic products" in Sub-No. 3; (c) agricultural fertilizer, agricultural chemicals (except in bulk) to "chemicals and related products" in Sub-No. 7; (2) remove an "in bulk" restriction in lead, and Sub-Nos. 2, 3, 7, 10, and 11; (3) remove the exceptions of iron and steel articles in lead; (4) authorize service to between all points in the U.S., under continuing contract(s) with named shippers in all referenced authority; (5) remove the exceptions of service to AK and HI in Sub-No. 8.

MC 143121 (Sub-10)X, filed March 9, 1981. Applicant: TILLAMOOK CARRIERS, INC., 11600 So. Paramount Blvd., Downey, CA 90241. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove the restriction in its Sub-No. 2, 4, and 9 permits to (1) broaden its commodity description from porcelain ware, stoneware, plastic bowls, cups, dishes, and plates, to "clay, concrete, glass, or stone products and rubber and plastic products" in Sub-No. 2; (2) broaden its territorial description to between points in the United States

under continuing contract(s) with a named shipper; (3) remove the exceptions of AK and HI in Sub-No. 2; (4) remove an "in bulk" restriction in Sub-No. 4.

MC 143500 (Sub-14)X, filed March 12, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead permit and Sub-Nos. 2F, 4, 5F, 7F, 8F, 9F, 10F, 11F, to (1) broaden the commodity description (a) in the lead permit from plumbing fixtures and fittings, and plumbing equipment to "metal products, rubber and plastic products and clay, glass, concrete and stone products" (b) in Sub-No. 2F from aluminum sheet and aluminum foil to "metal products" (c) in Sub-No. 4 from water heaters to "metal products" (d) in Sub-No. 5F from household appliances, parts for household appliances, and cabinets, to "such commodities as are dealt in or used by manufacturers and distributors of household appliances and cabinets" (e) in Sub-No. 7F from steel doors and steel door hardware, equipment and supplies used in the installation of the above commodities, and plumbing fixtures and fittings, and equipment and supplies used in the installation of plumbing fixtures and fittings, to "metal products, rubber and plastic products and clay, glass, concrete and stone products" (f) in Sub-No. 8F from cosmetics to "chemicals and related products" (g) in Sub-No. 9F, from stove pipes, chimneys, ducts, and flashings, metal products except those described above, and equipment, materials, and supplies used in the manufacture and distribution of commodities named above (except commodities in bulk, in tank vehicles) to "metal products" (h) in Sub-No. 10F, from furniture parts and materials and supplies used in the manufacture of furniture parts to "such commodities as are dealt in or used by manufacturers and distributors of furniture and furniture fixtures" and (i) in Sub-No. 11F, from office furniture and office furnishings and parts for the above commodities to "such commodities as are dealt in or used by manufacturers and distributors of furniture and furniture fixtures" and (2) broaden the territorial description in each permit to between points in the U.S. under continuing contract(s) with named shippers.

MC 143669 (Sub-2)X, filed March 12, 1981. Applicant: TOWPICH EXPRESS LINED, LTD., 2840 58th Ave., S.E., Calgary, AB, Canada T2C 0B3.

Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in the Sub I certificate to (1) broaden the commodity description from agricultural fertilizers, pesticides and ingredients to "chemicals and related products," (2) by replacing one way authority from a single port of entry (Sweetgrass, MT) on the U.S.-Canada International Boundary line with radial service between ports of entry on the US-CN Boundary line in Montana and points in MT, ID, WA, UT (3) deleting restrictions limiting service to ex-motor, ex-rail or ex-water at certain Canadian interchange points, and (4) deleting in trailer and in container restrictions.

MC 144368 (Sub-7)X, filed March 11, 1981. Applicant: GENPAT, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 4F, 5F permits (1) to broaden the commodity descriptions in all Sub-Nos. from iron and steel articles and aluminum articles (except in bulk) to "metal products" and (2) to permit service between points in the U.S. under contract(s) with named shippers.

MC 145130 (Sub-5)X, filed March 12, 1981. Applicant: ATICO TRANSPORT, INC., 6700 S. LeClaire Avenue, Chicago, IL 60638. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions from its lead and Sub-No. 1 certificates (1) to broaden the commodity description from containers, container closures, container parts and attachments, to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass and stone products, and metal products" in its lead; (2) remove the restriction "except commodities in bulk, and those which because of size or weight require the use of special equipment" in the lead and "except commodities in bulk" in Sub-No. 1F; (3) remove the facilities limitations at or near Bound Brook and Pennsauken, NJ, Florence, KY, and Chicago, IL, (in the lead) and facilities at Midland, MI (in Sub-No. 1F) and replace specific point authority with city or county-wide authority as follows: Bound Brook and Pennsauken, NJ with Somerset and Camden Counties, NJ, Florence, KY with Boone County, KY and facilities at Chicago, IL with Chicago, IL, (in the lead) and Midland, MI with Bay and Midland Counties, MI, Elk Grove Village and Melrose Park, IL with Cook and DuPage Counties, IL, (4) eliminate the "originating at and destined to" restrictions in both certificates; and (5)

expand its one-way authority to radial authority between Bay and Midland Counties, MI, and, Cook and DuPage Counties, IL.

MC 145219 (Sub-23)X, filed March 9, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, D.C. 20006. Applicant seeks to remove restriction (1) in its Sub-Nos. 1, 5, 9, 12, 13, 15, and 16 certificates by (a) broadening the commodity description in Sub-No. 9, from sprinkler systems to "metal products"; in Sub-No. 1, from citrus products, citrus by-products, beverages and beverage preparations to "food and related products"; in Sub-Nos. 5 and 13, from tires, tread stock and tubes materials and supplies to "rubber and plastic products"; in Sub-No. 12, from insulating, building and roofing panel to "building and insulating materials"; in Sub-No. 15, from lumber and wood products (except furniture) to "lumber and wood products"; and in Sub-No. 16, from compounds and roof coating to "rubber and petroleum products"; (b) by expanding the territorial scope of its irregular route authority in the Sub-Nos. 1, 5, and 13 certificates to radial service in place of one-way authority between points in FL, OH, AR, AL, GA, NC, SC, and points in AL, GA, LA, MD, MS, NC, SC, TN, VA, DC, FL, OH, AR, and (c) by removing shipper restrictions in Sub-Nos. 1, 9, and 12; (d) by deleting in Sub-Nos. 1, 9, and 15 the commodity restrictions (in containers, in bulk, and furniture exceptions), (e) substitute city for county-wide authority: Hancock and Lucas Counties for Findlay and Rossford, OH; Miller County for Texarkana, AR, in Sub-Nos. 5 and 13; (2) in its MC 124839 and Sub-Nos. 16, 28, 30, 33, 37, 39, 43, 48, 49, 52, 53, and 54 permits by (a) broadening the commodity description in Sub-Nos. 16, 33, 37, 49, 53, and 54 from general commodities with various exceptions to "general commodities (except classes A and B explosives)"; in Sub-No. 28 from glass fiber rovings, yarn, strand and glass fiber material to "clay, concrete, glass, or stone products"; in Sub-No. 30, from textiles, and textile products to "textile mill products" and in the lead from wallboard, gypsum products, building materials (except cement) to "building materials"; (b) removing in bulk restrictions from the lead, Sub-Nos. 28, 30, 39, 43, 48, and 53 permits and size and weight restrictions from the Sub-No. 30 and mixed load restrictions from the lead permit; and (c) expanding the territorial authorization to between points in the United States under

continuing contract(s) with named shippers in all referenced permits.

MC 146910 (Sub-4)X, filed March 10, 1981. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shibe Terracé, Vineland, NJ 08360. Representative: Charles Ephraim, 408 World Center Building, 618-16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead certificate to: (1) remove restrictions against commodities in bulk and those requiring special equipment; and (2) change the commodity description from "(1) containers, container closures, glassware, packaging products, container components, and (2) scrap materials, (3) materials equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above to (1) clay, concrete, glass or stone products, (2) rubber and plastic products, (3) lumber or wood products, (4) chemicals and related products, (5) pulp, paper and related products, (6) metal products, and (7) waste or scrap materials not identified by industry producing".

MC 148868 (Sub-3)X, filed March 9, 1981. Applicant: GILBERT F & RAYMOND L. GUSTAFSON, D.B.A. G & R GUSTAFSON TRANSPORT CO., 102 North Griffin St., Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the territorial description from named facilities at Chicago and Grant Park, IL to Cook, Will, Du Page, and Kankakee Counties, IL, and (2) authorize radial service in place of existing one-way authority between the above counties and points in IN, IA, KY, MI, MO, OH, and WI.

MC 149412 (Sub-3)X, filed March 13, 1981. Applicant: MILK TANK LINES, INC., P.O. Box 788, Frazer, PA 19855. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its certificates acquired in No. MC-FC-78519 [MC-141776 (Sub-No. 30)], and No. MC-FC-78604 (MC-59064), to (1) in No. MC-FC-78519, (a) broaden its commodity descriptions from oleomargarine, vegetable oils, vegetable oil shortening, and vegetable salad oil, to "food and related products", (b) replace Columbus, OH, with Franklin County, OH, (c) change its one-way authority to radial authority between the above named county, and points in 10 northeastern States and DC, and points in PA, on and east of Interstate Hwy. 81, and (d) eliminate the originating at and destined

to restriction; (2) in No. MC-FC 78604, (a) Broaden its commodity descriptions from fertilizer, to "chemicals and related products", and canned goods, groceries, fresh vegetables, sugar, feed, lettuce, and celery, to "food and related products", (b) replace its cities with county-wide authority: Williamsport, Wellsboro, and Galeton, PA, with Lycoming, Tioga, and Potter Counties, PA, and Buffalo, NY, with Erie County, NY, and (c) change its one-way authority to radial authority between Baltimore, MD, and 3 named counties in PA, and between Erie County, NY, and 2 named counties in PA.

Note.—Applicant's ability to tack authority acquired in MC-FC-78519 and MC-FC-78604 with its other authority will be governed by the rules contained at 49 CFR Part 1042.

MC 150265 (Sub-2)X, filed March 13, 1981. Applicant: GUY J. JOHNSON TRANSPORTATION CO. INC, P.O. Box 7799, Newark, DE 19711. Representative: E. Stephen Heisley, 805 McLachlen-Bank Building, 668 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate to (1) replace authority to serve named plantsites in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden, and Cape May Counties, NJ with authority to serve the counties named above; (2) eliminate the restriction against serving AK and HI; and (3) remove the restriction against the transportation of "commodities in bulk."

MC 150954 (Sub-20)X, filed March 11, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its MC-150567 Sub-No. 1 permit to (a) Broaden the commodity description from "automotive parts" to "transportation equipment, and materials, equipment and supplies used in the manufacture of transportation equipment," and (b) Broaden territorial scope to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-9368 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 107F)]

Chicago & North Western Transportation Co.; Abandonment in Oconto and Shawano Counties, WI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided March 18, 1981, a

finding, was made by the Commission Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a segment of its line between Pulaski and Gillett, WI, a distance of approximately 17.8 miles on Oconto and Shawano Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment within 15 days after the decision becomes final, unless postponed by the Commission. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would:

(1) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(2) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition

of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9333 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 37064]

OKC Corp.; and Missouri-Kansas-Texas Railroad Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The Commission is proposing to use its exemption powers under 49 U.S.C. 10505 to permit waiver of undercharges on iron ore movements by complainant between February 6, 1976 and June 11, 1978. Defendant railroads have requested that they be permitted to waive collection of charges they agree are unreasonably high. Absent use of section 10505, this relief would be unavailable because market dominance (49 U.S.C. 10709) was not proven.

As this is the first time the Commission is planning to use its exemption power in this manner, comments are invited. The exemption will not become effective until after the Commission has had the opportunity to consider them.

DATES: An original and 15 copies of comments are due 30 days from Federal Register publication. The exemption will be effective 60 days from Federal Register publication.

ADDRESS: Send comments to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

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

SUPPLEMENTARY INFORMATION: On December 29, 1980 we received a request to reopen this proceeding from Southern Pacific Transportation Company (SP), joined by Missouri-Kansas-Texas Railroad Company (MKT) and OKC Corporation, parties to this proceeding. The parties urge us to approve a settlement and issue an order allowing SP and MKT to waive collection of undercharges on OKC shipments moving from Cushing, Texas to Pryor, Oklahoma after February 5, 1976 on the basis of class rates. MKT

and SP established a lower commodity rate on this traffic June 11, 1978.

On September 20, 1979, an Administrative Law Judge (ALJ) found that on shipments moving prior to February 5, 1976 the applicable class rate for iron ore from Cushing to Pryor was unreasonable to the extent that it exceeded the subsequently established iron ore commodity rate. The ALJ also found that as to the shipments moving after February 5, 1976, a finding that the assailed class rates exceeded a maximum reasonable level cannot be made because of a failure to establish market dominance on this traffic.

The parties are now concerned with the traffic subsequent to February 5, 1976 and prior to June 11, 1978. This is the interim period after the effective date of the 4R Act¹ and before the commodity rates became effective. On this record, we have no jurisdiction over the reasonableness of the rates on this traffic. Under 49 U.S.C. 10709 we must find market dominance before we can examine the reasonableness of the rate.

The parties cite several Special Docket proceedings in which undercharges were waived. These cases have no precedential value. In a similar case No. 37274, *Ash Grove Cement Company v. William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company*, (decided March 31, 1980) the finding that the rate was unreasonable and undercharges should be waived, was predicated on a finding of market dominance. We have not found market dominance in this proceeding and therefore we have no jurisdiction to find the rates unreasonable.

While we believe we cannot waive undercharges without jurisdiction to find the applicable rate unreasonable, we believe that requiring collection of the tariff charges in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

The applicable rate was found unreasonable by an ALJ for the prior movement, and the railroads themselves published a commodity rate upon discovering their mistake. The railroads thus recognize the rate they published is too high. 49 U.S.C. 10709 was not intended to preclude carriers from lowering rates or from granting relief to shippers. The intent of that section is to prevent the government from interfering unnecessarily with carrier pricing. The section was not designed to require collection of charges which all parties agree are unreasonable.

¹The Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210.

Similarly, because of the special circumstances here, we do not believe section 10706, which was designed to prevent discrimination and rebates, would bar waiver. OKC would not be given any preference. In fact, OKC would be in no better position than its competitors which were granted waiver of undercharges in similar circumstances. Authorized waiver of undercharges is not an illegal rebate.

We believe that this is a situation in which use of 49 U.S.C. 10505 is appropriate.² That section permits us to exempt a person from the application of all or part of the Act if we find that regulation:

(1) is not necessary to carry out the transportation policy of section 10101a of the title; and

(2) either (A) the transportation or service is of limited scope, or (B) the application of a provision is not needed to protect shippers from the abuse of market power.

We have already stated our reasons for finding that requiring payment here is not necessary to carry out the transportation policy of section 10101a.

The carriers would not be taking advantage of OKC or any other shipper by not assessing the published rate. In fact, the shipper would be granted relief from what the parties consider to be an unreasonably high rate. Application of contrary provisions in the Act would be an unreasonable burden on the parties. More importantly, the issue is of extremely limited scope, and it is obvious that in this situation regulation is not necessary to protect OKC from an abuse of market power.

This is the first time we have used our authority under section 10505 in this manner. While we believe it clear that the requirements of section 10505 have been met, we will make the exemption provisional. We invite comments on the use of section 10505 in this and similar circumstances. Comments will be due in 30 days. The exemption will be effective in 60 days unless we issue an order before that date disapproving the exemption in light of the filed comments.

We find: 1. Application of Subtitle IV of Title 49 of the United States Code is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect this shipper from the abuse of market power. The transaction is of limited scope.

2. An exemption from the application of Subtitle IV on OKC shipments moving

² See Ex Parte No 346 (Sub-No. 4), *Petition Exemption from Regulation—Unon Pacific Railroad Company and Washington Public Power Supply System—Transportation of Nuclear Reactor Parts over Grays Harbor Branch Line*, (decided May 23, 1980) (45 FR 37554, June 3, 1980).

from Cushing, TX to Pryor, OK between February 5, 1976 and June 11, 1978 will be granted, unless the comments convince us otherwise.

3. This decision will not significantly affect the quality of the human environment or conservation of energy resources. However, comments on this issue are invited. Authority: 49 U.S.C. 10505.

Decided: March 18, 1981.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-0340 Filed 3-26-81; 8:43 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Privacy Act of 1974; Systems of Records; Annual Publication

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 42 FR 48178 (September 22, 1977) continue in effect without change. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4).

Rowland E. Cross,
Chairman, Joint Board for the Enrollment of Actuaries.

March 23, 1981.

[FR Doc. 81-0235 Filed 3-26-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Employment Service; Labor Certification Process for the Temporary Employment of Aliens in Agriculture: 1981 Adverse Effect Wage Rates

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Administrator, U.S. Employment Service, announces adverse effect wage rates, that is, the minimum wage rates which the Department of Labor has determined must be offered and paid to U.S. and alien workers by employers of temporary alien agricultural workers. Adverse effect wage rates are established and set to prevent the employment of these aliens from

adversely affecting the wages of similarly employed U.S. workers.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell (Telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor (DOL) has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in the United States in agriculture and logging. In pertinent part, these regulations require the Administrator, United States Employment Service (USES), to cause a notice to be published in the Federal Register annually, announcing the adverse effect wage rates (AEWRs) for agricultural workers (except sheepherders) in thirteen States and for sugar-cane workers in Florida. 20 CFR 655.207 (1980 ed.). On January 16, 1981, a final regulation was published in the Federal Register announcing a new methodology by which the AEWRs would be computed, and one nationwide AEWR set annually. 46 FR 4568. That regulation has been suspended, in a document published separately in the Federal Register. Therefore, the methodology set forth in 20 CFR 655.207 (1980 ed.) remains in effect. The approach of the 1981 harvest season necessitates the publication of this document at this time.

Current Methodology

Based upon 1979-80 wage data supplied to DOL by the United States Department of Agriculture (USDA), and upon the methodology set forth at 20 CFR 655.207 (1980 ed.), DOL has calculated AEWRs for 1981. See 41 FR 25018 (June 22, 1976); 42 FR 40192 (August 9, 1977); and 43 FR 10310 (March 10, 1978).

The AEWRs set forth in the table below have been computed using the same methodology that has been used by DOL for many years. See 43 FR 10310 (March 10, 1978). The AEWR for each State has been changed from last year's AEWR by the same percentage change as the change in the annual average wage rates for agricultural workers in the State between 1979 and 1980. See 20 CFR 655.207(b) (1980 ed.).

Agricultural Adverse Effect Wage Rates: 1981

The 1981 AEWRs, along with the 1980 AEWRs and the percentage changes in the various rates over the year are published in the table below. The 1981 rates are effective on March 27, 1981.

**Agricultural Adverse Effect Wage Rates:¹
1981**

States	1980 rates ¹	1981 rates ²	Percentage changes
Arizona.....	\$3.73	\$3.87	+3.8
Colorado.....	3.79	3.83	+3.7
Connecticut.....	3.32	*3.35	*+0.9
Florida (sugar cane only).....	4.09	4.69	+14.7
Maine.....	3.43	3.44	+0.4
Maryland.....	3.23	3.80	+17.6
Massachusetts.....	3.30	*3.35	*+1.5
New Hampshire.....	3.58	3.59	+0.4
New York.....	3.18	3.48	+9.4
Rhode Island.....	3.30	*3.35	*+1.5
Texas.....	3.54	3.97	+12.2
Vermont.....	3.53	3.54	+0.4
Virginia.....	3.51	3.81	+8.6
West Virginia.....	3.28	3.62	+10.5

¹ 45 FR 30733 (May 9, 1980).

² Based upon 1979-80 USDA wage data, and the formula published at 20 CFR 655.207(b)(1) (1980 ed.).

³ Pursuant to 20 CFR 655.207(o) (1980 ed.), an AEWR may not be lower than the Fair Labor Standards Act agricultural minimum wage set forth at 29 U.S.C. 206(a)(1). Therefore, the Connecticut, Massachusetts, and Rhode Island AEWRs, which would have been computed under the existing methodology as \$3.33 (Connecticut only) or \$3.31 (Massachusetts and Rhode Island only) (a +0.4% change over the 1980 AEWRs in those States), have been set instead at \$3.35.

Signed at Washington, D.C. this 24th day of March 1981.

David O. Williams,
Administrator, U.S. Employment Service.

[FR Doc. 81-8391 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of California

This notice announces the ending of the Extended Benefit Period in the State of California, effective on March 21, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State laws. 20 CFR 615.12. During an Extended Benefit Period

individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of California on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of California has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on February 28, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminates with the week ending on March 21, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of California should contact the nearest Employment Security or Unemployment Insurance Office of the California Employment Development Department in their locality.

Signed at Washington, D.C., on March 17, 1981.

Lawrence E. Weatherford,
Acting Deputy Assistant Secretary for
Employment and Training.

[FR Doc. 81-8335 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Montana

This notice announces the ending of the Extended Benefit Period in the State of Montana, effective on March 7, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the Nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State laws (20 CFR 615.12). During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Montana on June 15, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Montana has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on February 14, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on March 7, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the

Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights; to Extended Benefits in the State of Montana should contact the nearest Employment Service Office of the Montana Employment Security Division in their locality.

Signed at Washington, D.C., on March 17, 1981.

Lawrence E. Weatherford,
*Acting Deputy Assistant Secretary for
Employment and Training.*

[FR Doc. 81-9354 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-1101V]

Employee Benefit Plans; Proposed Alternative Method of Compliance for the Employees' Retirement Plan of W. T. Grant Co.

AGENCY: Department of Labor.

ACTION: Notice of proposed alternative method of compliance.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the Employees' Retirement Plan of W. T. Grant Company (the Plan). The proposed alternative method of compliance, if granted, would affect participants and beneficiaries of the Plan and the Plan's Retirement Board.

DATE: Written comments must be received by the Department on or before May 26, 1981.

ADDRESSES: All written comments (preferably three copies) should be submitted to: Office of Reporting and Plan Standards Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: W. T. Grant Alternative. The petition for an alternative method of compliance and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. John A. Malagrino, of the Department, (202) 523-8684 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the

Department of a proposed alternative method of compliance with certain reporting and disclosure requirements of the Act for the Plan. The proposed alternative method of compliance was requested in a petition filed on behalf of the Plan's Retirement Board, which has general administrative responsibility for the Plan, pursuant to section 110(a) of the Act.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed alternative method of compliance, which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioners.

The Plan is a defined benefit pension plan which was established in 1942 to provide retirement and other benefits to eligible employees of W. T. Grant Company (Grant) and their beneficiaries. On October 2, 1975 Grant filed a petition in the United States District Court for the Southern District of New York for an arrangement under Chapter XI of the Bankruptcy Act. No plan of arrangement was formulated and, on February 12, 1976, the Bankruptcy Court ordered the Company to liquidate its business within 60 days. Thereafter Grant closed substantially all of its facilities and terminated the employment of all of its employees, although some employees were subsequently re-employed by the Trustee in Bankruptcy. By an order of the Bankruptcy Court dated April 13, 1976, Grant was adjudicated a bankrupt and the Trustee took possession of its assets.

On March 15, 1976 the board of directors of Grant authorized the Retirement Board to adopt appropriate amendments to the Plan to facilitate its termination. On April 5, 1976 the Retirement Board amended the Plan, subject to the necessary approvals of the Pension Benefit Guaranty Corporation and the Internal Revenue Service, to provide for its termination and the distribution of Plan assets. Such approvals were thereafter obtained.

On August 18, 1976 the Bankruptcy Court authorized the Retirement Board to deposit Plan assets, which were then held in trust and invested by two bank trustees, with the Prudential Life Insurance Company of America (Prudential) pending the issuance of a group annuity contract. Pursuant to this authorization Plan assets were subsequently transferred to Prudential from the banks, except for funds paid or

reserved for expenses and their fees as trustees.

On March 25, 1977 the Retirement Board and the Pension Benefit Guaranty Corporation commenced an action in the United States District Court for the Southern District of New York against a class of former employees of Grant and their beneficiaries for a declaratory judgment that the amendments to the Plan and the distribution of plan assets as proposed by the Retirement Board and the Pension Benefit Guaranty Corporation did not unlawfully impair any rights of former participants of the Plan or their beneficiaries. The court directed that the action proceed as a class action, divided the class into four subclasses, and designated counsel to represent each such subclass.

On March 23, 1979, the plaintiffs filed a Notice of Motion for Summary Judgment which requests that the court declare: (1) That the allocation of plan assets should be in accordance with the requirements of Title IV of the act rather than with the Plan document; (2) That the application of Plan assets under the Prudential agreement towards the purchase of annuities under a group annuity is in accordance with the requirements of Title IV of the Act; (3) That the termination date of the Plan is to be February 29, 1976; (4) That no member of the class shall have any claim against, or be entitled to any recovery from any of the plaintiffs in connection with any other action brought for benefits under the Plan; and (5) That the plaintiffs be granted such other and further relief including costs as to the court may appear just and proper. As of January 31, 1980, the court had not ruled on the request for summary judgment.

The Retirement Board asserts that compliance with certain reporting and disclosure requirements of the Act in addition to its compliance with the strict procedural requirements for maintaining a class action would place an unreasonable administrative burden on the Plan and increase the costs to the Plan. In addition, by diverting limited administrative personnel, such compliance could delay the distribution of benefits to participants and their beneficiaries, many of whom have been unable to find jobs since the bankruptcy of Grant.

The Retirement Board further asserts that the procedural safeguards required to be observed in order to maintain a class action and the representation of each of the subclasses by counsel insure that adequate reporting and disclosure will be made to all participants or their beneficiaries directly or through their Court appointed counsel.

The Retirement Board requests an alternative method of compliance with certain reporting and disclosure requirements of the Act under the authority of Section 110 of the Act. The Retirement Board requests that it be exempted from the following reporting and disclosure requirements:¹

(a) Completion of Item 24(a), Item 24(b) and Item 22(b) of, and attaching certified financial statements and schedules to, Form 5500 for the Plan years ended June 30, 1976, June 30, 1977, and June 30, 1978, respectively, at the time such Forms were filed.

The listed item, in each case, would indicate that an independent qualified public accountant's opinion, with respect to the financial statements of the Plan, is required and is attached to the form. Revised Forms 5500 for those years, with such financial statements attached and such Items completed, have been filed with the Department. The Retirement Board indicates that audits of the Plan were not completed at the time the Forms 5500 were required to be filed because, among other things, (1) The amount of Plan assets could not be determined during the pendency of legal action required by the bankruptcy of the Plan's employer-sponsor in order to collect unpaid contributions, and (2) the staff of the Retirement Board was limited.

(b) Preparation and distribution of summary annual reports to Plan participants; and

(c) Preparation and distribution of summary plan descriptions to Plan participants and the Secretary of Labor.

In lieu of complying with the foregoing requirements of the Act, the Retirement Board proposes an alternative method of compliance under Section 110 of the Act pursuant to which the following steps have been or will be taken:

(a) Preparation and filing of revised Forms 5500 with Certified financial statements and schedules attached and a completed Item 24(a), Item 24(b) and Item 22(b) for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively;

(b) Distribution of copies of Forms 5500, with certified financial statements and

¹The Retirement Board has also requested that it be relieved of the requirements (1) to engage an enrolled actuary to review the operation of the plan and render an opinion thereon; (2) preparation and filing of Form 5500, Schedule B for the Plan year ended June 30, 1977, and all subsequent Plan years; and (3) preparation and filing of certified financial statements for the Plan year in which all of its assets are distributed. The Retirement Board asserts, however, that the Plan was not and will not be subject to the minimum funding standards contained in the Act for those years. Employee benefit plans not subject to those standards are not subject to the requirements described in (1) and (2), above. As to item (3), the Retirement Board has not demonstrated that such relief would satisfy the criteria set forth in section 110 of the Act, discussed below in the main text.

schedules attached, for the Plan years ended June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978 and all Plan years beginning after June 30, 1978, to class counsel;

(c) Giving written notice to each participant (including each retiree) under the Plan as of its termination date, or his beneficiary, informing him as to whether he would receive a benefit and, if so, the amount of his benefit which would be paid, if the requested declaratory judgment were granted by the Court, and giving him the opportunity to object to such notice and to correct any error in calculation or otherwise which may have been reflected therein; and

(d) Informing class counsel and the Court of all developments in the termination of the Plan and the distribution of its assets, as directed by the Court in accordance with the procedural requirements of the class action litigation.

Notice to Interested Persons

Not later than April 27, 1981, the Retirement Board will furnish to each participant a notice that a petition has been filed for an alternative method of compliance with the reporting and disclosure requirements of the Act. Such notice shall contain a copy of the proposed alternative method of compliance as published in the Federal Register and shall include the following statement:

Any interested person, including any participant in the Employees' Retirement Plan of W. T. Grant Company (the Plan) may present his or her view on the proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the Plan on or before May 26, 1981 by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, Department of Labor, Washington, D.C. 20216. Attention: W. T. Grant Alternative.

General Information

Before an alternative method of compliance with the reporting and disclosure requirements may be prescribed under section 110 of the Act, the Department must determine that the use of such alternative method is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting and disclosure requirements of the Act would increase the costs of the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting and

disclosure requirements of the Act would be adverse to the interests of plan participants in the aggregate.

Alternative Method of Compliance

Based upon the facts and representations set forth in the petition, the Department is considering granting the following alternative method of compliance under the authority of section 110 of the Act. If the alternative method of compliance is granted, the administrator of the Plan is not required to comply with the reporting and disclosure requirements set forth in Section 1 below, provided that the conditions set forth in section 2 are or have been met:

Section 1—Alternative Method of Compliance

(a) Completion of Item 24(a), Item 24(b) and Item 22(b) of an attaching certified financial statements and schedules to, Form 5500 for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively, at the time such forms were filed.

(b) Preparation and distribution of summary annual reports to Plan participants; and

(c) Preparation and distribution of summary plan descriptions to Plan participants and the Secretary of labor.

Section 2—Conditions to the Granting of Alternative Method of Compliance

The Retirement Board shall:

(a) prepare and file revised Forms 5500 with certified financial statements and schedules attached and a completed Item 24(a), Item 24(b) and Item 22(b) for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively;

(b) distribute copies of Forms 5500, with certified financial statements and schedules attached, for the Plan years ended June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978 and all Plan years beginning after June 30, 1978 to class counsel;

(c) give written notice to each participant (including each retiree) under the Plan as of its termination date, or his beneficiary, informing him of whether he would receive a benefit and, if so, the amount of his benefit which would be paid, if the requested declaratory judgment were granted by the Court, and giving him the opportunity to object to such notice and to correct any error in calculation or otherwise which may have been reflected therein; and

(d) inform class counsel and the Court of all developments in the termination of the Plan and the distribution of its assets, as directed by the Court in accordance with the procedural

requirements of the class action litigation.

Signed at Washington, D.C., this 19th day of March, 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-8968 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-29-1A

Office of the Secretary

Advisory Committees, Annual Comprehensive Review

We are currently in the process of conducting the Department's annual comprehensive review of Federal Advisory Committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Department have a compelling need for it; (2) Is the committee's membership truly balanced; and (3) Has the committee conducted its business as openly as possible, consistent with the law and its mandate? The DOL advisory committees are listed below:

Advisory Committee on Construction Safety and Health
 Advisory Council on Employee Welfare and Pension Benefit Plans
 Business Research Advisory Council
 Federal Advisory Council on Occupational Safety and Health
 Federal Advisory Council on Unemployment Insurance
 Federal Committee on Apprenticeship
 Labor Advisory Committee for Trade Negotiations and Trade Policy
 Labor-Management Research Advisory Committee
 Labor Research Advisory Committee
 Minimum Wage Study Commission
 National Advisory Committee on Occupational Safety and Health
 National Commission for Employment Policy
 President's Advisory Committee for Women
 President's Committee on the International Labor Organization
 Steel Tripartite Advisory Committee
 White House Coal Advisory Council.

If you wish to comment, please submit your responses on or before April 6, 1981: Mrs. Ruth E. Morgenstern, Departmental Committee Management Officer, Department of Labor, Room S-2517, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed this 18th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81-9359 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-23-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; American Biltrite, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Biltrite, Inc., Boston Industrial Products (workers).	Cambridge, MA	3/2/81	2/9/81	TA-W-12,377	Mating, hoisting, and belting.
All Star Products (IBEW)	Edgerton, OH	3/2/81	2/20/81	TA-W-12,378	Electronic equipment.
Bendix Corp., Electric Power Division (UE)	Eatontown, NJ	3/2/81	2/25/81	TA-W-12,379	Generators.
Cocca Manufacturing Co., Inc. (ILGWU)	Alpha, NJ	2/24/81	2/20/81	TA-W-12,380	Ladies' sportswear.
Dayton Walter Corp., Camden Castings Center (workers).	Camden, TN	3/2/81	2/27/81	TA-W-12,331	Ductile iron casting.
Hastings Manufacturing Co. (UAW)	Hastings, MI	3/2/81	2/11/81	TA-W-12,382	Piston rings.
International Harvester Co., Foundry Component Group (workers).	Memphis, TN	3/2/81	2/4/81	TA-W-12,383	Ductile iron casting.
Torsion Balance Co. (AFL-CIO)	Ctifton, NJ	3/2/81	2/20/81	TA-W-12,384	Production weighing equipment.
Baker Material Handling Corp. (UAW)	Cleveland, OH	3/2/81	2/27/81	TA-W-12,385	Lift trucks.
Gulf & Western Manufacturing Co., Lenape Forge Division (USWA).	West Chester, PA	3/2/81	2/15/81	TA-W-12,386	Component parts for pressure vessels.
Howard B. Wolf, Inc. (workers)	Bowie, TX	3/2/81	2/23/81	TA-W-12,387	Women's clothing.
International Harvester Co., Foundry (UAW)	Louisville, KY	2/27/81	2/23/81	TA-W-12,388	Gray iron castings.
Krown Manufacturing Co., Inc. (company)	Charlotte, MI	2/27/81	2/23/81	TA-W-12,389	Travel trailers and popup tent campers.
McEwen Manufacturing (workers)	McEwen, TN	3/2/81	2/25/81	TA-W-12,390	Ebb overalls.
Peter Cooper Corp. (workers)	Camden NJ	3/2/81	1/16/81	TA-W-12,391	Edible, pharmaceutical, technical, and photographic gelatin.
Quality Beachwear, Inc. (ILGWU)	Brooklyn, NY	3/2/81	2/25/81	TA-W-12,392	Swimsuits.
Allied Chemical Corp., Semet Solvey Division (OCAW).	Ashland, KY	3/3/81	2/17/81	TA-W-12,393	Metallurgical coke.
Art Industries, Inc. (workers)	Detroit, MI	3/5/81	3/2/81	TA-W-12,394	Dielectric dies for auto interior trim.
Bendix Corp. (UAW)	Cleveland, TN	3/5/81	3/1/81	TA-W-12,395	Asbestos brake lining for new cars and trucks.
Cascadian Sportswear, Inc. (company)	Everett, WA	3/5/81	2/27/81	TA-W-12,396	Men's jackets and men's and boys' vests.
Hooker Chemical & Plastic Corp., Durez Division (IAM).	North Tonawanda, NY	3/5/81	2/19/81	TA-W-12,397	Phenolic molded compounds.
International Silver Co., Factory C (USWA)	Meriden, CT	3/3/81	3/2/81	TA-W-12,398	Flatware.
J. X. Palms Co. (workers)	Mount Clemens, MI	3/3/81	2/24/81	TA-W-12,399	Brake caliper brackets.
Robert Shoe, Inc. (workers)	Somersworth, NH	3/3/81	2/25/81	TA-W-12,400	Casual shoes and boots.
Walnut Grove Manufacturing Co., Inc. (workers)	Walnut Grove, MS	3/5/81	3/2/81	TA-W-12,401	Cotton lisle inspectors gloves.
William H. Haskell Manufacturing Co. (USWA)	Pawtucket, RI	3/3/81	3/2/81	TA-W-12,402	Heavy nuts and bolts, standard and specialty fasteners.
Autodynamics Corp. of America (workers)	Madison Heights, MI	8/5/81	2/1/81	TA-W-12,403	Automotive parts.
Cashiers Manufacturing Corp. (company)	Cashiers, NC	3/6/81	3/4/81	TA-W-12,404	Contractor of men's shirts.
Clayburne Highlands (company)	Highland, NC	3/6/81	3/4/81	TA-W-12,405	Contractor of men's shirts.
Clayburne Manufacturing Corp. (company)	Clayton, GA	3/6/81	3/4/81	TA-W-12,406	Contractor of men's shirts and headquarters.
Fairview Tubular Products, Inc. (workers)	Fairview, MI	3/5/81	2/27/81	TA-W-12,407	Fabrication of tubing.
General Tire & Rubber Co. (workers)	Logansport, IN	3/5/81	2/24/81	TA-W-12,408	Stentloc bushings.
Proto Tube, Inc. (workers)	Luzerne, MI	3/5/81	2/27/81	TA-W-12,409	Fabrication of tubing.
Stupp Bros. Bridge & Iron Co. (USWA)	St. Louis, MO	3/3/81	3/2/81	TA-W-12,410	Fabricators of structural steel.
Venus Creations (workers)	New York, NY	3/5/81	3/3/81	TA-W-12,411	Administrative office and sales office.
Venus Textile Manufacturing Co. (company)	Social Circle, GA	3/5/81	3/3/81	TA-W-12,412	Ladies' cotton garments (casual wear)
Yeatie Bunny Knit Sportswear, Inc. (workers)	Bohemia, NY	3/3/81	2/25/81	TA-W-12,413	Men's, ladies' and children's outerwear (sweaters).

[FR Doc. 81-9358 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-23-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Arvin Industries, Inc., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 16-20, 1981:

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles-like or directly competitive with articles produced by the firm or appropriate

subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-10,448; Arvin Industries, Inc., Arvin Automotive Div., North Vernon, IN

Investigation revealed that criterion (3) has not been met. With respect to mufflers and exhaust pipes, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to fuel tubes, U.S. imports are negligible.

TA-W-9107; Shaw-Ano Mfg. Co., Shawano, WI

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-8877; Gagner Fiber Products Co., Oak Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-8862; Gulf and Western Mfg. Co., General Products Div., Union Springs, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9782; GAF Corporation, Joliet, IL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9432; St. Clair Metal Products Co., Port Huron, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9386; Dirksen Screw Products Co., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-9254, 9255, 9256, 9257, & 9258; The Leslie Metal Arts Co., Inc., (Plant #1) Kentwood, MI, (Plant #2) Grand Rapids, MI, (Plant #3) Middleville, MI, (Plant #4) Kentwood, MI, and (Plant #5) Kentwood, MI

With respect to workers who produce automotive ashtrays, ash lids, and covers aggregate demand of U.S. imports for these products are negligible.

With respect to workers who produce ash receivers, glove box door assemblies, lamp assemblies, windshield wipers linkages, and instrument panel trim plate a survey of customers indicated that increased imports did not contribute importantly to worker separations at the subject firm.

TA-W-9165; Standard Automotive Parts and Co., Muskegon, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9057; Tungsten Contact Manufacturing Co., Inc., North Bergen, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8667; Detroit Gasket, Fremont, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9553; John Fisher Motor Builders, Grand Rapids, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-9517; Applied Industries, Inc., Centerline, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of prototype parts, jigs and fixtures are negligible.

TA-W-9212; Hercules Welding Products Co., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8701 & 9016; Manchester Plastic, Inc., Homer, MI and Manchester, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive plastic interior trim are negligible. Furthermore, with respect to lock pillar flanges a customer survey indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8991; Wagner Electric Corp., Sparta, TN

Investigation revealed that criterion (3) has not been met. A survey of customers

indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9052; Fitzsimmons Steel Co., Youngstown, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8347; Progressive Tool and Industries Co., Southfield, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8975; Ramco Steel Co., Buffalo, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9554 & 9555; M & H Industries, Inc., Livonia, MI

Investigation revealed that criterion (3) has not been met. With respect to workers producing automotive stamping dies, U.S. imports of that product are negligible. With respect to workers producing heater door assemblies, a customer survey indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9197; Hayes-Albion, Exhaust Systems Division, West Unity, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9199; May and Scofield, Inc., Howell, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9713; Mirrex, Inc., Mt. Clemens, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-8997; Jackson China Inc., Falls Creek, PA

A certification was issued covering all workers of the firm separated on or after June 3, 1979.

TA-W-9413; Kokomo Wire and Cable, Inc., Kokomo, IN

A certification was issued covering all workers of the firm separated on or after July 2, 1979.

TA-W-11,086 & 11,086A; Grocery Store Products Co., West Chester Growing Div., and West Chester Cannery, West Chester, PA

A certification was issued applicable to all workers at the subject firm separated on or after August 20, 1979 and before March 1, 1981.

TA-W-8694; Mastercraft Leather Mfg. Co., Inc., Troy, MI

A certification was issued applicable to all workers of the firm separated on or after May 21, 1979.

TA-W-8754; Car-Del-Mar Coat Co., Inc., Brooklyn, NY

A certification was issued covering all workers of the firm separated on or after June 1, 1980.

TA-W-9079; Marble King, Inc., Padon City, WV

A certification was issued covering all workers of the firm separated on or after June 10, 1979 and before December 1, 1979.

TA-W-7813; Progressive Pulley Division of Rogers Manufacturing Co., Inc., Akron, OH

A certification was issued covering all workers of the firm separated on or after April 15, 1979.

I hereby certify that the aforementioned determinations were issued during the period March 18-20, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210, during normal working hours or will be mailed to persons who write to the above address.

Dated: March 23, 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-9352 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9841-9842, 9844, 9846-9849, 9851-9858, 9862, 9866, 9869, 9872]

General Motors Corp.; Affirmative Determination Regarding Application for Reconsideration

On March 2, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers at certain support facilities of the GMC Truck and Coach Division of General Motors Corporation, Detroit, Michigan. The determinations were published in the Federal Register on January 30, 1981 (46 FR 10026).

The application for reconsideration claimed that the significant employment decline criterion of the Trade Act of 1974 was met for the 19 instant zone sales offices or truck centers of the GMC Truck and Coach Division of the General Motors Corporation, which was the basis for their denial.

Conclusion

After review of the application, I conclude that the company official's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 17th day of March 1981.

James F. Taylor,
Director, Office of Management,
Administration and Planning.

[FR Doc. 81-9345 Filed 3-26-81; 8:43 am]
BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; H. F. Manufacturing, et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to

begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than April 6, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of March, 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
H. F. Manufacturing (workers)	Parkside, PA	3/9/81	3/4/81	TA-W-12,414	Skirts, jackets, vests and slacks.
Lucy Rose Anna (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,415	Ladies coats.
Pearl (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,416	Ladies coats.
Suzette Fashions (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,417	Ladies coats.
Tel-Avrv (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,418	Ladies coats.
Tiera Coat (ILGWU)	W. New York, NJ	3/9/81	2/27/81	TA-W-12,419	Ladies coats.
Tonia (ILGWU)	Woburn, NJ	3/9/81	2/27/81	TA-W-12,420	Ladies coats.
Topline (formerly Verd)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,421	Ladies coats.
U.S. Fastener Corp. (workers)	Sageview NJ	3/6/81	2/6/81	TA-W-12,422	Self nuts, bolts, screws and misc. fasteners.
Venus (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,423	Ladies coats.
West New York Sportswear (ILGWU)	W. New York, NJ	3/9/81	2/27/81	TA-W-12,424	Ladies coats.
C & M Coat Co., Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,425	Contractor of ladies coats.
Diamond Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,426	Ladies coats.
Elizabeth Fashion, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,427	Ladies coats.
Helen Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,428	Ladies coats.
Halcraft (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,429	Ladies coats.
Jersey Made Fashion, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,430	Ladies coats.
M C M Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,431	Ladies coats.
Park Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,432	Ladies coats.
Randy Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,433	Ladies coats.
Rosemary Fashion Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,434	Ladies coats.
Al Kamen Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,435	Ladies coats.
Alorna Coat Corp. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,436	Ladies coats.
Avante Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,437	Ladies coats.
Bernardi Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,438	Ladies coats.
Classic World (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,439	Ladies coats.
H. & P. Garment Co., (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,440	Ladies coats.
Pierette Fashions (ILGWU)	North Bergen, NJ	3/9/81	2/27/81	TA-W-12,441	Ladies' jackets.
Rico Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,442	Ladies coats.
Russell Taylor, Inc. (ILGWU)	Secaucus, NJ	3/9/81	2/27/81	TA-W-12,443	Ladies coats.
Springfield Linc-Merc. Co., Inc. (workers)	Springfield, MA	3/6/81	3/4/81	TA-W-12,444	Auto dealership
Toby Fashions (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,445	Ladies coats.
Best Coat Co. (workers)	Rowbury, MA	3/9/81	3/5/81	TA-W-12,446	Men's all weather coats.
Cousin's Fashions (ILGWU)	West York, NJ	3/9/81	2/27/81	TA-W-12,447	Ladies coats.
Fortune Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,448	Ladies coats.
Gay Coat Co., Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,449	Ladies coats.
J & M Fashions, Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,450	Ladies coats.
Juilet Footwear Co. (ACTWU)	Elmwood Park NJ	3/9/81	2/27/81	TA-W-12,451	Men's shoes
Liberty Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,452	Ladies coats.
Sondra Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,453	Ladies coats.
Lunar Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,454	Ladies coats.
Five Sons (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,455	Ladies coats.
Wagner Electric (workers)	Hazleton, PA	3/3/81	2/24/81	TA-W-12,456	Automotive accessories.
Cosmic Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,457	Ladies coats.
Dante Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,458	Ladies coats.
Delba Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,459	Ladies coats.
Emil Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,460	Ladies coats.
Fiesta Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,461	Ladies coats.
J.B. Coat, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,462	Ladies coats.
MCR Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,463	Ladies coats.
Mona Lisa Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,464	Ladies coats.
Natalia Ann Fashions (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,465	Ladies coats.
Stephanie Coat, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,466	Ladies coats.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Willow Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,467	Ladies coats.
Balino Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,468	Ladies coats.
Bender Brothers Sportswear, Inc. (ACTWU)	Bayonne, NJ	3/9/81	3/5/81	TA-W-12,469	Ladies' slacks and dungarees.
Mel Coat Fashions, Inc. (ILGWU)	Weehawkin, NJ	3/9/81	2/27/81	TA-W-12,470	Ladies coats.
Charming Miss (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,471	Ladies coats.
Elk Creek Cedar, Inc. (workers)	Forks, WA	3/9/81	2/28/81	TA-W-12,472	Cedar shakes.
Grace Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,473	Ladies coats.
Imperial Camera Corp. (ILGWU)	Chicago, IL	3/9/81	2/27/81	TA-W-12,474	Cameras.
Michel Coat Corp. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,475	Ladies coats.
P.D.A. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,476	Ladies coats.
Parker Brothers (workers)	Taunton, MA	3/9/81	3/4/81	TA-W-12,477	Assemble electronic games.
Rosalba Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,478	Ladies coats.
Algy Shoe Company (workers)	Chelsea, MA	3/11/81	3/9/81	TA-W-12,479	Ladies' shoes.
Cam (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,480	Ladies coats.
Ella Coat Co. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,481	Ladies coats.
London Knitting Mills (Knitgoods workers).	Brooklyn, NY	3/11/81	3/8/81	TA-W-12,482	Knit sweaters.
Manny's Outerwear, Inc. (ACTWU)	Elizabeth, NJ	3/11/81	3/3/81	TA-W-12,483	Men's and boy's outerwear.
Marshall Ray Corp. (workers)	Troy, NY	3/11/81	3/9/81	TA-W-12,484	Men's and boy's sportswear.
Peterson Shake Co. (workers)	Amanda Park, WA	3/9/81	3/5/81	TA-W-12,485	Cedar shakes & shingles.
Quality Arts Corp. (teamsters)	Lodi, NJ	3/9/81	3/3/81	TA-W-12,486	Decorative wall pieces.
United Technologies Corp., Automotive Group, Components Div. (company).	Morgantown, NC	3/9/81	3/6/81	TA-W-12,487	Extruded plastic profile sections of decorative trim.
Westclox, U.S. (workers)	Yadkinville, NC	3/9/81	2/20/81	TA-W-12,488	Key wound clocks.
Westinghouse Elevator Co. (IUE)	Jersey City, NJ	3/9/81	3/3/81	TA-W-12,489	Elevator apparatus.
Allen Bradley Co. (IUE)	Milwaukee, WI	3/9/81	3/3/81	TA-W-12,490	Fixed composition resistors and variable resistors.
Crawfton Coat Co., Inc. (ILGWU)	North Bergen, NJ	3/9/81	2/27/81	TA-W-12,491	Ladies coats.
Saywood Sportswear, Inc. (ILGWU)	New York, NY	3/5/81	3/2/81	TA-W-12,492	Ladies' sportswear.

[FR Doc. 81-9362 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9283]

Leggett and Platt, Wire Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 14, 1980 in response to a petition which was filed on behalf of workers at Leggett and Platt, Wire Division, Carthage, Missouri. Workers at the Carthage plant produce steel wire.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at Leggett and Platt, Wire Division, Carthage, Missouri. Although imported automobiles incorporate wire and wire products, imports of the whole product are not like or directly competitive with their component parts. Imports of wire and wire products must be considered in determining import injury to workers producing these items at Leggett and Platt.

Automotive wire and wire products account for a relatively small percentage of the plant's production, and workers at the plant are not separately identifiable by product line. Any import influence in this product line could not have contributed importantly to overall employment declines at the firm.

The predominant portion of the Carthage plant's production is shipped to other Leggett and Platt plants for use in the manufacture of furniture and mattress springs.

Industry sources indicated that imports of furniture springs and mattress springs are negligible.

Conclusion

After careful review, I determine that all workers of Leggett and Platt Company, Wire Division, Carthage, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9346 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-28-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub.L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub.L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications to establish *pro bono* projects submitted by the following:

- Central Oregon Bar Association in Bend, Oregon, to serve Deschutes, Crook and Jefferson Counties
- Colegio de Abogados de Puerto Rico in San Juan, Puerto Rico, to serve the Commonwealth of Puerto Rico
- Community Legal Services in Phoenix, Arizona, to serve Maricopa County
- Dade County Bar Association in Miami, Florida, to serve Dade County
- The Florida Bar in Tallahassee, Florida, to serve Leon, Gadsden, Liberty, Calhoun, Jackson, Holmes, Washington, Gulf, Franklin, Bay, Jefferson and Wakkulla Counties
- Houston Bar Association in Houston, Texas, to serve Houston and Harris Counties
- Legal Action of Wisconsin, Inc., in Milwaukee, Wisconsin, to serve Milwaukee County
- Legal Aid Society of Orange County, in Santa Ana, California, to serve Orange County
- Legal Aid Society of Palm Beach County, Inc., in West Palm Beach, Florida, to serve Palm Beach County
- Legal Services of Eastern Missouri, in St. Louis, Missouri, to serve the City of St. Louis

- Louisiana State Bar Association, in New Orleans, Louisiana, to serve ten (10) Parishes to be designated by the Louisiana State Bar Association
- Maryland State Bar Association, in Baltimore, Maryland, to serve the State of Maryland
- Monroe County Bar Association, in Rochester, New York, to serve Monroe County
- Native American Rights Fund, in Boulder, Colorado, to serve Native Americans nationally
- Northern Kentucky Legal Aid Society, Inc., in Covington, Kentucky to serve Boone, Campbell, Carroll, Grant, Gallatin, Owen, and Pendleton Counties
- Pine Tree Legal Assistance, Inc., in Portland, Maine, to serve the State of Maine
- Puget Sound Legal Assistance Foundation, in Tacoma, Washington, to serve Pierce, Thurston and Mason Counties
- San Francisco Lawyers' Committee for Urban Affairs/La Raza Centro Legal, Inc., in San Francisco, California, to serve Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties
- Toledo Bar Association, in Toledo, Ohio, to serve Toledo and Lucas Counties
- Travis County Bar Association, in Austin, Texas, to serve Travis County
- Utah Legal Services, Inc., in Salt Lake City, Utah, to serve Salt Lake County
- Worcester County Bar Association, in Worcester, Massachusetts, to serve Worcester County

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to: Mr. Steve Granberg, Legal Services Corporation, 733 15th Street, N.W., Washington, D.C. 20005. Clint Lyons,
Director, Office of Field Services.

[FR Doc. 81-9341 Filed 3-26-81; 8:45 am]
BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-27]

NASA Advisory Council; Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: April 21, 1981, 9 a.m. to 5 p.m.; April 22, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 600 Independence Ave., SW, Room 625, Washington, DC. 20003.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL-2, Washington, DC 20546 (202/755-2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Subcommittee, chaired by Mr. Troy M. Gaffey, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

April 21, 1981

- 9 a.m.—Summary of NASA FY 1981-1982 Rotorcraft Research and Technology Program and Program Planning for FY 1983. Review of Facility Productivity and Improvements.
- 5 p.m.—Adjourn

April 22, 1981

- 8:30 a.m.—NASA Future Plans in Aeronautics and Rotorcraft, and Potential Programs in Technology Validation and Demonstration.
- 1 p.m.—Discussion of NASA Rotorcraft Research and Technology Recommendations by the Subcommittee.
- 4 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

March 23, 1981.

[FR Doc. 81-9254 Filed 3-26-81; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The National Capital Planning Commission last published the full text of its systems of records at 42 FR 48768, September 23, 1977. An additional system of records was published at 45 FR 57604, August 28, 1980. No further changes have occurred,

therefore, the systems of records remain in effect as published.

The full text of the NCPC systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume IV, page 2989. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is \$10.00.

Edward H. Rickels,

Secretary to the Commission.

[FR Doc. 81-9314 Filed 3-26-81; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL SCIENCE FOUNDATION

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of those advisory committees which held any closed or partially closed meetings in 1980. The reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and are available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. and at the National Science Foundation Committee Management Office, Room 248; Washington, D.C. The names of the committees submitting reports are:

1. Advisory Committee for Atmospheric Sciences
2. Advisory Committee for Behavioral and Neural Sciences
3. Advisory Committee for Chemistry
4. Advisory Committee for Earth Sciences
5. Advisory Committee for Engineering and Applied Science
6. Advisory Committee for Environmental Biology
7. Advisory Committee for Information Science and Technology
8. Advisory Committee for International Programs—Oversight Report
9. Advisory Committee for Materials Research
10. Advisory Committee for Mathematical and Computer Science—Subcommittee for Computer Science
11. Advisory Committee for Ocean Sciences
12. Advisory Committee for Physics
13. Advisory Committee for Physiology, Cellular and Molecular Biology
14. Advisory Committee for Science and Society—Oversight Report
15. Advisory Committee for Social and Economic Science
16. Advisory Committee on Special research Equipment (2-Year and 4-Year Colleges)
17. Alan T. Waterman Award Committee
18. DOE/NSF Nuclear Science Advisory Committee

Dated: March 23, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-9319 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

**Ocean Sciences Advisory Committee,
Ocean Sciences Research
Subcommittee; Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and time: April 21 & 22, 1981, 9:00 a.m. to 6:00 p.m. each day.

Place: Rooms 338, 536, 628, and 643, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550. Telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

March 24, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-9342 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

**Environmental Biology Committee,
Systematic Biology Subcommittee;
Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: April 16 & 17, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9588.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information on a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

March 24, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-9343 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 50-466]

**Allens Creek Nuclear Generating
Station, Unit No. 1; Availability of a
Supplement to the Final Environmental
Statement**

Notice is hereby given that a Supplement to the Final Environmental Statement (NUREG-0470 Supplement No. 2) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Allens Creek Nuclear Generating Station (ACNGS), Unit No. 1, by the Houston Lighting & Power Company. The proposed station is to be located in Austin County, Texas.

This supplement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Sealy Public Library, 201 Atchinson Street, Sealy, Texas. It is also being made available at the Houston-Galveston Area Council, 3701 West Alabama Avenue, Houston, Texas 77027

The notice of availability of the Draft Supplement No. 2 to the Final

Environmental Statement (FES) for the Allens Creek Nuclear Generating Station Unit No. 1, and requests for comments from interested persons was published in the Federal Register on December 29, 1980 (45 FR 85536). The comments received from Federal, State, and local agencies, and an interested member of the public have been included as appendices to this Supplement to the Final Environmental Statement.

The staff's Final Environmental Statement and the first Supplement to the FES were made available to Federal, State and local agencies in November 1974, and August 1978, respectively. Since the first FES Supplement was issued in August 1978, two decisions of the Atomic Safety and Licensing Appeal Board have resulted in a need to modify the conclusions and proposed conditions contained in the first FES Supplement.

Copies of the Supplement to the FES, dated March 1981 (NUREG-0470 Supp. No. 2) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5205 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 19th day of March 1981.

For the Nuclear Regulatory Commission,
B. J. Youngblood,
*Chief, Licensing Branch No. 1, Division of
Licensing.*

[FR Doc. 81-9190 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

**Carolina Power & Light Co.; Issuance
of Amendments to Facility Operating
Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 34 and 55 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Licenses and Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

These changes to the Licenses and Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Valve Position Indication, (2) Shift Technical Advisor Augmentation, (3) Integrity of Systems Outside Containment and (4) Iodine Monitoring.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated September 16, 1980, (2) Amendment Nos. 34 and 55 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March 1981.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-9293 Filed 3-26-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-29, and Amendment No. 57 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad

Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A technical Specifications to (1) properly list the number and placement of installed heat detectors and smoke detectors in Table 3.12-1, (2) record in Table 3.12-2 the presence of a sprinkler system in the cable spreading room, and (3) correct an erroneous statement of minimum level for a fuel storage tank.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated June 6, 1978 and January 8, 1979, (2) Amendment No. 63 to License No. DPR-29 and Amendment No. 57 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March 1981.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-9294 Filed 3-26-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect the replacement of power operated inboard containment isolation valve CV-4371-B with a manual stop check valve.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 20, 1981, (2) Amendment No. 66 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 23rd day of March, 1981.

For the Nuclear Regulatory Commission.
John N. Hannon,
Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.
 [FR Doc. 81-9295 Filed 3-26-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. P-564-A]

Pacific Gas & Light Co. (Stanislaus Nuclear Project, Unit 1), Conference With Counsel

March 20, 1981.

Several motions and responses which have been previously filed are now pending. The Licensing Board has determined that it wishes to have counsel for the parties argue these matters on the merits, as well as provide current and updated information as to the status of discovery in this proceeding. Accordingly, the following motions as well as any other matters pending on the date of this conference with counsel, will be taken up at the conference:

1. Joint Motion by PG&E and NRC Staff to Suspend Discovery and Motion Activity, dated February 13, 1981, and Responses.

2. Motion of the Northern California Power Agency (NCPA) to Compel Production of Documents Withheld by Pacific Gas and Electric Company (PG&E), dated February 19, 1981, and Responses thereto.

3. Motion of NCPA for a Protective Order, dated February 18, 1981, and Responses.

4. Motion of NCPA to Compel Production of Documents Withheld by PG&E, dated February 19, 1981, and Responses.

5. Letter dated March 6, 1981, from State of California Department of Water Resources (DWR) to PG&E.

Any other documents to be considered at the conference shall be physically lodged with the Board at least 10 days prior to the date of hearing.

The above-described Conference With Counsel will be held at 10:00 a.m., local time, in the Nuclear Regulatory Commission's Hearing Room, located at 4350 East West Highway, 5th Floor, Bethesda, Maryland 20014, on May 5 and 6, 1981.

Dated at Bethesda, Md., this 20th day of March 1981.

For the Atomic Safety and Licensing Board.
Marshall E. Miller,
Administrative Judge.

[FR Doc. 81-9292 Filed 3-26-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station, Unit 1); Correction

March 16, 1981.

Please take notice that the correct address of the final prehearing conference as scheduled in our Order dated March 10, 1981 (46 FR 17174) is:

Richland County Judicial Center, Courtroom 2-A, 1701 Main Street, Columbia, South Carolina 29202.

For the Atomic Safety and Licensing Board,
Herbert Grossman,
Chairman, Administrative Judge.

[FR Doc. 81-9293 Filed 3-26-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket Nos. 50-361-OL and 50-362-OL]

Southern California Edison Co., et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Southern California Edison Company, Et Al.* (San Onofre Nuclear Generating Station, Units 2 and 3), Docket Nos. 50-361-OL and 50-362-OL, is hereby reconstituted by appointing the following Administrative Judges to the Board: Mr. James L. Kelley, and Mrs. Elizabeth B. Johnson. Mr. Ivan W. Smith and Dr. Emmeth A. Luebke were members of this Board but, because of schedule conflict, are unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

James L. Kelley, Chairman
 Mrs. Elizabeth B. Johnson
 Dr. Cadet H. Hand, Jr.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new members are:

Administrative Judge James L. Kelley, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Mrs. Elizabeth B. Johnson, Oak Ridge National Laboratory, P.O. Box X, Building 3500, Oak Ridge, Tennessee 37830.

Issued at Bethesda, Maryland, this 23rd day of March, 1981.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-9297 Filed 3-26-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-33, Amendment No. 66 to Facility Operating License No. DPR-52, and Amendment No. 42 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to revise a note regarding the acceptance criteria in the startup test instructions for the High Pressure Coolant Injection and Reactor Core Isolation Cooling Systems.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 22, 1978, as supplemented by letter dated October 10, 1978, (2) Amendment No. 70 to License No. DPR-33, Amendment No. 66 to License No. DPR-52, and Amendment No. 42 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 11th day of March 1981.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-8298 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operations for the Surry Power Station, Unit No. 2, (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment provides a one time 30 day extension for the visual inspection surveillance requirement for inaccessible snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 19, 1981, (2) Amendment No. 66 to License No. DPR-37; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-8299 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co., Yankee-Rowe Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee-Rowe Nuclear Power Station (Yankee-Rowe) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect modifications to the Fire Detection and Suppression Systems recently completed at the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 20, 1980, as amended by letter dated February 24, 1981, (2) Amendment No. 64 to License No. DPR-3 and (3) the Commission's letter dated March 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington,

D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of March, 1981.

For the Nuclear Regulatory Commission.
Dennis M. Crutchfield,
Chief, Operating Reactors Branch #5,
Division of Licensing.

[FR Doc. 81-8300 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meeting of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Feb. 20, 1981 (46 FR 13436). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begun at 8:30 a.m. and Subcommittee and Working Group meetings usually begun at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

*ECCS, March 27, 1981, Pasadena, CA. The Subcommittee will discuss the

LOFT Program Test Plan for fiscal year 81-82. Notice of this meeting was published March 12.

**Advanced Reactors*, April 2, 1981, Des Plaines, IL. The Subcommittee will discuss matters related to LMFBR safety design criteria. Notice of this meeting was published March 18.

**LaSalle*, April 3-4, 1981, Morris, IL. The Subcommittee will review the Operating License application. Notice of this meeting was published March 19.

**Procedures and Administration*, April 7, 1981, Washington, D.C. The Subcommittee will discuss employment arrangements for ACRS members, the use of telecommunications equipment in support of ACRS activities and the format and content of Committee Reports. Notice of this meeting was published March 23.

**Regulatory Activities*, April 7, 1981, Washington, D.C. The Subcommittee will discuss proposed Regulatory Guides 1.142, Rev. 1 and 1.68.3. Notice of this meeting was published March 23.

**NRC Safety Research Program*, April 8, 1981, Washington, D.C. The Subcommittee will discuss NRC's Long-Range Research Plan (NUREG-0740). Notice of this meeting was published March 24.

**Reactor Operations*, April 8, 1981, Washington, D.C. The Subcommittee will review Congressman Udall's inquiries on ATWS. Notice of this meeting was published March 24.

**Safety Philosophy, Technology and Criteria*, April 8, 1981, Washington, D.C. The Subcommittee will discuss matters related to the development of safety criteria for new (later than Near-Term Construction Permit) LWRs. Notice of this meeting was published March 24.

**Advanced Reactors*, April 21-22, 1981, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Susquehanna*, April 23, 1981, Washington, DC. The Subcommittee will discuss the applicant's request for an Operating License.

**Three Mile Island Unit 1*, April 23-24, 1981, Washington, DC. The Subcommittee will review the modifications made to Three Mile Island Unit 1 in preparation for restart following the Three Mile Island Unit 2 accident.

**Fluid Dynamics*, April 28-29, 1981 (Tentative), San Jose, CA. The Subcommittee will review the status of the Mark II Containment Long-Term Program, discuss the status of NRC Staff action on Technical Activities A-2 (Asymmetric Blowdown Loads on the Reactor Vessel), and discuss potential problems associated with the reliability

of pumps and valves used in nuclear power plants. Notice of this meeting was published Feb. 20.

**Shoreham*, April 30, 1981, Washington, DC. The Subcommittee will discuss the applicant's request for an Operating License.

**Site Evaluation*, April 30, 1981, Washington, DC. The Subcommittee will discuss siting rulemaking.

**Babcock and Wilcox Reactors*, April, 1981, Washington, DC. The Subcommittee will review the Crystal River Stretch Power Proposal.

**DNBR Reduction for CE Plants*, May 5, 1981, Washington, DC. The Subcommittee will review a proposed reduction in DNBR for CE reactors.

**Regulatory Activities*, May 5 or 6, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**NRC Safety Research Program*, May 6, 1981 (Tentative), Washington, DC. The Subcommittee will review the FY-83 research program budget.

**Advanced Reactors*, May 14-15, 1981, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Class 9 Accidents*, May 21, 1981, Washington, DC. The Subcommittee will discuss the use of the MARCH and KESS codes.

**Reactor Radiological Effects*, May 26-27, 1981, Toronto, Ontario, Canada. The Subcommittee will discuss siting, waste management and disposal, emergency procedures and other nuclear safety matters of common interest with representatives of the Advisory Committee on Radiological Protection of the Atomic Energy Control Board of Canada.

**Regulatory Activities, June 2, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.*

**NRC Safety Research Program*, June 3, 1981, Washington, DC. The Subcommittee will discuss a draft report on the NRC FY-83 Research Program Budget.

**Waterford Unit 3*, June 18-19, 1981, New Orleans, LA. The Subcommittee will review the Operating License application.

**Comanche Peak*, June, 1981, Glen Rose, TX. The Subcommittee will review the Operating License application.

**Regulatory Activities*, July 7, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**NRC Safety Research Program*, July 8, 1981, Washington, DC. The Subcommittee will review the FY-83 research program budget.

**Reliability and Probabilistic Assessment*, July, 1981, Washington, DC. The Subcommittee will review some of the techniques being used and will discuss the future of risk assessment in the nuclear power licensing process.

**Indian Point 2/Metal Components*, date to be determined, Washington, DC. The Subcommittee will review the possible reactor pressure vessel degradation caused by the flooding incident which flooded the outside of the lower portion of the pressure vessel assembly.

**Transportation of Radioactive Materials*, date to be determined, Washington, DC. The Subcommittee will review NRC cask certification procedures.

ACRS Full Committee Meetings

**April 9-11, 1981*—Items are tentatively scheduled.

**A. La Salle Nuclear Power Station Units 1 and 2*—Operating License.

**B. NRC Long-Range Safety Research Program Plan*—ACRS review and comments.

**C. Revised NRC Cladding Swelling and Rupture Models for LOCA Analysis*—(NUREG-0630)—clarification of ACRS report to NRC, dated Sept. 9, 1980.

**D. North Anna Nuclear Power Station Unit 2*—Review of improved systems for decay heat removal.

**E. Passive Containment System*—Prelicensing review.

**F. Proposed NRC Interim Rule (10 CFR Part 50) Related to Hydrogen Control and Certain Degraded Core Conditions*—Status report re planned implementation of the rule.

**G. NRC Regulatory Guides*—Discuss proposed changes in NRC Regulatory Guides including R.G. 1.142, Rev. 1, Safety Related Concrete Structures for Nuclear Plants and R.G. 1.68.3, Preoperational Testing of Instrument and Control Air Systems.

**H. Independent Design Review of Nuclear Power Plants*—NRC Staff report to ACRS.

**I. ACRS Subcommittee Reports on Safety Related Matters* including General Design Criteria for LMFBRs, design requirements for new LWRs, control system failures that could cause or exacerbate nuclear power plant accidents, and resolution of ATWS.

**J. Application of TMI-2 Lessons Learned to DOE nuclear facilities*—Report by DOE representatives.

**K. Meeting with NRC Chairman and Commissioners*—Discuss ACRS activities regarding safety related matters.

*L. Meeting with NRC Executive Director for Operations—Discuss NRC Staff support of ACRS activities.

*M. Reactor Operating Experience—Report by NRC Staff re recent incidents at nuclear facilities.

May 7-9, 1981: Agenda to be announced.

June 4-6, 1981: Agenda to be announced.

Dated: March 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8290 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology and Criteria; Addition to Agenda

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on April 8, 1981, in Room 1046, 1717 H Street, N.W., Washington, DC to discuss matters related to the development of safety criteria for new (later than Near-Term Construction Permit) LWRs. Among the matters to be discussed will be ways by which such plants could be made more resistant to sabotage and methods which could be used to develop and evaluate requirements for new plants. Notice of this meeting was published March 24.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss matters specifically exempted from disclosure by statute (Section 147 of the Atomic Energy Act) and portions which would involve discussions of trade secrets and commercial or financial information obtained from a person and privileged or confidential. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemptions (3) and (4)). To the extent practicable, these closed sessions will

be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 8, 1981—10:30 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.

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, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c)(3)(4).

Dated: March 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8291 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17646; File No. SR-CBOE-81-2]

Self-Regulatory Organization, Proposed Rule Changes; Chicago Board Options Exchange, Inc.; GNMA Options

Comments requested on or before May 1, 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 February 18, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. CBOE's Statement of the Terms of Substance of the Proposed Rule Change

Chapter XX

GNMA Options

Definitions

Rule 20.1 (a)-(e) [no change]

Nominal Principal Amount

(b) The term "nominal principal amount" means the remaining unpaid principal balance of GNMA's required to be delivered to the holder of a call or by the holder of a put upon exercise of an option without regard to any variance in the remaining unpaid principal balance permitted to be delivered upon such exercise by Rule 20.8(c) or the Rules of the Clearing Corporation and shall be \$100,000 in the case of a single call or put.

(i)-(k) [no change]

(1) The term "current cash market price" with respect to GNMA's means the prevailing price in the cash market for GNMA's bearing a particular stated rate of interest to be delivered on the next applicable monthly settlement date determined in the manner specified [by the Board] in the Rules of the Clearing Corporation. . . Interpretations and Policies [no change]

Wire Connections

Rule 20.2. The Exchange will permit members to establish and maintain wire connections with other members and nonmembers for the purpose of obtaining timely information on price movements in GNMA's. Written notice of each such wire connection shall be filed promptly with the Exchange. The Exchange may condition or terminate the use of any such wire connection if the Board (or a committee designated by the Board) deems such action to be necessary or appropriate in the interest of maintaining a fair and orderly market or for the protection of investors. [20.2 replaces Rule 4.3.]

Approval of underlying Securities

Rule 20.7 [no change]

[Rule 20.7 and Interpretations 20.7.01 and 20.7.02 [replace] supplement Rules 5.3 and 5.4]

Terms of GNMA Option Contracts

Rule 20.8(a) [no change]

(b) The exercise price of each series of GNMA options shall be fixed by the Board (or the Committee designated by the Board) at a percentage of nominal principal amount, assuming a stated rate of interest equal to the designated rate,

which is an integral multiple of 2% and which results in a yield (assuming a 30-year term and prepayment at the end of the twelfth year for the mortgage obligations underlying GNMA's) which is reasonably close to the current yield of GNMA's bearing a stated rate of interest equal to the then current highest qualifying rate (unless another qualifying rate shall have been specified, for purposes of this Rule, by the Board or the Committee designated by the Board) as determined by the current cash market price of such GNMA's at the time such series of options is first designated for trading. Additional series of GNMA options may be opened to reflect substantial changes in prices. The exercise price of all GNMA options or of any series of GNMA options may be fixed by the Board (or the Committee designated by the Board), upon two business days' notice, at a percentage of nominal principal amount, assuming a stated rate of interest equal to the designated rate, which is an integral multiple of 1% so long as the foregoing provisions with respect to the resulting yield are satisfied. Notice of any such changed exercise price shall be posted on the bulletin board on the Exchange floor.

(c) [no change]

* * * Interpretations and Policies [no change]

* * * * *

Responsibilities of Floor Brokers

Rule 20.16. A Floor Broker handling a contingency order for GNMA options that is dependent upon quotations or prices other than those originating on the floor shall be responsible for satisfying the dependency requirements on the basis of the most reliable information reasonably available to him concerning such quotations and prices, underlying but in no event, shall be held to an execution of such order. Unless mutually agreed by the members involved, an execution or nonexecution that results shall not be altered by the fact that such information is subsequently found to have been erroneous.

* * * * *

Opening of Accounts

Rule 20.19. In addition to the general approval and prospectus delivery required under Rule 9.7, a customer's account must be specially approved for transactions in GNMA options in accordance with Rule 20.29 before a member organization may accept an order from a customer to purchase or write such options, and at or prior to the time of such approval the member

organization shall furnish the customer with a current Clearing Corporation prospectus of GNMA options as provided in Rules 9.15 and 20.20.

* * * * *

Delivery and Payment

Rule 20.23. In the case of GNMA options, payment of the aggregate exercise price (i) shall be accompanied by payment of accrued interest on the remaining unpaid principal balance of the underlying GNMA's actually delivered upon exercise from and including the first day of the month in which [such options are exercised] the exercise settlement date occurs [to and including] through the exercise settlement date, as specified in the Rules of the Clearing Corporation; and (ii) shall not be required until the Member Organization informs the customer of the precise amount of the aggregate exercise price.

* * * * *

Exchange Approval

Rule 20.26. A member organization that has been approved to transact business with the public pursuant to Rule 9.1 may carry on a public business in GNMA options only after it has been approved to do so by the Exchange. Such approval shall be based upon the member organization's meeting the requirements of Rules 20.26-20.29 of this Chapter in addition to the Rules of Chapter IX.

[Rule 20.26 supplements Rule 9.1]

Supervision of Accounts and Communications

Rule 20.27. Every member organization handling public orders for GNMA options shall designate and specifically identify to the Exchange one or more principal of the organization who shall be responsible for supervision of the member organization's nonmember customer accounts and communications to customers insofar as such accounts and communications relate to GNMA options. Notwithstanding Rule 9.10, designated GNMA options principals shall:

(i) be responsible for acceptance in writing of customers' authorizations permitting the member organization to exercise any discretionary power with respect to trading in GNMA options contracts in their accounts;

(ii) maintain a record of the basis for each determination that such a customer is able to understand and bear the risks of the strategies or transactions proposed; and

(iii) approve and initial each discretionary order on the day entered

unless such order has already been approved and initialed by a ROP, provided that in the case of approvals by ROPs who are not designated GNMA options principals, such approvals shall be confirmed within a reasonable time by a designated GNMA options principal.

Each designated GNMA options principal shall be an officer (in the case of a corporation) or a partner (in the case of a partnership) of the member organization and shall have successfully completed both a ROP examination, allied member's examination, other principal examination or its equivalent, and an examination prescribed by the Exchange for the purpose of demonstrating an adequate knowledge of GNMA options and the underlying GNMA securities.

* * * Interpretations and Policies

.01. A designated GNMA options principal, in meeting his responsibility for supervision of non-member customers' accounts and orders, may delegate to qualified employees responsibility and authority as provided in Interpretation 9.8.01 in the case of a Senior Registered Options Principal.

.02. As a general matter, supervisory qualifications of a designated GNMA options principal may be demonstrated only by successful completion of a ROP examination, allied member's examination or other principal examination. In exceptional circumstances, however, the President of the Exchange or his designee may, upon written request by a member organization, accept as a demonstration of equivalent knowledge other evidence of a designated GNMA options principal's supervisory qualifications. Advanced age, physical infirmity or experience in fields ancillary to the investment banking or securities business will not individually of themselves constitute sufficient grounds to excuse a designated GNMA options principal from the general requirement that supervisory qualifications be shown by successful completion of an appropriate examination.

[Rule 20.27 and Interpretations 20.27.01 and .02 supplement Rules 9.2, 9.8, 9.10 and 9.21 and the Interpretations and Policies thereunder]

GNMA-Qualified Customer Personnel

Rule 20.28. Persons who handle customers' orders and transactions in GNMA options, or who otherwise perform duties related to GNMA options that are customarily performed by sales representatives, solicitors or customers'

men shall have successfully completed an examination prescribed by the Exchange for the purpose of demonstrating an adequate knowledge of GNMA options and the underlying GNMA securities. [Rule 20.28 supplements Rule 9.3.]

Approval of Accounts

Rule 20.29. Before a member organization may accept an order from a customer to purchase or write a GNMA option, the customer's account must be specially approved, in writing, for transactions in GNMA options by a designated GNMA qualified principal of the member organization, and the customer shall have been furnished with a current Clearing corporation Prospectus on GNMA options. Such approval shall be based upon the facts known to the member organization concerning the customer and his investment objectives and financial situation.

Interpretations and Policies

.01 Approval of the accounts of customers for purposes of Rule 20.29 shall be conducted in accordance with Rule 9.7, and, in the case of customers that are natural persons, shall include consideration of the background and financial information that a member organization must seek to obtain under Interpretation 9.7.01. With respect to institutional options customers (i.e., customers that are not natural persons), a member organization shall seek to obtain the following information:

- (i) evidence of authority for the institution to engage in GNMA options transactions (corporate resolutions, trust documents, etc.);
- (ii) written designation of individuals within the institution authorized to act for it in connection with GNMA options transactions; and
- (iii) basic financial information concerning the institution.

[Rule 20.29 and Interpretation 20.29.01 supplement Rule 9.7 and the Interpretations and Policies thereunder.]

Furnishing of Books, Records and Other Information Rule 20.30. No market-Maker in GNMA options shall fail to make available to the Exchange such books, records or other information maintained by or in the possession of such member or any corporate affiliate of such member pertaining to transactions by such member or any such affiliate for its own account in GNMA's, GNMA futures or in GNMA options as may be called for under the Rules or as may be requested in the course of any investigation, any inspection or other official inquiry by the Exchange. In addition, the

provisions of Rule 8.9 governing identification of accounts and reports of orders shall, in the case of market-Makers in GNMA options, apply to (i) accounts for GNMA, GNMA futures and GNMA options trading; and (ii) orders entered by the Market-Maker for the purchase or sale of GNMA's and GNMA futures and opening and closing positions therein. [Rule 20.30 supplements Rules 8.9 and 15.1.]

II. CBOE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), of the most significant aspects of such statements.

(A) Purpose of Proposed Rule Changes

CBOE's proposed Rule changes (i) correct certain typographical errors and technical inaccuracies in SR-CBOE-1980-7, as amended; (ii) provide a supplemental framework for the supervision of GNMA options accounts, opening of accounts and special qualification of member personnel entitled to handle customers' accounts and orders relating to GNMA options; and (iii) ensure access by CBOE to information pertaining to transactions in GNMA options and underlying GNMA's by members holding appointments at GNMA options Market-Makers and by their corporate affiliates, all in order to conform CBOE's GNMA options rules to the requirements of Section 6(b) of the Securities Exchange Act of 1934. The amendments pertaining to member sales practices (i.e., opening and supervision of accounts and qualification of personnel) are intended to ensure that relations with customers in GNMA options are conducted only and supervised only by personnel specially trained and qualified with respect to GNMA options. The amendment concerning access to GNMA-related transaction information is intended to enable CBOE to pursue surveillance inquiries relating to transactions in GNMA options, GNMA futures and underlying GNMA's which involve those members who are central to GNMA options trading on CBOE (i.e., GNMA options market-makers), whether directly or through a corporate affiliate.

(B) CBOE's Statement on Burden on Competition

The proposed Rule changes set forth herein will impose certain burdens on competition by imposing new account approval requirements on members with respect to GNMA options, imposing new qualification requirements on member personnel with respect to GNMA options and by requiring GNMA options market maker members and their corporate affiliates to make transaction information with respect to GNMA's, GNMA futures and GNMA options available to CBOE upon request. Such burdens, however, appear necessary and appropriate in furtherance of the purposes of the Act because they will ensure that GNMA options accounts are not inappropriately approved, that GNMA options accounts are appropriately supervised by a knowledgeable principal, that customers in GNMA options deal only with specially trained and qualified employees and that CBOE will be able to obtain from its GNMA options market makers information concerning trading patterns that may show actual or attempted manipulations or other conduct violative of CBOE rules.

(C) CBOE's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.

Comments on the proposed Rule changes were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before May 1, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change

that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., 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 1, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 20, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9229 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11696 (811-2422)]

American Fund of Government Securities, Inc., Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

March 20, 1981.

Notice is hereby given that American Fund of Government Securities, Inc. ("Applicant"). Two Embarcadero Center, P.O. Box 7650, San Francisco, CA 94120, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on August 29, 1980, and an amendment thereto on January 12, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on October 11, 1973, it registered under the Act and filed a registration statement pursuant to the Securities Act of 1933. Applicant further states that an initial public offering commenced immediately after the registration statement was declared effective on December 3, 1973.

According to the application, on April 15, 1980, the Board of Directors of Applicant, and on April 16, 1980, the Board of Directors of the Bond Fund of America, Inc. ("BFA"), including a majority of the directors who were not

interested persons of these companies, approved a proposal to merge Applicant with BFA ("Merger"). BFA is registered under the Act as an open-end, diversified, management investment company. Both Applicant and BFA employed Capital Research and Management Company, American Fund Distributors, Inc., and American Funds Service Company as investment adviser, principal underwriter and transfer agent, respectively. Applicant states that the directors, in making their decisions, determined that the Merger was in the best interest of the shareholders of both companies and also determined that as a result of this transaction the interests of existing shareholders would not be diluted. Applicant represents that these findings, and the basis upon which they were made, are recorded fully in the minute books of the Applicant and BFA.

Applicant states that the definitive proxy materials describing the Merger were mailed to its shareholders on May 23, 1980, and that a majority of the shareholders approved the Merger at the June 25, 1980, annual meeting of Applicant's shareholders. Accordingly, effective as of the close of business on June 25, 1980, Applicant was merged into BFA.

As stated in the application, on June 20, 1980, Applicant distributed its final income dividend to its shareholders so that immediately prior to the Merger, Applicant had outstanding 380,300 shares of capital stock; \$1 par value, with an aggregate value of \$3,417,563.47 and a net asset value per share of \$22.1340. Applicant represents that pursuant to the terms of the Merger, its shareholders received 632,464.807 shares of BFA in exchange for the 380,300 shares of Applicant (or 1.6631 shares of BFA for each share of Applicant), such exchange being based on the then-current net asset values of Applicant and BFA. Applicant further represents that it and BFA were each responsible for their own expenses in connection with the Merger (Applicant's expenses totaling approximately \$40,000) and that no brokerage commissions were paid in connection with the transfer of the securities pursuant to the Merger.

Applicant represents that on June 25, 1980, Articles of Merger between it and BFA were filed in accordance with the laws of the State of Maryland and that Applicant has ceased to be a separate corporation. Applicant further represents that at this time it has no assets, no debts or liabilities, and no shareholders, and that it is not a party to any litigation or administrative

proceeding, nor is it engaging or proposing to engage in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than April 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9228 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 11691; 812-4824]

InterCapital Dividend Growth Securities, Inc., et al.; Filing of Application

March 19, 1981.

Notice is Hereby Given that InterCapital Dividend Growth Securities Inc. ("Dividend Growth"), InterCapital High Yield Securities Inc. ("High Yield"),

InterCapital Industry-Valued Securities Inc. ("Industry-Valued"), InterCapital Tax-Exempt Securities Inc. ("Tax-Exempt"), InterCapital Natural Resource Development Securities Inc. ("Natural Resource"), InterCapital Tax-Free Daily Income Fund Inc. ("Daily Income"), and InterCapital Liquid Asset Fund Inc. ("Liquid Asset") (collectively, the "Funds"), Five World Trade Center, New York, NY 10048, registered, open-end, diversified, management investment companies, and Dean Witter Reynolds Inc., 130 Liberty Street, New York, NY 10006, ("Dean Witter") (collectively, with the Funds, "Applicants") filed an application on February 18, 1981, for an order pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving certain proposed offers of exchange of shares among the Funds on a basis other than their relative net asset values and pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Dean Witter, as principal underwriter for High Yield, Industry-Valued and Tax Exempt, maintains a continuous offering of the shares thereof at their respective net asset values plus a sales load. Applicants further state that on December 30, 1980, Dividend Growth and Natural Resource filed registration statements under the Securities Act of 1933 ("1933 Act") with the Commission and that upon the effectiveness of such 1933 Act registration statements Dean Witter will act as principal underwriter and maintain a continuous offering of the shares at their respective net asset values plus a sales load. A continuous offering of the shares of Liquid Asset is made directly by Liquid Asset on a no-load basis. Upon the effectiveness of a post-effective amendment to the 1933 Act registration statement of Daily Income, a continuous offering of the shares of Daily Income will be made directly by it on a no-load basis. Each of the Funds permits reinvestment of dividends and distributions without a sales load. At present, the applicable sales load for High Yield, Dividend Growth, Natural Resource and Industry-Valued varies with the quantity purchased as follows:

Size of transaction at offering price	Sales load as percentage of offering price
Less than \$25,000	5.50
\$25,000 but less than \$50,000	5.00
\$50,000 but less than \$100,000	4.25
\$100,000 but less than \$250,000	3.25
\$250,000 but less than \$500,000	2.50
\$500,000 and over	1.75

The sale load for Tax-Exempt varies as follows:

Size of transaction at offering price	Sales load as percentage of offering price
Less than \$25,000	4.00
\$25,000 but less than \$50,000	3.50
\$50,000 but less than \$100,000	3.25
\$100,000 but less than \$250,000	2.75
\$250,000 but less than \$500,000	2.50
\$500,000 and over	1.75

According to the application, at present investors may have the benefit of reduced sales loads in accordance with the above schedules by combining purchases of shares of High Yield, Dividend Growth, Natural Resource, Industry-Valued or Tax-Exempt in single transactions with the purchase of shares of any of the other Funds which are sold with a sales load. The sales load payable on the combined purchase of shares of two or more such Funds would be at their respective rates applicable to the total amount of the combined concurrent purchases. Also according to the application, investors currently may benefit from a reduction of sales loads in accordance with the above schedules through the operation of "rights of accumulation," whereby an investor, when computing the sales load applicable to a present purchase of shares of one of the Funds, may add the total cost of shares of the Funds which he had previously purchased at a load, or the current net asset value of such shares, whichever is higher, to the public offering price of the shares purchased. In calculating the applicable sales load on a purchase affected by the right of accumulation, shares of Liquid Asset or Daily Income acquired through an exchange at relative net asset values of shares of one of the other Funds are treated as if they have been purchased at a load. In this regard, Applicants state that at present shares of Industry-Valued, Dividend Growth, Natural Resource, or High Yield may be exchanged for shares of any of the Funds, and shares of Tax-Exempt may be exchanged for shares of Liquid Asset or Daily Income on the basis of relative

net asset values and subject to applicable minimum investment restrictions. Shares of Liquid Asset or Daily Income acquired through such an exchange (and shares received as dividends thereon) may be exchanged in the same manner as shares of the Fund for which the Liquid Asset or Daily Income shares were formerly exchanged.

Applicants propose to make the following offers of exchange: Industry-Valued and High Yield now offer their shares and Dividend Growth and Natural Resource propose to offer to shareholders of Tax-Exempt in exchange for shares of Tax-Exempt at their relative net asset values per shares, plus a sales load differential representing the difference in sales loads that would have to be paid upon purchases of Industry-Valued, Dividend Growth, Natural Resource or High Yield, and Tax-Exempt shares, giving recognition to the rights of accumulation and the combined purchase privileges described above. That difference in sales loads will be determined as follows: (a) the total cost of shares of all Funds with a sales load previously purchased at their public offering price, or current net asset value of shares of all such Funds owned by the same shareholder at the time of the exchange, whichever is higher, will be calculated (excluding shares of Liquid Asset or Daily Income shares acquired directly, but including Liquid Asset or Daily Income shares acquired in exchange for shares of any other Fund and liquid Asset or Daily Income shares received as dividends thereon); (b) the sales load that would be applicable to the purchase of shares in the amount calculated in (a), expressed as a percentage of public offering price, will be ascertained for Industry-Valued, Dividend Growth, Natural Resource or High Yield, and Tax-Exempt shares; (c) the sales load will then be subtracted from the sales load percentage that would be applicable to such a purchase of shares of Industry-Valued, dividend Growth, Natural Resource or High Yield; and (d) the resulting difference in percentages between Industry-Valued, Dividend Growth, Natural Resource, or High Yield, and Tax-Exempt shares will be applied to the value of the shares of Tax-Exempt to be exchanged. The resulting amount will be the sales load differential payable on the exchange.

Industry-Valued and High Yield now offer and Dividend Growth and Natural Resource propose to offer their shares to

shareholders of Liquid Asset and Daily Income in exchange for shares of Liquid Asset or Daily Income which were acquired in exchange for Tax-Exempt shares, together with Liquid Asset or Daily Income share received as dividends thereon, at their relative net asset values per share, plus a sales load differential determined in the same manner as set forth in the preceding paragraph, with the Liquid Asset shares to be exchanged considered as though they were Tax-Exempt shares in those calculations.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered, open-end investment company or any principal underwriter thereof to make or cause to be made an offer to a security holder of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the company's prospectus.

Applicants represent that the purpose of the proposed offers of exchange is to permit a shareholder of Tax-Exempt (or a shareholder of Liquid Asset or Daily Income who acquired his shares in exchange for Tax-Exempt shares) whose investment objective has changed to change his investment to Industry-Valued, Dividend Growth, Natural Resource or High Yield upon payment of the difference in sales loads, but without paying the full sales load otherwise applicable. Applicants assert that an exchange offer to shareholders of Tax-Exempt (or shareholders of Liquid Asset or Daily Income who acquired their shares in exchange for Tax-Exempt shares) at the relative net asset value of the Fund to be acquired would unfairly benefit such shareholders, who would pay a substantially lower sales load to acquire shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield compared with investors who purchased those Funds directly.

Applicants state that the proposed exchange offers would violate Section 11(a) of the Act unless an order approving the offers of exchange is issued. Also, if shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield were acquired by a shareholder of Tax-Exempt (or by a

shareholder of Liquid Asset or Daily Income whose shares were acquired in exchange for Tax-Exempt shares), then such acquisition might be deemed to be in violation of Section 22(d) of the Act since an investor thereby would be able to acquire shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield at a public offering price other than that described in its prospectus by purchasing shares of Tax-Exempt and subsequently exchanging those shares for shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield, with or without an intervening exchange into shares of Liquid Asset or Daily Income.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of fairly intended by the policy and provisions of the Act.

Applicants assert that the proposed offers of exchange are fair and equitable to shareholders of each of the Funds while at the same time giving all of them desirable flexibility in their financial planning and that the orders requested are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of

course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9230 Filed 3-26-81, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21969; (70-6465)]

Northeast Utilities, et al.; Supplemental Notice of Proposal by Holding Company To Make Capital Contributions or Open Account Advances to Public Utility Subsidiary

March 18, 1981.

In the matter of Northeast Utilities, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; The Connecticut Light & Power Company, The Hartford Electric Light Company, Northeast Nuclear Energy Company, Selden Street, Berlin, Connecticut 06037; and Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, and five of its wholly-owned subsidiary companies, The Connecticut Light & Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP") and Northeast Nuclear Energy Company ("NNECO"), have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7 and 12(b) of the Act and Rules 45 and 50 promulgated thereunder regarding the proposed transaction.

By orders dated July 1, 1980 (HCAR No. 21647), August 21, 1980 (HCAR No. 21684) and February 3, 1981 (HCAR No. 21905) in this matter the applicants-declarants were authorized to issue notes to banks and, with the exception of HWP and NNECO, commercial paper to a dealer in commercial paper from time to time through June 30, 1981. In addition, CL&P, HELCO and WMECO

were authorized to enter into a multibank revolving credit and term loan agreement under the terms of which the three companies can borrow up to an aggregate of \$140,000,000. The aggregate amount of all such notes at any time outstanding, whether issued to banks ("Bank Notes") or to a dealer in commercial paper ("Commercial Paper") or to banks under the revolving credit/term loan agreement ("Revolving Credit/Term Notes") may not exceed \$55,000,000 in the case of NU, \$210,000,000 in the case of CL&P, \$100,000,000 in the case of HELCO, \$55,000,000 in the case of WMECO, \$8,000,000 in the case of HWP and \$40,000,000 in the case of NNECO.

By the order of July 1, 1980, NU was authorized to use the proceeds of its sales of Bank Notes and Commercial Paper to make capital contributions to CL&P, WMECO and NNECO and to make open account advances to NNECO and The Quennehtuk Company, a non-utility subsidiary of NU. Authorization is now sought to make capital contributions or open account advances to HWP in an amount not to exceed in the aggregate \$6,000,000.

The capital contributions or open account advances will be used to defray in part the operating costs of HWP and the cost of converting HWP's oil-burning Mount Tom Unit to coal. It is stated that operating expenses of HWP have increased significantly in the past few months due primarily to the increased cost of fuel oil and lengthy extension of a Millstone Unit No. 1 refueling outage so that plant repairs could be effected. Due to the Millstone Unit No. 1 refueling outage, HWP has had to operate its Mount Tom Unit at or near capacity to produce additional power for the System. Thus, HWP's oil consumption has increased, aggravating the adverse effect of rising fuel prices. The time lag between payment for fuel oil, which payment is made within 10 days after delivery, and collection of accounts receivable has intensified the adverse effect on HWP's financial situation.

The cost of conversion of HWP's oil-burning Mount Tom Unit to coal is estimated to be approximately \$35,000,000, which cost is to be incurred during the period 1981 through 1984.

Approximately \$7,750,000 of this expense will be incurred in 1981.

HWP experienced a loss of \$154,000 for the year ended December 31, 1980 and in light of the factors described above, it now appears likely that, contrary to earlier financial projections, HWP will not generate enough income in 1981 to meet these increased fuel costs and coal conversion expenses. To enable HWP to meet those fuel costs,

and coal conversion expenses to be incurred over the next four months, NU anticipates making up to \$6,000,000 of capital contributions or open account advances, without interest, available to HWP.

It is stated that no special or separable fees, commissions or expenses will be incurred in connection with the proposed transaction. It is further stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 13, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9231 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21971; (70-6562)]

The Southern Co.; Proposed Issuance of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan and Employees Savings Plan

March 20, 1981.

Notice is hereby given that The Southern Company ("Southern"),

Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell from time to time through April 30, 1982, up to 11,000,000 shares of its authorized but unissued common stock, par value \$5 per share ("Additional Common Stock"), pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). These shares would be in addition to the balance of 4,069,045 shares at December 31, 1980, remaining under the authorization granted by order of this Commission dated May 14, 1980 (HCAR No. 21577). The proceeds from the sale estimated to total approximately \$126,500,000 would be applied toward equity investments in the operating subsidiaries and for other corporate purposes.

The Additional Common Stock will be offered to all holders of Southern's common stock pursuant to the Dividend Plan, a voluntary plan, whereby shareholders may elect to (1) have cash dividends on all of their shares of Southern common stock automatically reinvested in additional shares of such stock at a price equal to 95% of the average of the high and low sale prices of Southern's common stock, as published in The Wall Street Journal in its NYSE Composite Transactions, on the dividend payment date ("Market Price Average") or (2) reinvest less than all their cash dividends in shares of Southern's common stock at a price equal to 95% of the Market Price Average, or (3) reinvest all or less than all of their cash dividends as described above and, in addition, make optional cash payments (not less than \$25 per payment nor more than a total of \$3,000 per quarter) to invest in shares of Southern's common stock at a price equal to 100% of the Market Price Average, or (4) continue to receive cash dividends on all shares held and invest only optional cash payments. Cash dividends on shares credited to a participant's account will be reinvested in shares of Southern's common stock at a price equal to 95% of the Market Price Average. No shares will be sold under the Dividend Plan at less than par value. Southern reserves the right to suspend,

modify (subject to Commission approval) or terminate the Dividend Plan at any time. The First National Bank of Atlanta currently administers the Dividend Plan and purchases the shares of Southern's common stock under the Dividend Plan as agent for the participants. No service charge or commission is paid by participants in connection with purchases under the Dividend Plan.

Participants retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant may withdraw from the Dividend Plan at any time upon written notice.

Southern also proposes to issue and sell from time to time through April 30, 1983 a maximum of 1,000,000 shares of its authorized but unissued common stock, par value \$5 per share ("New Stock") pursuant to the Employee Savings Plan for the Southern Company System ("Savings Plan"). The proceeds from the sale of the New Stock, estimated to be approximately \$11,500,000, would be applied to equity investments in its operating subsidiaries and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to the Savings Plan, a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation. Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to one of the following percentages of the member's contributions as are not in excess of 6% of the member's compensation:

Member's completed years of accredited service	Percentage
1 to 10 years	50
11 to 15 years	60
16 to 20 years	70
In excess of 20 years	75

An employee is eligible to participate in the Savings Plan if he has completed at least one year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargaining agent may not participate unless the representatives of his bargaining unit and the employing company mutually agree to participation by members of the bargaining unit.

Each Savings Plan member must direct that his contributions be invested

in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stocks (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments and investments in certain commingled trust funds; and (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries of affiliates, savings account deposits and investments in certain commingled trust funds. The member may change such investment direction once each year. All employing company contributions are invested in the Company Stock Fund. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc. The common shares of Southern held by the Trustee are voted in accordance with written directions received from the individual members on whose behalf such shares are held and any such shares for which voting instructions are not received are not voted. The Trustee has the authority to vote all other securities in its discretion.

Investment purchases by the Trustee for the funds may be made either on the open market or by private purchase, provided that no private purchase may be made of common stock of Southern at a price greater than the last sale price or current independent bid price, whichever is higher, for such stock on the New York Stock Exchange, plus an amount equal to the commission payable in a stock exchange transaction if such private purchase is not made from Southern. The Trustee may purchase common stock of Southern directly from Southern under the Dividend Plan or under any other similar plan made available to all holders of record of shares of common stock of Southern, at the purchase price provided for in such plan.

The amount credited to a member's account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contributions will be fully vested in a member upon his total and permanent disability as defined by the Social Security Administration, his death, or

his retirement pursuant to the pension plan of his employing company. Prior to any such event, the amount to the credit of a member's account attributable to employing company contributions will be vested in the member in accordance with a schedule which begins with a 50% vesting after five years of service and increases by 10% with each subsequent year of service thus becoming fully vested after ten year of service.

Brokerage fees, commissions, transfer taxes and other expenses incident to the purchase or sale of securities by the Trustee are deemed to be a part of the cost of such securities or deducted in computing the proceeds therefrom, as the case may be, and are paid from the trust fund. Any transfer taxes in connection with the distribution of Southern common stock to members or their beneficiaries are borne by the accounts of the members as the Savings Plan Committee shall determine. Taxes, if any, payable with respect to the assets or income of the trust fund are charged against the accounts of members. Other expenses of administering the Savings Plan are paid by Southern Company Services, Inc., subject to reimbursement by the other employing companies of their proportionate shares of such expenses.

The Board of Directors of Southern Company Services, Inc. has the right to amend or terminate the Savings Plan in whole or in part. In the event of termination or partial termination or upon complete discontinuance of contributions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become non-forfeitable and generally will be distributed to the member as soon as practicable after such termination or discontinuance.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 13, 1981 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application—declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9232 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0357]

Atalanta Investment Company, Inc.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Atalanta Investment Company, Inc. (Atalanta), 450 Park Avenue, New York, New York 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has filed as application with the Small Business Administration pursuant to Section 312 of the Act and covered by §§ 107.3(g) and 107.1004(b)(1) of the Regulations governing small business investment companies (SBIC) (13 FR 107.1004 (1980)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

Atalanta proposes to purchase a partnership interest in the Traubner & Flynn Partnership, Suite 2500, 2049 Century Park East, Los Angeles, California 90067, whose general partners are Edward Traubner and David Flynn. The proposed financing is brought within the purview of § 107.1004(b)(1), in that Edward Traubner is a director of Atalanta and also a general partner of Traubner & Flynn and therefore is

deemed to be an Associate of Atalanta as defined by § 107.3(g) of the Regulations.

Notice is hereby given that any interested person may, not later than April 6, 1981 submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 23, 1981.

Peter F. McNeish,
Acting Associate Administrator for
Investment.

[FR Doc. 81-9241 Filed 3-26-81; 8:45 am]
BILLING CODE 8025-01-M

[Application No. 10/10-0175]

Target Capital Corp.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1981)), under the name of Target Capital Corporation, 14 South Idaho Street, Seattle, Washington 98134, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and Title

Roger K. Masuda, 8644 S.E., 75th Pl., Mercer Island, Wa. 98040, President
Larry W. Hitchcock, 8519 25th Avenue, N.E., Seattle, Wa. 98134, General Manager
William L. True, 1125 32nd Avenue, S., Seattle, Wa. 98144, Vice President, Treasurer, Director
Douglas L. True, 4704 Thackeray Place, N.E., Seattle, Wa. 98105, Vice President, Director
John C. T. Conte, Jr., 850 33rd Avenue E., Seattle, Wa. 98112, Secretary
Cecil L. True, Jr., 5002 92nd S.E., Mercer Island, Wa. 98040, Director
Patricia J. True, 5002 92nd S.E., Mercer Island, Wa. 98040, Director
Donald A. Cable, 6227 83rd Avenue S.E., Mercer Island, Wa. 98040, Director
Gull Industries, Inc., 3404 Fourth Avenue, Seattle, Wa. 98124, 100 percent

The voting securities of Gull Industries, Inc., are owned 50 percent by Douglas L. True and 50 percent by William L. True. The other subsidiaries of Gull Industries, Inc., are Associated

Stationers/Raggles, Inc., Northwestern Petroleum, Inc., Pacific Propeller, Inc., and Cemco, Inc.

The Applicant which is a Washington Corporation, proposes to commence operations with private capital of \$999,500 and intends to make equity investments in the Pacific Northwest. The Applicant's major area of interest will be in any energy related concerns, such as solar hydroelectric and gasohol. However, the Applicant does not plan to exclude ventures in other industries.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management, and the new company in accordance with the Act and Regulations.

Notice is hereby further given that any person may, not later than April 13, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to Associate Administrator for Investment, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,
Acting Associate Administrator for
Investment.

[FR Doc. 81-9242 Filed 3-26-81; 8:45 am]
BILLING CODE 8025-01-M

[Application No. 09/09-5283]

Westward Small Business Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 *et seq.*), has been filed by Westward Small Business Investment Corporation (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

W. Steuart McBirnie, 213 South Kenwood Street, Glendale, California 91205, President, Director
Herbert M. Moore, 5119 Gamton Court, Charlotte, North Carolina 28211, Vice President, Treasurer, Director
Dick R. Linch, 346 North Kenwood Street, No. 4, Glendale, California 91206, Secretary, Director

The Community Churches of America, 213 South Kenwood Street, Glendale, California 91205, 100 percent stockholder

The Applicant, a California corporation, with its principal place of business at 213 South Kenwood Street, Glendale, California 91205, will begin operations with \$1,500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily within the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the act the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the Rules and Regulations.

Notice is hereby given that any person may not later than April 13, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Glendale, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-0243 Filed 3-26-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/384]

Secretary of State's Advisory Committee on Private International Law; Meeting

There will be a meeting of the subject Advisory Committee at 10:00 a.m. on Friday, April 10, 1981 in Room 1105 (ground floor) of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purposes of the meeting will include the review for possible signature by the United States of the U.N. Convention on Contracts in the International Sale of Goods concluded at Vienna in April 1980 and the Convention on the Civil Aspects of International Child Abduction concluded by the Hague Conference on Private International Law at its 14th Session in October 1980, and review of other ongoing private international law activities.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street ("diplomatic") entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to April 10, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. 20520 (telephone: (202) 632-8134) of their name, affiliation and address.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

March 9, 1981.

[FR Doc. 81-9321 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/383]

U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Study Group D; Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 10, 1981 at 9:30 a.m. in Room 3524 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital

data transmission. This meeting concerns Study Group VII only.

The agenda for the April 10 meeting will include consideration of the following:

1. Consideration of late documents for Study Group VII meetings, Kyoto, April 23-May 1, 1981.

2. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to April 8, members of the general public who plan to attend the meeting so advise Mr. T. de Haas, Chairman of U.S. Study Group D. Mr. de Haas can be contacted at the Institute for Telecommunications Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone number (303) 499-1000, Ext. 3728. Persons in the Washington, D.C. metropolitan area may contact Mr. Richard H. Howarth, Department of State, telephone 632-1007. All non-government attendees must use the C Street entrance to the building.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

March 4, 1981.

[FR Doc. 81-9320 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Issuance by Government of France of Special Certificates Verifying Non-Cuban Origin of Nickel-Bearing Materials and Articles; Importation from France of Nickel-Bearing Materials from French Company, Creusot-Loire

Special certificates of origin are now available for importation from France of nickel-bearing materials and articles produced by the French steel producing firm, Creusot-Loire, its affiliates and subsidiaries. These certificates are issued pursuant to a formal certification agreement between the Government of France and the Government of the United States. They will serve to establish that the materials with respect to which the certificates are issued do not contain any nickel of Cuban origin. Each certificate will bear the following statements in the body of the document:

"The Government of France hereby certifies that the products described herein, which contain more than 2.5 percent nickel, do not contain nickel of Cuban origin. This certificate has been granted in accordance with the procedures agreed upon by the Government of France and the Government of the United States." Each certificate shall bear as a footnote: "This certificate has been issued in connection with the United States Cuban Assets Control Regulations."

Nickel-bearing materials produced by Creusot-Loire, its affiliates and subsidiaries, may now be imported from France under the general license in § 515.536 of the Regulations in accordance with the special certification provisions in that section and § 515.808 of the Regulations. United States Customs entry will be permitted with respect to any such merchandise if either (1) a certificate of origin issued by the Government of France (Ministere de l'Industrie) or (2) a certification regarding stocks on hand issued by the Government of France, under the foregoing certification provisions covering the particular merchandise to be imported, is presented to U.S. Customs authorities at the point of entry.

Certificates of origin will be available on and after April 1, 1981. Prior to that time, stocks on hand may be imported pursuant to the certification by the Government of France that such stocks do not contain nickel of Cuban origin.

Dated: March 24, 1981.

Dennis M. O'Connell,
Director,

Approved:
John P. Simpson,
Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-9236 Filed 3-26-81; 8:45 am]
BILLING CODE 4810-25-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of art advisory panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 28 and 29, 1981.

FOR FURTHER INFORMATION CONTACT: Tom Hartnett, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, Telephone No. 202-566-4427, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on April 28 and 29, 1981, beginning at 10:00 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal Income, Estate, or Gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury

Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122)

Roscoe L. Egger, Jr.,
Commissioner.

[FR Doc. 81-9363 Filed 3-26-81; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 21, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building, U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Master Craft Tool Company, 310 McCown Drive, Lebanon, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 19, 1981.

R. S. Bielak,
Director, VA Regional Officer, Nashville, Tennessee.

[FR Doc. 81-9022 Filed 3-26-81; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 59

Friday, March 27, 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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[M-310 (1 Amdt.)]

CIVIL AERONAUTICS BOARD.

March 19, 1981.

Addition of Item to the March 24, 1981 Board Meeting.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 19a. Docket 35634, IATA North Atlantic Cargo Rates Agreement. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-491-81 Filed 3-25-81; 9:00 am]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., March 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proficiency examination requirement for associated persons.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-400-81 Filed 3-24-81; 4:07 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:45 a.m., March 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, Programs and Priorities.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-489-81 Filed 3-24-81; 4:07 pm]

BILLING CODE 6351-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 31, 1981.

PLACE: Commission Conference Room No. 5240; fifth floor, Columbia Plaza Office Building; 2401 E Street N.W., Washington, D.C. 20508.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81-1-FOIA-002-NY, concerning a request for an SF-171 and supporting documents.

2. Freedom of Information Act Appeal No. 81-1-FOIA-1-1-SL, concerning a request for information in a Title VII investigative case file.

3. Freedom of Information Act Appeal No. 81-1-FOIA-09-IN, concerning a request for information in a closed Title VII charge file.

4. Freedom of Information Act Appeal No. 81-1-FOIA-30-CH, concerning a information from an individual's closed age discrimination charge file.

5. Freedom of Information Act Appeal No. 81-1-FOIA-7, concerning a request for document pertaining to the Commission's ELI Program.

6. EEOC's Semiannual Regulatory Agenda.

7. Proposed Contract for Computer Programming Services.

8. Public Affairs Informational Brochure.

9. A report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall, Executive Office, Executive Secretariat, at (202) 634-6748.

This Notice Issued March 24, 1981.

[S-497-81 Filed 3-25-81; 11:01 am]

BILLING CODE 6570-06-M

5

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission Meeting, Thursday, March 26, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 26, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Title: In re amendment of Part 2 of the FCC's Rules and Regulations.

Summary: The Department of the Army has ceased using its doppler velocity projectile (DOVAP) system and has recommended that the FCC amend its Rules to reflect this cessation. The frequency bands in question are located in the 900 MHz region and are allocated for non-Government use, but have been made available to Government users by footnote. The item before the Commission addresses the amendment of Part 2 to reflect the current situation.

Private Radio—1—Title: Amendment of the Commission's Rules to permit talk-around in the private land mobile radio services on shared conventional channels above 800 MHz. **Summary:** The FCC has been asked to amend its rules to allow users of shared conventional channels above 800 MHz in the Private Land Mobile Radio Services to operate in the "talk-around" mode. Under current rules, only licensees having exclusive use of a channel may use talk-around in this band. The Commission will consider whether to adopt a Notice of Proposed Rulemaking proposing to allow licensees on shared conventional channels to use talk-around also.

Privacy Radio—2—Title: Notice of proposed Rule Making in Docket 80-422 proposes to permit the limited use of Bio-Medical Telemetry Operations on 155 MHz band VHF frequencies for Medical Services in the Special Emergency Radio Service. **Summary:** The FCC will consider whether to approve and finally adopt proposals for allowing bio-medical telemetry operations on 155 MHz band VHF frequencies in areas outside of major urbanized communities. Issues include whether this operation is necessary and desired and, if so, under what limitations and conditions such operations should be allowed. If approved, rules changes will be adopted in Part 90 of the Commission's Rules for the Special Emergency Radio Service.

Private Radio—3—Title: Amendment of Part 95, General Mobile Radio Service, and Part 97, Amateur Radio Service, to establish procedures to protect National Radio Astronomy Observatory and Naval Research Laboratory activities from

- potential interference. *Summary:* The Commission will consider whether or not to adopt final rules to apply the protection procedures of the national radio quiet zone to Amateur radio stations in repeater operation; and to base, fixed, and mobile relay stations to the General Mobile Radio Service.
- Private Radio—4—Title:** Amendment of Part 97, governing the Amateur Radio Service, eliminating, among other licenses, new club station licenses. *Summary:* The Commission will consider the *Petition for Reconsideration* of the Capitol Hill Amateur Radio Society, seeking to overturn that portion of Docket No. 21135 eliminating new club station licenses.
- Private Radio—5—Title:** Rulemaking petition (RM-3724) to prohibit private land mobile paging systems from operating in any areas except those having a population in excess of 100,000 and no more than one operating radio common carrier. *Summary:* The FCC will consider whether to adopt or deny a rulemaking petition (RM-3724). The rulemaking petition proposes that the FCC amend Part 90 of its rules to prohibit the operation of private paging systems except where: (a) the ERP is not greater than 20 watts and the tip of the antenna for the fixed station does not extend more than 20 feet above any building; (b) the base station antenna is located outside the reliable service area of any radio common carrier paging facility; or (c) the base station antenna is located within the reliable service area of any single radio common carrier paging facility having a population in excess of 100,000. The petition also proposes that private paging facilities licensed within six months of the effective date of the proposed rules would be grandfathered for seven years provided that no paging receivers are added to the system, and that private paging systems authorized more than six months after the effective date of the proposed rules in an area where there is no common carrier paging may operate no longer than two years (and without expansion) once common carrier paging service becomes available.
- Private Radio—6—Title:** Amendment of the rules to provide for the use of scanning type VHF receivers to meet multiple watch requirements. *Summary:* The FCC will consider whether to adopt an order which would dispose of the proceeding in the above titled matter.
- Private Radio—7—Title:** Substitution of FCC Form 405-A for FCC Form 400 in renewal of General Mobile Radio Service licenses. *Summary:* The Commission will consider whether or not to adopt final rules to substitute FCC Form 405-A for FCC Form 400 in renewal of General Mobile Radio Service licenses.
- Common Carrier—1—Title:** Petition for reconsideration and request for stay of recently enacted Commission Rule 22.15(b), governing the demonstration of interference-free operation in the DPLMRS. *Summary:* The FCC is considering a petition for reconsideration and a request for stay, filed by Mr. Ernest R. Freeman of Sachs/Freeman Associates, Inc., challenging the Commission Order enacting Rule 22.15(b), which requires all future applicants for base station facilities in the DPLMRS to demonstrate, at the time the application is filed, interference-free operation in accordance with the Carey method.
- Common Carrier—2—Title:** Interim procedures for 43 MHz applications in Public Mobile Radio Services. *Summary:* The FCC is considering lifting the freeze on 43 MHz Public Mobile Radio Services applications announced previously as part of the interim policy. That policy was adopted in response to television interference associated with paging operations on 43.22 and 43.58 MHz. After further review, the FCC is proposing to lift the freeze and to monitor the potential for television interference in advance through developmental authorizations.
- Common Carrier—3—Title:** Request for nondisclosure and application for review filed by ITT World Communications, Inc. in Docket No. 80-339. *Summary:* The Commission considers a request for nondisclosure of historical and projected cost data submitted as part of ITT's direct case in Docket No. 80-339. The Commission also considers ITT's application for review of a Bureau decision denying an earlier nondisclosure request in the same proceeding.
- Common Carrier—4—Title:** Citibank, N.A. v. Graphnet, Inc. and Graphic Scanning Corp., File No. E-80-25. *Summary:* Citibank, N.A. filed a formal complaint alleging various violations of the Act. Defendants filed a motion asking that Citibank's complaint be made more definite and certain. The Chief, Common Carrier Bureau granted this motion. Citibank has now filed an application for review of this action. The issue raised is whether the Bureau's order was consistent with Commission precedent or alternatively, distinguishable from that precedent.
- Common Carrier—5—Title:** Notice of Proposed Rulemaking to amend Part 68 of the Rules and Notice of Inquiry into inclusion of one and two-line business and residential premises wiring and party line service under Part 68.
- Common Carrier—6—Title:** MCI Telecommunications Corporation v. American Telephone and Telegraph Company and the Pacific Telephone and Telegraph Company and In the Matter of MCI Telecommunications Corporation. *Summary:* The Commission will reconsider its decision in *MCI Telecommunications Corporation v. AT&T*, 74 FCC 2d 184 (1979), which denied a complaint by MCI against AT&T. The complaint concerns two related 1975 MCI orders for private line service from AT&T. MCI claims that one order was unlawfully refused and that AT&T quoted an unreasonably long period of time to complete the other. The case is on Commission-requested remand from the D.C. Cir. Court of Appeals.
- Cable Television—1—Title:** "Petition for Special Relief" (CSR-1820(x)) filed October 3, 1980, by Metropolitan Theatres Corporation. Metropolitan Theatres Corporation has an ownership interest in Spanish International Communications Corporation, licensee of Station KMEX-TV (Ind., Channel 34). Los Angeles, California. Metropolitan's president has acquired an interest in the franchisee of a cable television system which will serve an area within Los Angeles, California. Additionally, Metropolitan has acquired interests in cable franchises in two other communities, located within the Grade B contour of KMEX-TV. Therefore Metropolitan seeks a temporary waiver of Section 76.501(a)(2) of the Commission's Rules, pending its divestiture of its interests in KMEX-TV.
- Cable Television—2—Title:** "Petition for Reconsideration" (CSR-1338) filed December 1, 1980, by Thomas Television, Inc. Thomas Television, Inc., licensee of Station WATR-TV (NBC, Channel 20), Waterbury, Connecticut, requests reconsideration of the Commission's decision in *Waterbury Community Antenna, Inc.* (Waterbury, Connecticut), FCC 80-626, — FCC 2d — (1980). The petition is opposed by Teleprompter Connecticut CATV Corp. and by New Milford Cablevision Company, operators of cable television systems serving Danbury and New Milford, Connecticut, respectively.
- Renewal—1—Title:** License renewal application of WACB, Inc. for Station WACB, Kittanning, Pennsylvania. *Summary:* Larry L. Schrecongost filed a petition to deny the license renewal application for Station WACB. The petition to deny charges that licensee's technical operation has been deficient in various respects, that licensee had made a misrepresentation in a prior renewal application, and that licensee had favored local Democratic candidates in political advertising. The Commission considers petitioner's allegations.
- Renewal—2—Title:** Petition to Deny the Renewal Application of Northwest Community Broadcasting, Inc. for Station WWMM(FM), Arlington Heights, Illinois by the Latino Committee on the Media. *Summary:* The Commission considers allegations by the Latino Committee on the Media that Station WWMM(FM), Arlington Heights, Illinois has engaged in discriminatory hiring practices.
- Renewal—3—Title:** Rocket Radio, Inc., application for renewal of license for Station WFPM, Fort Valley, Georgia. *Summary:* Rocket was one of the parties to a hearing proceeding on mutually exclusive applications for construction permits for a new FM broadcasting facility in Fort Valley, Georgia. As a result of testimony and evidence adduced at hearing, Rocket was found to be disqualified to be a Commission licensee on character grounds. The issue before the Commission is the effect of that finding of lack of character qualifications on the instant license renewal application.
- Television—1—Title:** Petition for reconsideration of Commission action waiving cut-off rule for channel *2, Denton, Texas. *Summary:* The Commission considers a petition for reconsideration of its action waiving the TV cut-off rule to

- allow acceptance for filing of the application of The Denton Channel Two Foundation for a CP for a new educational television station in Denton, Texas. Application was late-filed against the pending mutually exclusive application for a new ETV station on channel *2, Flower Mound, Texas, by licensee of ETV Station KERA-TV, Dallas, Texas.
- Television—2—Title:** Application of Central Virginia Educational Television Corporation for a new non-commercial educational television station to operate on Channel 58, Fairfax, Virginia. **Summary:** The Commission will consider whether to grant the subject application, which proposes a transmitter site that would be 5.9 miles short-spaced to the reference point for Channel 42 in Front Royal, Virginia.
- Television—3—Title:** Petition for reconsideration of staff action dismissing Family Television, Inc.'s application (BPCT-5170) for a construction permit for a new commercial television station to operate on Channel 29, San Antonio, Texas. **Summary:** The Commission will consider the above-mentioned petition for reconsideration, which states that the combination of petitioner's inexperience and several alleged misleading staff actions resulted in the dismissal of Family Television Inc.'s application.
- Television—4—Title:** Request of Tierra del Sol Broadcasting Corp. (KTDS(TV), Brownsville, Texas, for waiver of interim policy and grant of exception to "one-to-a-market" rule (Section 76.636(a)(1), Note 8). **Summary:** The Commission considers the request for waiver of the interim policy of not acting on "one-to-a-market" cases while a rulemaking proceeding is pending, and for an exception under Note 8. Applicant is a minority-owned UHF licensee in a predominantly Hispanic area.
- Broadcast—1—Title:** Petition for Reconsideration of Memorandum Opinion and Order in RM-3502, *Rules and Policies to Further the Advancement of Black Americans in Mass Communications*. **Summary:** The Commission will consider a petition for partial reconsideration of its Memorandum Opinion and Order in RM-3502, filed by the National Black Media coalition ("NBMC"). NBMC seeks reconsideration of the Commission's action as to proposals regarding reporting of minority programming by broadcast licensees, equal employment opportunity ("EEO"), and minority ownership and multiple ownership of broadcast stations.
- Broadcast—2—Subject:** Amendment of Part 73 of the Commission's Rules with respect to the availability of television programs produced by non-network suppliers to commercial television stations. **Summary:** An inquiry into time exclusivity provisions in the sale of non-network programming to commercial television stations and a petition for rule making concerning the sale of dubbed television programs in the United States are considered.
- Broadcast—3—Title:** Memorandum Opinion and Order in RM-3402, In the Matter of requiring commercial TV stations to have an earth station facility for the capability of

receiving programs offered via domestic satellites. **Summary:** FCC considers request for reconsideration of a Memorandum Opinion and Order denying the petition for institution of a rule making proceeding to require commercial TV stations to construct and operate satellite earth stations.

Broadcast—4—Title: Inquiry into possible change in TV signal specifications contained in Sections 73.682 and 73.699 of the Rules to facilitate international program exchange. **Summary:** The FCC will consider whether or not to continue Docket 18505. The proceeding was primarily concerned with soliciting information on the selection of specific lines in the vertical blanking interval for international test signals.

Broadcast—5—Title: Memorandum Opinion and Order in RM-2326, In the Matter of Adoption of Standards for the Elimination of TV Overcommercialization in the Public Interest and in RM-3462, In the matter of Non-Program Limits on TV Broadcast Stations. **Summary:** Commission considers Memorandum Opinion and Order on petitions to modify rules and policies relating television commercial practices.

Broadcast—6—Report and order in the matter of Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees. **Summary:** On June 4, 1980, the Commission adopted a Notice of Proposed Rule Making (FCC 80-327) proposing a new simplified application containing five questions and a new enforcement approach by which a portion of all licensees would receive audits and field inspections. Also proposed were simplification of licensee public notice requirements, and limitation of certain filing requirements associated with the renewal process. The Report and Order considers and resolves these matters.

Broadcast—7—Request by CBS Inc. for a declaratory ruling § 73.658(j)(1)(ii) of the Commission's Rules. **Summary:** A request that § 73.658(j)(1)(ii), the financial interest rule, be interpreted to permit network purchases of nonbroadcast rights to television programs in transactions separate from the purchase of network exhibition rights is considered.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 20, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-192-81 Filed 3-25-81; 9:00 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item

The following item has been deleted at the request of Carlos Roberts, Private

Radio Bureau, from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Private Radio—5—Title: Rulemaking petition (RM-3724) to prohibit private land mobile paging systems from operating in any areas except those having a population in excess of 100,000 and no more than one operating radio common carrier. **Summary:** The FCC will consider whether to adopt or deny a rulemaking petition (RM-3724). The rulemaking petition proposes that the FCC amend Part 90 of its rules to prohibit the operation of private paging systems except where: (a) the ERP is not greater than 20 watts and the tip of the antenna for the fixed station does not extend more than 20 feet above any building; (b) the base station antenna is located outside the reliable service area of any radio common carrier paging facility; or (c) the base station antenna is located within the reliable service area of any single radio common carrier paging facility having a population in excess of 100,000. The petition also proposes that private paging facilities licensed within six months of the effective date of the proposed rules would be grandfathered for seven years provide that no paging receivers are added to the system, and that private paging systems authorized more than six months after the effective date of the proposed rules in an area where there is no common carrier paging may operate no longer than two years (and without expansion) once common carrier paging service becomes available.

Deletion of Agenda Item From March 26th Open Meeting

The following item has been deleted at the request of Dick Shiben, Chief Broadcast Bureau, from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Broadcast—7—Request by CBS Inc. for a declaratory ruling on § 73.658(j)(1)(ii) of the Commission's Rules. **Summary:** A request that § 73.658(j)(1)(ii), the financial interest rule, be interpreted to permit network purchases of nonbroadcast rights to television programs in transactions separate from the purchase of network exhibition rights is considered.

Deletion of Agenda Item From March 26th Open Meeting

The following item has been deleted at the request of General Counsel and Broadcast Bureau from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and

previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Renewal—3—Title: Rocket Radio, Inc., application for renewal of license for Station WFPM, Fort Valley, Georgia.
Summary: Rocket was one of the parties to a hearing proceeding on mutually exclusive applications for construction permits for a new FM broadcasting facility in Fort Valley, Georgia. As a result of testimony and evidence adduced at hearing, Rocket was found to be disqualified to be a Commission licensee on character grounds. The issue before the Commission is the effect of that finding of lack of character qualifications on the instant license renewal application.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 23, 1981.

Federal Communications Commission,
William J. Tricarico,
Secretary.

[S. 493-81 Filed 3-25-81; 9:00 am]
BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.
Closed Commission Meeting, Thursday, March 26, 1981.

The Commission will hold a Closed Meeting on the subjects listed below on Thursday, March 26, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., Subject

Hearing—1—Motion for Relief by Distress Sale in the Ft. Lauderdale, Florida Radio WAVS, Inc. renewal proceeding (Docket Nos. 80-17 and 80-18).

Hearing—2—Petition for Special Relief by Distress Sale in the Brownwood, Texas revocation proceeding (BC Docket No. 80-92).

Hearing—3—A Petition for Reconsideration of the Designation Order in the Santa Fe, New Mexico TV proceeding (BC Docket Nos. 80-436 and 80-437).

Hearing—4—Request for Severance and Grant in the Gulf Coast Communications, Inc., maritime mobile radio proceeding (PR Docket 78-259-63).

Hearing—5—Appeal of an interlocutory order in the Microband Corporation of America comparative MDS proceeding. (CC Docket Nos. 80-392-3).

Hearing—6—Exceptions to an Initial Decision in the Service Electric Company point-to-point microwave radio station renewals proceeding (Docket Nos. CC 80-644-654).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino FCC Public Affairs Office telephone number (202) 254-7674.

Issued: March 20, 1981.

Federal Communications Commission,
William J. Tricarico,
Secretary.

[S-494-81 Filed 3-25-81; 9:00 am]
BILLING CODE 6712-01-M

8

FEDERAL HOME LOAN BANK BOARD.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 1, 1981.

PLACE: 1700 G Street N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Wednesday, April 1, 1981.

Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Lawrence Brook Savings & Loan Association, Milltown, New Jersey into Carteret Savings and Loan Association, Newark, New Jersey.

March 25, 1981.

[S-498-81 Filed 3-25-81; 1:10 pm]
BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION.
TIME AND DATE: 9 a.m., April 1, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 8080-17 and Agreement No. 8240-15: Modifications of the Atlantic and Gulf-Indonesia Conference and the Atlantic and Gulf-Singapore, Malaya and Thailand Conference to Provide for Substituted Service.

2. Proposed Rulemaking—General Order No. 11—Deferred Tax Deduction from Rate Base.

3. Proposed Rule to Limit Certain Combinations of Carriers to One Vote in Conference Matters.

4. Docket No. 80-70, Proposed Interpretative Rule, Status of Bulk Commodities—Consideration of Comments.

Portion closed to the public:

1. Docket No. 79-72—Cargill Inc. v. Waterman Steamship Corp.—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-3725.

[S-495-81 Filed 3-25-81; 10:10 am]
BILLING CODE 6730-01-M

10

BOARD OF GOVERNORS.
FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, April 1, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 25, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-496-81 Filed 3-25-81; 10:43 am]
BILLING CODE 6210-01-M

11

NUCLEAR REGULATORY COMMISSION.
DATES: Monday, March 30, and Tuesday, March 31, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, March 30:

3 p.m.: Briefing by Executive Branch on Export Matter (tentative, closed meeting).

Tuesday, March 31:

2 p.m.: Discussion of Revised Licensing Procedures (public meeting).

ADDITIONAL INFORMATION: By a vote of 3-0 (Commissioner Bradford not present) on March 23, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Order Regarding Issues of TMI-1 Restart and Motion for Directed Certification of an Appeal Board Order (In the Matter of Public Service Company of New Hampshire et al.), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,
Office of the Secretary,
March 23, 1981.
[S-499-81 Filed 3-25-81; 1:24 pm]
BILLING CODE 7590-01-M

12

[Meeting No. 1264]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, April 1, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Items

1. Letter agreement with the Department of Energy covering arrangements for a nuclear spent fuel rod consolidation demonstration program.
2. Supplement to contract with the Department of Energy for coal cleaning studies.
3. Sale at public auction of underlying fee title of approximately 26.6 acres of Kentucky Reservoir Land in Calloway County, Kentucky, subject to two existing permanent industrial easements owned by Hutson Company, Inc.—Tract No., XGIR-903.

New Business Items

A—Project Authorizations

1. Project Authorization No. 3558—Replacement of horizontal reheater assemblies in Paradise Steam Plant Unit 3.

B—Purchase Awards

1. Req. No. 827379—Radioactive waste volume reduction systems and solidification systems for Sequoyah and Watts Bar Nuclear Plants.
2. Amendment to Contract No. 80P34-824973 with Babcock & Wilcox Company, Barberton, Ohio, for availability improvement and balanced-draft conversion for Colbert Steam Plant Unit 5.

C—Power Items

1. Adoption of supplemental resolution authorizing 1981 Series B Power Bonds.
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1981 Series B Power Bonds.
3. Sale of surplus simulator time from TVA's Power Operations Training Center.
4. Amendment to lease and amendatory agreement with Huntsville, Alabama, covering additional facilities and property at the Huntsville 161-kV Substation.
5. Determinations on ratemaking standards.

D—Personnel Items

*Change of status for James P. Darling from Manager of Power Engineering to Deputy Manager of Power (Energy Supply) and for Robert F. Hemphill, Jr., from Director of Energy Conservation and Rates to Deputy Manager of Power (Use), Office of Power, Chattanooga, Tennessee.

*Items approved by individual Board members. This will give formal ratification to the Board's action.

*2. Change of status for Bevan W. Brown, Mohamed T. El-Ashry, M. Paul Schmierbach, Maurice Msarsa, and Lawrence L. Calvert, Office of Natural Resources.

*3. Change of status for Frank R. Holland from Manager of Land Between the Lakes, Office of Natural Resources, Golden Pond, Kentucky, to Assistant General Manager, Office of the General Manager, Knoxville, Tennessee.

*4. Change of status for Elizabeth E. Howard from District Administrator, Office of the General Manager, Nashville, Tennessee, to Manager of Land Between the Lakes, Division of Land and Forest Resources, Office of Natural Resources, Golden Pond, Kentucky.

E—Real Property Transactions

1. Filing of condemnation suits.

F—Unclassified

1. Interagency agreement with U.S. Department of the Interior, Office of Surface Mining, covering arrangements for TVA to provide aerial photographic services, consulting, and mapping support.

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: March 25, 1981.

[S-500-81 Filed 3-25-81; 3:05 pm]
BILLING CODE 6120-01-M

Friday
March 27, 1981

Part II

Department of Labor

Wage and Hour Division, Employment
Standards Administration

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions

FRIDAY
MARCH 27, 1981

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedes
Decisions to General Wage
Determination Decisions

Modifications and supersedes decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedes decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedes decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions
Maryland: MD81-3021Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Arizona: AZ81-5101	Jan. 30, 1981.
Arkansas: AR80-4081	Nov. 7, 1980.
California:	
CA80-5135	Oct. 3, 1980.
CA80-5147	Nov. 20, 1980.
Hawaii: HI81-5106	Mar. 6, 1981.
Louisiana:	
LA80-4084	Nov. 7, 1980.
LA80-4089	Nov. 7, 1980.
North Dakota: ND80-5132	Oct. 10, 1980.
Oklahoma:	
OK80-4060	July 10, 1980.
OK80-4061	July 18, 1980.
OK80-4062	July 18, 1980.
OK80-4063	July 18, 1980.
OK80-4064	July 18, 1980.
OK80-4065	July 25, 1980.
OK80-4066	July 25, 1980.
OK80-4067	July 25, 1980.
OK80-4068	Aug. 1, 1980.
Oregon: OR80-5145	Nov. 21, 1980.
Pennsylvania: PA80-3055	Oct. 3, 1980.
Texas:	
TX80-4076	Oct. 10, 1980.
TX80-4078	Oct. 10, 1980.
TX80-4085	Nov. 7, 1980.
TX80-4088	Nov. 7, 1980.
TX80-4097	Dec. 5, 1980.
TX80-4099	Dec. 5, 1980.
TX81-4005	Jan. 6, 1981.
Virginia: VA81-3015	Mar. 6, 1981.
Wisconsin: WI80-2027	Apr. 8, 1980.

Supersedes Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedes decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL79-2053 (IL81-2005)	Aug. 24, 1979.
Missouri: MO79-4095 (MO81-4020)	Nov. 30, 1979.
New York: NY80-3050 (NY81-3018)	Aug. 29, 1980.

Cancellation of General Wage
Determinations

General Wage Determination
Decision No. PA80-3062, pertaining to

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania only is cancelled. Agencies with building, heavy and highway construction projects pending in these locations should utilize the General Wage Determination Decision No. PA80-3055. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 (CFR 1.7(b)(2)), the incorporation of Decision No. PA80-3062 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

The following general wage determinations are hereby cancelled.

Agencies with building construction projects contemplated in the counties should utilize the project determination procedure by submitting Form SF-308 (See 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by this notice. Consistent with 29 CFR Part 1, Section 1.7(b)(2), inclusion of the following decisions in contracts for which bid openings are within ten (10) days of this notice need not be affected.

TN77-1120—Coffee County, Tennessee dated September 30, 1977 in 42 FR 52880
TN77-1100—Carroll, Dyer, Gibson, Henry, Lake, Obion and Weakley Counties, Tennessee dated August 12, 1977 in 42 FR 41094

TN79-1008—Bradley County, Tennessee dated January 5, 1979 in 44 FR 1668

TN79-1009—Madison County, Tennessee dated January 5, 1979 in 44 FR 1669

TN79-1010—Rutherford County, Tennessee dated January 5, 1979 in 44 FR 1669

Signed at Washington, D.C., this 20th day of March 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: Maryland
 COUNTY: Washington
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AIR CONDITIONING MECHANIC	6.76				
BRICKLAYERS	7.80				
CARPENTERS	6.13				
CEMENT MASONS	5.87				
DRYWALL MECHANIC	5.00				
ELECTRICIANS	6.29				
GLAZIERS	7.25				
IRONWORKERS	6.25				
LABORERS	4.40				
MASON TENDERS	4.64				
PAINTERS	5.79				
PLASTERERS	7.55				
PLUMBERS & PIPEFITTERS:					
Jobs where aggregate man- hours are under 10,000	10.00	.60	.80		
Jobs where aggregate man- hours are over 10,000	12.86	.60	.80		
ROOFERS	6.00				
SHEET METAL WORKERS	6.34				
TILE SETTERS	5.85				
TRUCK DRIVERS	4.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.38				
Crane	6.18				
Loader	4.50				
Paver	5.50				
Roller	6.00				

DECISION NO. A281-5101 Modification #3
 (46 FR 10078 - January 30, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
STATEWIDE, ARIZONA					
CHANGE:					
CARPENTERS:					.05
Northern Area:	\$14.36	\$1.195	\$1.115		
Carpenter; Drywall	14.685	1.195	1.115		.05
Applicator; Saw Filer;	14.835	1.195	1.115		.05
Shingler					
Floorlayers (finish);					
Piledrivermen					
Millwrights					
Central and Southern Areas:					
Carpenters; Saw Filers;	12.235	1.195	1.115		.05
Shingler; Drywall					
Applicator/Framer					
Floor Layer (finish)	12.56	1.195	1.115		.05
Piledrivermen					
Millwrights	12.71	1.195	1.115		.05
DECISION #AR80-4081 - Mod.#6					
45FR7432-November 7, 1980					
Sebastian, Crawford and					
Washington Counties,					
Arkansas					
CHANGE:					
SEBASTIAN & CRAWFORD COS.:					
ELECTRICIANS:					
Electricians	\$13.67	.60	38+5.58		1/48
Cable splicers	13.92	.60	38+5.58		1/48
LINE CONSTRUCTION:					
Linemen; operator	11.92	.60	38+5.58		1/48
Cable splicers	12.07	.60	38+5.58		1/48
Powderman	908JR	.60	38+5.58		1/48
Truck driver	758JR	.60	38+5.58		1/48
Groundman	658JR	.60	38+5.58		1/48

DECISION NO. CA80-5135 - Mod. #5
(45 FR 65867 - October 3, 1980)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

Electricians:
Area 2:
Electricians; Technicians
Cable Splicers
Line Construction
Area 2:
Groundman
Lineman
Cable Splicers
Plasterers:
Area 1:
Area 2:
Area 3:
Area 4:
Area 5:
Plasterors Tendors
Area 1:
Area 2:
Area 3:
Area 4:
Area 5:
Area 6:
Area 7:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$18.30	1.10	38+2.15		.15
20.13	1.10	38+2.15		.15
13.73	1.10	38+2.15		.15
18.30	1.10	38+2.15		.15
20.13	1.10	38+2.15		.15
16.495	1.08	1.85		.12
19.70				
18.28				
16.15	1.25	2.00		
16.73	1.30	3.00		.02
13.77	1.25	2.90	1.40	
11.25	1.25	2.90	1.20	
13.625	1.25	2.90	1.20	
12.48	1.25	2.90	1.20	
13.83	1.25	2.60	1.20	
15.73	1.25	2.60	1.20	
14.25	1.25	2.90	1.20	
12.77	1.15	1.65	1.00	.06

Add:

Plasterors:
Area 7: Kern Inyo and Mono Cos.
Area 2: Imperial Co.

Omit

Plasterors
Area 6

DECISION NO. CA80-5147 - Mod. #5
(45 FR 79275 - November 28, 1980)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

Electricians:
Area 3
Electricians, Technicians
Cable Splicers
Ironworkers:
Fence Erectors
Reinforcing
Plasterers:
Area 1
Area 2
Area 3
Plasterors Tendors:
Area 1
Area 2
Area 3
Area 4
Area 5
Area 6
Area 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$18.30	1.10	38+1.95		.15
20.13	1.10	38+1.95		.15
13.46	1.39	3.26	2.15	.07
14.35	1.39	3.26	2.15	.07
16.495	1.08	1.85		.12
19.70				
16.73	1.30	3.00		.02
13.77	1.25	2.90	1.40	
14.25	1.25	2.90	1.20	
11.25	1.25	2.90	1.20	
13.625	1.25	2.90	1.20	
12.48	1.25	2.90	1.20	
13.83	1.25	2.60	1.20	
15.73	1.25	2.60	1.20	
16.15	1.25	2.00		
18.28				

Add:

Plasterors:
Area 4
Area 5
Plasterors:

Area 1: Los Angeles and Orange Cos.
Area 2: Imperial, Riverside and San Bernardino Cos.
Area 3: Ventura County
Area 4: Santa Barbara Co.
Area 5: San Luis Obispo Co.

DECISION NO. LA80-4084 - MOD. #7 (45 FR 74347 - November 7, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: Asbestos workers - Zone 3 Electricians: Zone 8 - Electricians Cable splicers Ironworkers - Zone 2 Zone 6	\$12.50 13.56 13.81 13.09 13.16	.65 .70 .70 .60 .60	1.30 38 38 .75 .65		.07 1/28 1/28 .04 .05
DECISION NO. LA80-4089 - MOD. #4 (45 FR 74361 - November 7, 1980) Bossier, Caddo & Calcasieu Pars., Louisiana					
CHANGE: Ironworkers: Calcasieu Parish	13.16	.60	.65		.05
DECISION NO. ND80-5132 - Mod #5 (45 FR 67525 - Oct. 10, 1980) Burlingame, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota					
CHANGE: CEMENT MASONS: Area 3 PLASTERERS: Area 4 PLUMBERS: Area 1 SHEET METAL WORKERS: Area 1	\$11.05 12.00 13.86 13.15	1.04 -	1.04 -		.03 .07

DECISION NO. H181-5106 Modification # 1
46 FR 15650 - March 6, 1981

STATEWIDE, HAWAII ADD: Divers (Aqua Lung) Power Equipment Operators Group 1: Pilot of heli- copter Group 2: Co-Pilot of helicopter Group 3: Airborne Hoist Operator for helicopter Truck Drivers Group 6 Trucks (hooked up to trailer hauling equip- ment) <th rowspan="2">Basic Hourly Rates</th> <th colspan="3">Fringe Benefits Payments</th> <th rowspan="2">Education and/or Appr. Tr.</th>	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	\$16.06	1.35	2.80	.95	.05
	14.92	1.35	2.80	.95	.05
	14.75	1.35	2.80	.95	.05
	14.61	1.35	2.80	.95	.05
	12.69	1.35	2.80	.95	.05
CHANGE: Painters Brush Spray, Sandblaster Taper	12.05 12.55 12.30	.84 .84 .84	3.00 3.00 3.00	1.00 1.00 1.00	.10 .10 .10

DECISION #OK80-4061 Mod. #3
45 FR 48449 - July 18, 1980
Muskogee, Adair, Cherokee and
Okmulgee Counties, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII				
DECISION #OK80-4060 Mod. #4 45 FR 48439 - July 18, 1980 Pittsburg County, Oklahoma				
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII				

DECISION #OK80-4062 Mod. #4
45 FR 48446 - July 18, 1980
Tulsa, Creek, Craig, Ottawa,
Delaware, Mayes and Rogers
Counties, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII				
DECISION #OK80-4063 Mod. #3 45 FR 48441 - July 18, 1980 Garfield County, Oklahoma				
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII				

DECISION #OK80-4066 -- Mod. #3
45 FR 49837 - July 25, 1980
McIntosh County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr
	H & W	Pensions	Vacation	
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<p><u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII</p>				
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<p>DECISION #OK80-4067 Mod. #3 45 FR 49834 - July 25, 1980 Latimer, LeFlore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma</p>				
<p><u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII</p>				

DECISION #OK80-4064 Mod. #3
45 FR 48444 - July 18, 1980
Oklahoma, Cleveland, Caddo,
Canadian, Kingfisher, Lincoln,
Logan, McClain, Grady, Seminole,
and Pottawatomie Counties,
Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr
	H & W	Pensions	Vacation	
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<p><u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII</p>				
\$13.40	.70	.75		.12
12.90	.70	.75		.12
12.40	.70	.75		.12
12.15	.70	.75		.12
11.90	.70	.75		.12
11.65	.70	.75		.12
11.40	.70	.75		.12
10.40	.70	.75		.12
<p>DECISION #OK80-4065 Mod. #3 45 FR 49832 - July 25, 1980 Wagoner County, Oklahoma</p>				
<p><u>CHANGE:</u> <u>POWER EQUIPMENT OPERATORS:</u> GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII</p>				

DECISION NO. PA80-3055 -- MOD. #4 (45 FR 65902 -- October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania CHANGE: Description of work to read: Building, Heavy and Highway Construction, including single family homes and garden type apartments up to and including 4 stories (Chester County: Building, Heavy and Highway Construction only) TRUCK DRIVERS: Site preparation paving and utilities, to read: TRUCK DRIVERS: Site preparation paving and utilities on Building Construction and Heavy and Highway Construction POWER EQUIPMENT OPERATORS: to read: Building Construction, Heavy and Highway Construction ADD: CARPENTERS: (Heavy & Highway Construction) CEMENT MASONS (Heavy & Highway Construction) LABORERS: (Heavy & Highway Construction) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8	Fringe Benefits Payments				Education and/or Appr Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	11.72	2.63	1.40	a	.13
	10.59	2.09	2.36		
	10.05	.95	.85		
	9.85	.95	.85		
	9.75	.95	.85		
	9.90	.95	.85		
	9.65	.95	.85		
	10.30	.95	.85		
	10.15	.95	.85		
	10.00	.95	.85		

DECISION #OK80-4068 Mod. #2
45 FR 51422 - August 1, 1980
Comanche County, Oklahoma

CHANGE: POWER EQUIPMENT OPERATORS: GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI GROUP VII GROUP VIII DECISION NO. OR80-5145 - Mod. #4 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon CHANGE: ELECTRICIANS: Area 2: Electricians Lead Cable Splicers PLUMBERS: Area 1 Area 5 Area 7 ROOFERS: Area 3: Roofers Spray and/or application of irritating materials in a confined area Area 4	Fringe Benefits Payments				Education and/or Appr Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
\$13.40	.70	.75		.12	
12.90	.70	.75		.12	
12.40	.70	.75		.12	
12.15	.70	.75		.12	
11.90	.70	.75		.12	
11.65	.70	.75		.12	
11.40	.70	.75		.12	
10.40	.70	.75		.12	
\$17.45	.95	3% + 1.30		.05	
18.20	.95	3% + 1.30		.05	
13.62	1.09	2.10		.10	
18.24	1.00	1.85		.10	
19.25	.90	1.55		.10	
14.25	.96	.50			
15.25	.96	.50			
13.00	.85	.50			

DECISION NO. PA80-3055 -
CONT'D

LABORERS CLASSIFICATIONS

- Group 1 - Powderman, multiple wagon drill op. under pinning excavation, bottom men
- Group 2 - Finished surface asphalt rakers ops., pipelayers, caulkers conduit and duct layers
- Group 3 - Other pneumatic tools ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, concrete pitman & spaders, grademen, asphalt shovelers, men working in shring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders, all other laborers on construction work, with the exception of workers in compressed air
- Group 4 - Wagon drill operators
- Group 5 - Yard workers: Laborers, scale mixermen, burnermen dustmen, feeder
- Group 6 - Free Air Tunnel: Miners miners bore driver, blasters, drillers, pneumatic shield ops., welders & burners
- Group 7 - Miners' helpers, form setters, circular caisson excavation bottom men underpinning excavation bottom men
- Group 8 - Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels

DECISION NO. PA80-3055 -
CONT'D

- Tunnel Compressed Air: Laborers: Blasters, shield drivers
- Miners, miner's bore driver
- Brakemen, Trackmen, Miners, helpers, groutmen, iron men, maintenance man, pump men, electrician, cement finisher, carpenters, hydraulic men, monorail men, conveyor men, powder carriers, pan men, riggers, lock tenders, helpers, muck lock tenders, helpers, nippers, derailed men, cablemen, hosemen, gravel men
- Mucking machine operators
- Laborers (Surface)
- Between Locks Lock tenders, motor men
- All other men
- Outside of Locks Outside lock tenders, gauge tenders
- Outside lock tenders' helpers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
19.375	.95	.85		
20.00	.95	.85		
17.955	.95	.85		
20.665	.95	.85		
9.75	.95	.85		
18.80	.95	.85		
17.955	.95	.85		
17.955	.95	.85		
17.11	.95	.85		

AMOUNT IN ADDITION TO
BASE RATE
(NOT CUMULATIVE)

- 15 lb. up to but less than 26 lb. 1.50
- 26 lb. up to but less than 31 lb. 2.00
- 31 lb. up to but less than 36 lb. 2.50
- 36 lb. up to but less than 41 lb. 3.00
- 41 lb. or more 3.50

DECISION NO. PABO-3055 -
CONT'D

HIGHWAY CONSTRUCTION CLASSIFICATIONS CONT'D

- Wage Group 6 - Fireman, grease truck
 - Wage Group 7 - Oilers and deckhands (Personnel Boats), grease truck helper
- FOOTNOTES:
- a. Paid Holiday: Labor Day
 - b. Paid Holidays: New Year's Day; Decoration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.
 - c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day; providing the employee works the day before and after the holiday.

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education end/or Appr. Tr.
LINE CONSTRUCTION (RAIL-ROAD ONLY)					
Linemen	10.94	.45	3%	b	.75%
"A" Equipment Operator	10.94	.45	3%	b	.75%
"B" Equipment Operator	9.57	.45	3%	b	.75%
POWER EQUIPMENT OPERATORS					
HIGHWAY CONSTRUCTION:					
Wage Group 1	13.46	7.98	10.3%	c	1.8%
Wage Group 2	13.23	7.98	10.3%	c	1.8%
Wage Group 3	12.63	7.98	10.3%	c	1.8%
Wage Group 4	12.10	7.98	10.3%	c	1.8%
Wage Group 5	11.73	7.98	10.3%	c	1.8%
Wage Group 6	11.38	7.98	10.3%	c	1.8%
Wage Group 7	10.64	7.98	10.3%	c	1.8%

HIGHWAY CONSTRUCTION CLASSIFICATIONS

- Wage Group 1 - Handling steel and stone in connection with erection, cranes doing hook work, and machine handling machinery, helicopters, machines similar to the above
- Wage Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, pavers 21E and over, trenching machines, gradalls, front-end loaders 3 1/2 c.y. and over, boat captain, pipin type backhoes, tandem scrapers, tower type crane operation erecting, dismantling, jumping or jacking, drills self-contained, (drillmaster type), forklift (20 ft. and over), motor patrols (fine grade), batch plant with mixer, machine similar to the above
- Wage Group 3 - Carryalls, scrapers, tounapulis, asphalt plant engineers, roller (high grade finishing) front-end loaders under 3 1/2 c.y., spreaders (asphalt), concrete pumps, well drillers, bulldozers and tractors, ditch witch (small trencher), motor patrols, mechanic welder, machines similar to the above
- Wage Group 4 - Conveyor loader, seaman pulverizer, ten-ton roller (grader fill stone base) concrete breaking machines, machines similar to the above
- Wage Group 5 - Form line grader, fine grade machines, farm tractors, road finishing, concrete spreaders, compressors, power broom self contained, seed spreader, pumps, welding machines, fireman, power equipment, maintenance engineers (power boats), machines similar to the above

DECISION NO., MOD. #4 (45 FR 80640 - December 5, 1980)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
		H & W	Pensions	Vacation		
CHANGE: BUILDING CONSTRUCTION: Line construction: Zone 1: Linemen Cable splicers Groundmen Operators Zone 2: Linemen Cable splicers Groundmen Operators	\$11.06	.60	7%		1/2%	
	12.17	.60	7%		1/2%	
	7.74	.60	7%		1/2%	
	11.61	.60	7%		1/2%	
	12.91	.60	7%		1/2%	
	14.20	.60	7%		1/2%	
	9.04	.60	7%		1/2%	
	13.56	.60	7%		1/2%	
DECISION NO. TX81-4005 - MOD. #2 (45 FR 1545 - January 6, 1981) Boxar County, Texas	9.24	.50				
	8.19	.50				
	8.69	.50				
CHANGE: Roofers; Roofers; deckmen Kettlemen Waterproofers						
DECISION NO. VAB1-3015-Mod. #2 (46 FR 15666-March 6, 1981) Radford Army Ammunition Plant, Virginia	\$12.05	.50	.45		.02	

DECISION NO. W180-2027, MOD. #4
(45 FR 26656 April 8, 1980)

Ashland, Bayfield and Douglas Counties, Wisconsin

CHANGE:
POWER EQUIPMENT OPERATORS

GROUP I GROUP II GROUP III GROUP IV GROUP V GROUP VI	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	\$12.92	1.15	.90		.05
	12.67	1.15	.90		.05
	12.37	1.15	.90		.05
	12.27	1.15	.90		.05
	11.81	1.15	.90		.05
	11.42	1.15	.90		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes; Clamshells; Derricks; Caisson Rigs; Pile Driver; Skid Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoist; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manhoists; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Percussion Drill; Concrete Pumps; Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type Having Over 8-inch Bucket); Elevator.

GROUP III - Backfiller; Concrete Auto Breaker (Larger); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (145 or over); Screw Type, Gypsum and Grout Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Fireman (Pile Driver and Derricks).

GROUP IV - Hoist (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; A-frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Mats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screen Operator; Farm or Industrial Tractor; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (400 CFM or Over); Augers (Vertical and Horizontal); Generator (150 KW and Over); Air, Electric, Hydraulic Jacks (slip form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators (Under 150 KW); Combination Small Equipment Operator; Compressors (Under 400 CFM); Welding Machines; Heaters (Mechanical); Pumps; Winches (Small Electric); Miller and Generator; Rotary Drill Helper; Conveyor.

DECISION NO. IL 81-2005

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.90	.55	1.10		.035
13.40	.55	1.10		.035
13.15	.55	.80		.035
14.50	.55	.80		.035
11.95	.55	.80		.035
13.476	.55	.80		.035
12.25	.55	.80		.035
13.85	.55	.80		.035
12.25	.55	.80		.035
12.50	.55	.80		.035
12.35	.65	.60		.035
13.95	.65	.60		.035
12.85	.65	.60		.035
12.40	.50	.60		.035
12.65	.50	.60		.035
12.90	.50	.60		.035
14.00	.50	.60		.035
12.35	.55	.60		.035
12.60	.55	.60		.035
12.85	.55	.60		.035
13.95	.55	.60		.035
14.735	.55	.60	.65	.01

LABORERS: (Cont'd)

St. Jacob Common
 Mason & Plasterer Tenders Working in Sewer Trenches
 Dynamite Men
 St. Clair County:
 E. St. Louis & Vicinity
 Laborers
 Dynamite Men
 Belleville & Vicinity
 Laborers
 Dynamite Men & Powder Men
 Mason & Plasterer Tenders Working w/a Torch at Bottom of Sewer
 O'Fallon, Mascoutah, Scott & Vicinity
 AFB, Shilo & Lobannon & Vicinity
 Laborers
 Bottom Men on Sewer Work
 Dynamite Men
 Brick & Plaster Tenders
 Freeburg & Vicinity
 Laborers
 All Sewer Work
 Mason & Plaster Tenders
 Dynamite Men
 New Athens & Vicinity
 Laborers
 Bottom Men on Sewer Work
 Mason & Plaster Tenders
 Dynamite Men
 PAINTERS:
 St. Clair County
 Residential - Commercial
 Industrial & Taping
 Bridges; Grain Elevators,
 Water; Radio & TV Towers;
 Stacks
 Residential & Commercial Spray & Blast
 Industrial Spray & Blast

DECISION NO. IL 81-2005

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.35	.25			.035
13.45	.25			.035
13.60	.25			.035
13.00	.25			.035
12.60	1.00			.035
13.10	1.00			.035
14.20	1.00			.035
12.90	.60			.035
13.40	.60			.035
13.15	.60			.035
14.50	.60			.035
13.00	.50			.035
13.25	.50			.035
13.50	.50			.035
14.60	.50			.035
13.30	.20			.035
13.80	.20			.035
13.55	.20			.035
14.90	.20			.035
12.50	1.00			.035
13.00	1.00			.035
12.75	1.00			.035
14.10	1.00			.035

LABORERS: (Cont'd)

Edwardsville
 Common
 Men Working on Sewer Work from Building to Main Sewer
 Men Working in Main Sewer Ditch & Cutting w/a Torch
 Plaster & Mason Tenders
 Glen Carbon
 Common
 Mason & Plaster Tenders
 Dynamite Men
 Highland
 Common
 Mason & Plasterers Tenders
 Workmen cutting & burning w/a Torch
 Dynamite Men
 Livingston
 Common
 Working on the Bottom of Sewer
 Mason & Plasterer Tenders
 Dynamite Men
 Marine
 Common
 Mason & Plasterer Tenders Working on the Bottom of Sewer
 Dynamite Men
 Troy & Vicinity
 Common
 Mason & Plasterer Tenders Working on the Bottom of Sewer
 Dynamite Men

DECISION NO. IL 81-2005

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLASTERERS	\$ 14.775				.05
PLUMBERS & STEAMFITTERS: Alton & Northern part of Madison Co., North of Mitchell	16.40	.48	.96		
Granite City; Southern h of Madison Co., & E. St. Louis & Vic in St Clair Co.	13.25	.93	1.20	.93	.03
Belleville & vicinity	14.40	.80	1.00		
ROOFERS:	11.80	82	75		.03
Composition-Slate-Tile	13.43	.70	1.00		.06
SHEET METAL WORKERS	13.33	75	1.05	6a	.08
SPRINKLER FITTERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:

a. Employer contributes 8% of regular hourly rate to Vacation Pay and 6% of regular hourly rate for employee who has worked in business more than 5 years

b. 7 Paid Holidays; A through G

DECISION NO. IL81-2005

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$13.42	.87	1.51		.05
GROUP II	11.14	.87	1.51		.05
GROUP III	10.49	.87	1.51		.05
GROUP IV	10.39	.87	1.51		.05
GROUP V	10.14	.87	1.51		.05
GROUP VI:					
a	15.62	.87	1.51		.05
b	15.92	.87	1.51		.05
c	12.29	.87	1.51		.05
d	12.79	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Operators Plant Opers, Ditching Machines or Backfillers (requiring oilers), Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more (where oiler or fireman is not required), Hoists-2 drum or more (where oiler or fireman is not required) Hydraulic Backhoes, Ditching Machines or Backfiller (not required oilers) Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Mixers (over 3 bags) and Boat Opers, (25' & over), Motor Graders or Pushcats, Scoops or Tournapulis, Bulldozers, Endloaders or Fork-Lifts, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drills (Other than derrick type) 1-drum-Hoists, Mud Jacks, Mixers (2 or 3 bags) Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (Under 2 bags), all Tractors regardless of size (Straight tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Opers, (under 25 ft., conveyors (1), Distribution Opers., On Trucks, Siphons or Jets (1) Winch Heads or Apparatus (1), Light Plant (1) Mixers (under 2 bags)

GROUP II Air Compressor (1), Water Pumps regardless of size (1) Welding Machines (1)

GROUP III Firemen and Asphalt Spreader Oilers

GROUP IV Heavy Equipment Oilers (truck cranes, dredges, monignans, large cranes, etc.)

GROUP V Oilers

GROUP VI

- a. Engineers Operating under air pressure
- b. Engineers Operating in air over 10 lbs. pressure
- c. Oilers operating under air pressure
- d. Oilers operating in air over 10 lbs. pressure

SUPERSEDES DECISION

STATE: Missouri

COUNTIES: Boone, Cooper, and Howard

DECISION NO. MO81-4020
 Supersedes Decision NO. MO79-4095 dated November 30, 1979, in 44-FR 59097

DATE: Date of Publication
 DESCRIPTION OF WORK: Building projects (excluding single family homes and apartments up to and including 4 stories).

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DECISION NO. IL81-2005

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12.275	.85	\$41.00a		
12.675	.85	41.00a		
12.875	.85	41.00a		
13.125	.85	41.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or man to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydraulic lifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pails

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:

a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$13.27	.60	1.55		.05
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; STONEMASONS & TILE LAYERS	11.70		.35		
CARPENTERS	11.40	.43	.25		.08
Millwrights	12.05	.43	.25		.08
Piledrivers	11.80	.43	.25		.08
CEMENT MASONS	12.30				
ELECTRICIANS:					
Boone & Howard Counties:					
Electricians	13.00	.47	38+.50	78+.30	.01
Cable Splicers	13.25	.47	38+.50	78+.30	.01
Cooper County:					
Electricians (contracts exceeding 2000 man hours)	14.68	.69	38+.90	78	.12
Electricians (contracts not exceeding 2000 man hours)	13.08	.69	38+.90	78	.12
ELEVATOR CONSTRUCTORS:					
Cooper & Howard Counties	14.135	1.195	.95	38+a	
Elevator Constructors	708	1.195	.95	38+a	
Boone County	11.80	.895	.69	38+a	.025
Elevator Constructors	708JR	.895	.69	38+a	.025
helpers					
GLAZIERS:	11.18	.61	1.04	19.78	.04
Cooper & Howard Counties	12.35	.80	1.50	1.00	.05
IRONWORKERS:	13.475	.65	1.05		.06
Boone County					
LABORERS:					
General Laborer; Watchman; Flagmen; Heaters; Material Plant Man; Carpenter Tender; Landscaper; Signalman; Wrecker (old/new structures); Form Handler; Post hole diggers; Cleaning & clearing of all debris for all crafts;					

LABORERS (CONTD.)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
track or any mechanical drill; powder man; tamper, 100 lbs. or over; paving breaker; jackhammer & vibrator; laser beam man for sewer; grade checker for roads & railroads	9.85	.60	.50		
LATHERS	\$11.00				
LINE CONSTRUCTION:					
Line Man & Cable Splicers	13.78	.50	7%	12k8	k8
Groundman, Winch Drivers	10.11	.50	7%	12k8	k8
Groundman Driver	9.75	.50	7%	12k8	k8
Equipment Operators	12.32	.50	7%	12k8	k8
Groundman	9.75	.50	7%	12k8	k8
PAINTERS:					
Boone & Howard County:					
Brush	11.20		.20		
Spray, Structural Steel, Sandblasting	11.70		.20		
Cooper County:					
Brush	10.75				
Spray	11.75				
PLASTERERS & PIPEFITTERS	14.13	.62	.75		.05
POWER EQUIPMENT OPERATORS:					
Cooper & Howard Counties:					
(Zone 1)	\$13.10	.85	1.00	1.05	.15
GROUP I	12.75	.85	1.00	1.05	.15
GROUP II	9.75	.85	1.00	1.05	.15
GROUP III:					
(a)	10.85	.85	1.00	1.05	.15
(b)	10.35	.85	1.00	1.05	.15
(c)	11.10	.85	1.00	1.05	.15
(d)	13.35	.85	1.00	1.05	.15
GROUP IV	13.00	.85	1.00	1.05	.15
GROUP V	13.60	.85	1.00	1.05	.15
GROUP VI					
GROUP VII:					
(a)	12.85	.85	1.00	1.05	.15
(b)	12.60	.85	1.00	1.05	.15
(c)	10.60	.85	1.00	1.05	.15
GROUP VIII	14.10	.85	1.00	1.05	.15
GROUP IX	13.60	.85	1.00	1.05	.15

LABORERS (CONTD.)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Loading & unloading, conveying, distributing, collecting & hoisting of construction material & debris					
Backfilling, grading & landscaping; covering of tanks, structures & material piles with tarpaulins or other materials; Handling & cleaning of concrete chutes; Cleaning of concrete spills & chipping where hand tools are required; cleaning of masonry & other type walls & windows; signal & hoisting concrete buckets; rodman; all tools run by gas, electricity, or air except vibrator, jackhammer & paving breaker; air compressors; motor buggies; pumps, except set-up men & nozzle men; unloading & handling steel chipping tool operator; concrete mixer operator	\$ 9.50	.60	.50		
First Semi-skill					
Brickmason, plasterer & cement finishers tenders; mortarmen; scaffold builders for brick; plasterer & cement masons; forklifts (walk-behind, or other similar types)					
Second Semi-skill	9.75	.60	.50		
Concrete pumps set-up men & nozzle men; tile layers, bottom men, sewers & drains; cutting torch; burning bar trench or pier holes 12' or over; wagon drill; air					

Group I - Asphalt paver and spreader; asphalt plant mixer op ; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher; rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

Group II - Boilers (1); Brooms - power operated; chip spreader (front man); chief plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab power operated; curb finishing machine; fireman on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h. p.; compressors (2) 125' or over not more than 20' apart, compressors-tandem; compressors single, truck mounted; elevator; finishing machine

GROUP III:

- (a) Oilers
- (b) Fork lift-masonry
- (c) Oiler driver
- (d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h. p.

Group IV

Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V

Hoists-each additional drum over 1 drum

Group VI

Crane or rigs over 200 ft. of boom

Group VII

Ready Mixed Concrete Plants;

- (a) Crane operator
- (b) Loader operator & plant man
- (c) Conveyor operator

Group VIII

Master Mechanic

Group IX

Crane-tower or climbing

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: Boone County:				
Group I Backhoe, cableway; crane, crawler or truck; crane, hydraulic truck or cruiser mounted 16 tons & over; crane, locomotive, derrick, steam; derrick car & derrick boat; dragline; dredge; gradall; grawler or tire mounted; locomotive, gas, steam & other power; piledriver, land or floating; scoop skimmer; shovel, power (steam, gas, electric or other powers); switch boats whirley	.90	1.00		.20
Group II Air tugger w/air compressor; anchor placing barge; asphalt spreader; Athey force feeder loader (self-propelled); backfilling machine; boat op.; push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine; footing foundation; bullfloat; cherry picker; combination concrete mixer; mixer such as mixermobile; compressor (when operator runs throttle); compressors, two not more than 50' apart; compressor generator combination; compressor pump combination; compressor welder combination; concrete breaker (truck or				

POWER EQUIPMENT OPERATORS:
Boone County:

Group I
Backhoe, cableway; crane, crawler or truck; crane, hydraulic truck or cruiser mounted 16 tons & over; crane, locomotive, derrick, steam; derrick car & derrick boat; dragline; dredge; gradall; grawler or tire mounted; locomotive, gas, steam & other power; piledriver, land or floating; scoop skimmer; shovel, power (steam, gas, electric or other powers); switch boats whirley

Group II
Air tugger w/air compressor; anchor placing barge; asphalt spreader; Athey force feeder loader (self-propelled); backfilling machine; boat op.; push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine; footing foundation; bullfloat; cherry picker; combination concrete mixer; mixer such as mixermobile; compressor (when operator runs throttle); compressors, two not more than 50' apart; compressor generator combination; compressor pump combination; compressor welder combination; concrete breaker (truck or

DECISION NO. M081-4020

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$ 13 32	.90	1.00		.20

POWER EQUIPMENT OPERATORS (GROUP II CONTD.)

plant, heating job site; plant, mixing job site; plant, power generating job site; pumps, two self-power over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track roller, asphalt, top or subgrader; scoop, tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take offs, & attachments regardless of size; trenching machine, tunnel boring machine, vibrating machine, automatic, propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine
Group III
 Air tugger w/plant air; boiler for power or heating shell of buildings or temporary enclosures in connection with construction work; boiler, temporary; compressor, air one; on truck); concrete saw, (self-propelled); conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick & concrete distributing) on floor level; curb finishing machine, ditch paving machine; elevator (build-

DECISION NO. M081-4020

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	

POWER EQUIPMENT OPERATORS (GROUP II CONTD.):

tractor mounted); concrete pump, such as pumpprete machine; concrete spreader conveyor, large (not self-propelled) hoisting or moving brick & concrete into, or into & on floor level, one or both; crane, hydraulic rough terrain, self-propelled; crane, hydraulic truck or cruiser mounted under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills & any hand-drills obtaining power from other sources including concrete breakers, jackhammers & Barco Equipment no engineer required) elevating grader, engine man, dredger, excavator or power belt machine; finishing machine, self-propelled oscillating screed; fork lift; grader road with power blade; highlift; hoist, concrete & brick (brick cages or concrete skips operating in or on tower, towernobile, or similar equipment; hoist, stack; hydrohammer; lad-a-vator, hoisting brick or concrete; loading machine (such as Barber-Greene); mechanic, on job site; mixer, paving; mixer-mobil; mucking machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix job site;

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
\$12.07	.90	1.00		.20
11.62	.90	1.00		.20

POWER EQUIPMENT OPERATORS (GROUP III CONTD.)
 ing construction or alter-
 ation); endless chain
 hoists; fireman; form
 grader; generator, one
 over 30kw or any number
 developing over 30kw;
 greaser; hoist, one drum
 regardless of size (except
 brick or concrete); lad-a-
 vator; manlift; mixer,
 asphalt, over 8 cu. ft.
 capacity; mixer, if two or
 more mixers of one bag
 capacity or less are used
 by one Employer on job, an
 operator is required;
 mixer, without side loader
 2 bag capacity or more;
 mixers, with side loader,
 2 bag capacity or more
 mixer, wth side loader,
 regardless of size, not
 paver; oiler on dredge;
 oiler on truck crane; pug
 mill operator; pump,
 sump-self powered,
 automatic controlled over
 2" during use in connectio
 with construction work;
 scissor lift (used for
 hoisting); sweeper, street
 tractor; small wheel type
 50 h.p. & under with grade
 blade & similar equipment;
 welding machine, one over
 400 amp.; winch operating
 from truck; mechanic in
 shop

Group IV
 Boat operator outboard
 motor (job site);
 conveyors, (such as con-
 vey-it) regardless of how
 used; oiler; sweeper,
 floor

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
\$14.02	.90	1.00		.20
14.87	.90	1.00		.20
15.32	.90	1.00		.20
16.07	.90	1.00		.20
13.82	.90	1.00		.20
14.32	.90	1.00		.20
14.82	.90	1.00		.20
15.32	.90	1.00		.20
11.20		.35	.30	
11.70		.35	.30	
12.85	.50	.36		.05
12.73	.75	1.20		.10
14.71	.75	1.05		.12

POWER EQUIPMENT OPERATORS (GROUP V CONTD.)
Group V
 (a) Air-pressure; oiler
 engineer operating under
 ten pounds
 (b) Air-pressure, oiler
 engineer operating over
 ten pounds
 (c) Air-pressure engineer
 operating under ten pounds
 (d) Air-pressure oiler
 engineer operating over
 ten pounds
 (e) Crane, climbing (such
 as linden); crane, pile
 driving & extracting;
 crane, using rock socket
 tool; derrick, diesel, gas
 or electric, hoisting ma-
 terial erecting steel
 (150' or more above ground);
 dragline, 7 cu. yds. & over;
 hoist, three or more drums
 in use; scoop, tandem;
 shovel, power 7 cu. yds. &
 over; tractor, tandem
 crawler tunnel man assigned
 to work in tunnel or tunnel
 shaft; wrecking, when
 machine is working on
 second or higher; crane-
 booms (including jib) 100
 ft. to 150 ft.
 Crane, boom (including jib)
 150 ft. to 200 ft.
 Crane, boom (including jib)
 200 ft. to 250 ft.
 Crane, boom (including jib)
 250 ft. to 300 ft.
ROOFERS:
 Roofers in Coal Tar Pitch
 Roofers in Coal Tar Pitch
SHEET METAL WORKERS:
 Boone & Cooper Counties
 Howard County
SPRINKLER FITTERS

FOOTNOTES:
 a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.
 Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only approved in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. NY81-3018

STATE: NEW YORK
 SUPERSEDES DECISION
 COUNTIES: * ALBANY, RENNELAER, SARATOGA & SCHENECTADY
 EFFECTIVE: DATE OF PUBLICATION
 DECISION NO. NY81-3018
 SUPERSEDES DECISION NO. NY80-3050 DATED AUGUST 29, 1980 IN 45 FR 57939
 DESCRIPTION OF WORK: BUILDING (EXCLUDING SINGLE FAMILY HOMES AND APARTMENTS UP TO AND INCLUDING 4 STORIES), HEAVY & HIGHWAY CONSTRUCTION PROJECTS

* Albany County Schedule No. 1
 Rensselaer County Schedule No. 2
 Saratoga County Schedule No. 3
 Schenectady County Schedule No. 4

SCHEDULE #1
 ALBANY COUNTY, NEW YORK

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS (1&2)

CLASS A
 CLASS B
 CARPENTERS (3)

CLASS A
 CLASS B
 CLASS C
 CLASS D
 CLASS E
 CLASS F
 CLASS G

CEMENT MASONS (HEAVY & HIGHWAY)

ELECTRICIANS (4)

ZONE I
 ZONE II
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS HELPERS
 ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY

IRONWORKERS (5)
 CLASS A
 CLASS B
 CLASS C

LABORERS (6) (BUILDING)

ZONE I
 CLASS A
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 CLASS B

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
		H & W	Pensions	Vacation	
	13.45	1.07	.66		.02
	14.63	1.275	1.08		.03
	12.32	.80	1.00		.05
	8.76	.80	1.00		.05
	11.98	.70	1.00		.02
	12.48	.70	1.00		.02
	13.25	1.85	1.78	1.01	.05
	11.13	.70	.85	a	.025
	8.56	.70	1.00		.02
	15.69	1.875	1.78	1.03	.05
	12.30	1.875	1.78	1.03	.05
	10.70	.80	1.00	1.03	.05
	13.80	.80	38+.80	b	.05
	13.75	.90	38+.60		.05
	12.36	1.195	.95	d+c	.035
	8.65	1.195	.95	d+c	.035
	6.18				
	12.00	.75	1.46		.08
	12.25	.75	1.46		.08
	12.125	.75	1.46		.08
	10.21	1.00	1.20		.12
	10.36	1.00	1.20		.12
	10.385	1.00	1.20		.12
	10.435	1.00	1.20		.12
	10.485	1.00	1.20		.12
	10.465	1.00	1.20		.12
	10.685	1.00	1.20		.12
	7.08	1.00	1.20		.12

SCHEDULE #1
 ALBANY COUNTY, NEW YORK

LABORERS (6) CONT'D

ZONE II
 CLASS A
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7

CLASS B
 LABORERS (7) (HEAVY & HIGHWAY)

ZONE I
 CLASS A
 CLASS B
 CLASS C
 CLASS D

ZONE II
 CLASS A
 CLASS B
 CLASS C
 CLASS D

LINE CONSTRUCTION (8)

CLASS A
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS B
 GROUP 1
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS C
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS A
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS B
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS C
 GROUP 1
 GROUP 2
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 GROUP 6

CLASS D
 GROUP 1
 GROUP 2
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 GROUP 5
 GROUP 6

CLASS A
 GROUP 1
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CLASS B
 GROUP 1
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 GROUP 6

CLASS C
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CLASS D
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CLASS A
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CLASS B
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CLASS C
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CLASS D
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CLASS A
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CLASS B
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CLASS C
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CLASS D
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CLASS A
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CLASS B
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CLASS C
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CLASS D
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CLASS A
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 GROUP 6

CLASS B
 GROUP 1
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 GROUP 4
 GROUP 5
 GROUP 6

CLASS C
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

CLASS D
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
		H & W	Pensions	Vacation	
	10.32	.90	1.20		.12
	10.47	.90	1.20		.12
	10.495	.90	1.20		.12
	10.545	.90	1.20		.12
	10.595	.90	1.20		.12
	10.57	.90	1.20		.12
	10.795	.90	1.20		.12
	7.19	.90	1.20		.12
	9.49	1.10	1.30	e	.15
	9.69	1.10	1.30	e	.15
	9.89	1.10	1.30	e	.15
	10.09	1.10	1.30	e	.15
	9.04	.90	1.20	e	.10
	9.24	.90	1.20	e	.10
	9.44	.90	1.20	e	.10
	9.64	.90	1.20	e	.10
	11.60	1.40	38+1.00	f	.10
	15.35	1.40	38+1.00	f	.10
	10.44	1.40	38+1.00	f	.10
	9.28	1.40	38+1.00	f	.10
	9.86	1.40	38+1.00	f	.10
	8.70	1.40	38+1.00	f	.10
	13.25	1.40	38+1.00	f	.10
	11.525	1.40	38+1.00	f	.10
	10.60	1.40	38+1.00	f	.10
	11.26	1.40	38+1.00	f	.10
	9.94	1.40	38+1.00	f	.10
	13.95	1.40	38+1.00	f	.10
	15.345	1.40	38+1.00	f	.10
	12.555	1.40	38+1.00	f	.10
	11.16	1.40	38+1.00	f	.10
	11.86	1.40	38+1.00	f	.10
	10.46	1.40	38+1.00	f	.10

SCHEDULE #1
ALBANY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ROOFERS (14)	12.00	1.37	.40		.04
CLASS A	12.50	1.37	.40		.04
CLASS B	12.57	1.00	1.34	h	.07
SHEET METAL WORKERS	14.52	.85	1.20		.08
SPRINKLER FITTERS					
TRUCK DRIVERS (15)					
(BUILDING)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (16)					
(HEAVY & HIGHWAY)					
GROUP 1	9.69	1.05	1.00	f	
GROUP 2	9.74	1.05	1.00	f	
GROUP 3	9.79	1.05	1.00	f	
GROUP 4	9.94	1.05	1.00	f	
GROUP 5	10.09	1.05	1.00	f	

CLASSIFICATION FOOTNOTES

- (1) Bricklayers, cement masons, marble masons, plasterers, pointers, caulkers and cleaners
- (2) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
- (3) CLASS A: Carpenters, drywall installers, soft floor layers and lathers
CLASS B: Millwrights
CLASS C: Piledrivermon & dockbuilders
CLASS D: Heavy & highway
CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
CLASS F: Divers
CLASS G: Diver tenders
ZONE I: Cohoes and waterliet
ZONE II: Remainder of County
- (4) CLASS A: Structural, ornamental, reinforcing, machinery mover, fence erector, rigger, rodman 7 strong derrickman
CLASS B: Sheeters
CLASS C: Sheeters, bucket-up

SCHEDULE #1
ALBANY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
CLASS D	13.95	1.40	38+1.00	f	
GROUP 7	14.65	1.40	38+1.00	f	
GROUP 8	15.345	1.40	38+1.00	f	
GROUP 2	13.95	1.40	38+1.00	f	
GROUP 9	11.86	1.40	38+1.00	f	
GROUP 5	11.16	1.40	38+1.00	f	
GROUP 10	10.46	1.40	38+1.00	f	
GROUP 11	11.60	.70	1.00		
MARBLE (9)					
PAINTERS (10)					
CLASS A	11.23		.60		
CLASS B	11.98		.60		
CLASS C	11.73		.60		
CLASS D	13.08		.60		
PLUMBERS & STEAMFITTERS (11)					
CLASS A	13.35	1.00	1.02		.05
CLASS B	8.87	1.00	1.02		.05
POWER EQUIPMENT OPERATORS (12) (BUILDING)					
CLASS A	11.93	1.15	1.25	g	.15
GROUP 1	12.01	1.15	1.25	g	.15
GROUP 2	12.16	1.15	1.25	g	.15
GROUP 3	12.41	1.15	1.25	g	.15
GROUP 4	12.82	1.15	1.25	g	.15
GROUP 5	13.02	1.15	1.25	g	.15
GROUP 6	13.78	1.15	1.25	g	.15
GROUP 7					
CLASS B	8.31	1.15	1.25	g	.15
GROUP 1	8.37	1.15	1.25	g	.15
GROUP 2	8.48	1.15	1.25	g	.15
GROUP 3	8.67	1.15	1.25	g	.15
GROUP 4	8.98	1.15	1.25	g	.15
GROUP 5	9.13	1.15	1.25	g	.15
GROUP 6	9.32	1.15	1.25	g	.15
GROUP 7					
POWER EQUIPMENT OPERATORS (13) (HEAVY & HIGHWAY)					
GROUP 1	12.35	1.15	1.25	g	.15
GROUP 2	11.94	1.15	1.25	g	.15
GROUP 3	10.78	1.15	1.25	g	.15
GROUP 4	9.75	1.15	1.25	g	.15

SCHEDULE #1
ALBANY COUNTY, NEW YORK

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

CLASSIFICATION FOOTNOTES CONT'D

- (6) ZONE I: The west side of the Hudson River, extending Westerly along the North side of 1st Street in Watervliet, to one-half mile of Route 9, to Shaker Rd. to Route 9 Northerly to the North line of Albany County
 ZONE II: Remainder of County
 CLASS A: Building Construction
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 GROUP I: Laborers
 GROUP II: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driven buggies
 GROUP III: Form setter (curb)
 GROUP IV: Wagon drill operator
 GROUP V: Acetylene burners
 GROUP VI: Demolition
 GROUP VII: Blasters
 ZONE I: Cities of Cohoes and Watervliet
 ZONE II: Remainder of County
 CLASS A: Laborers, drill tenders, flagmen, outboard and hand boats
 CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamping, drill doctor, tail or screw op. on asphalt paver, water pump op. (1 1/2" and single diaphragm), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer
 CLASS C: All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman
 CLASS D: Blasters, form setter, stone or granite curb setters

- (8) CLASS A: Electrical overhead & underground distribution work
 CLASS B: All overhead transmission line work and lighting for athletic fields
 CLASS C: Sub-station, switching structures (when not part of the line), electrical, telephone or C&W commercial work, street lighting & signal systems
 CLASS D: All pipe type cable installations maintenance jobs or projects
 GROUP 1: Journeyman lineman & technician
 GROUP 2: Cable splicer
 GROUP 3: Groundman digging machine operator, groundman dynamite man
 GROUP 4: Groundman mobile equipment operator, mechanic first class, ground truck driver
 GROUP 5: Groundman truck driver (tractor trailer)
 GROUP 6: Driver mechanic, groundman - experienced
 GROUP 7: Journeyman Lineman
 GROUP 8: Certified lineman welder
 GROUP 9: Groundman equipment operator
 GROUP 10: Groundman truck drivers
 GROUP 11: Groundman
 (9) Marble, tile and terrazzo workers
 (10) CLASS A: Brush
 CLASS B: Structural steel and bridge
 CLASS C: Swing scaffold, bosun chair, water towers, window jacks, flagpoles
 CLASS D: Spray gun application & sandblasting
 (11) CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 (12) CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

GROUP 1: Oilers
GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators
GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over
GROUP 4: Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractor, scoompobles, bulldozers, road roller, form fine graders, power brooms and sweeper
GROUP 5: Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well driller (one drum), economical and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
GROUP 6: Lortoutneau graders or scrapers, trenching machines, push cart
GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swing-ing engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), central mix concrete pumps, all CMI equipment, concrete central mix plant, autocated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(13) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 C.Y. and over), head tower (saerman or equal) hoist (2 or 3 drum), Mine hoist, mucking machine or mole, over head crane (gantry or straddle type), Piledriver, power grader, quarry master (or equivalent), scraper, shover, sigboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel
GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 163), concrete pump (under 8") crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 C.Y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/grease-man/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for coil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat
GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2,000 C.F.M. combined capacity, 3 or less with more than 1,200 C.F.M. but not to exceed 2,000 C.F.M., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

SCHEDULE #1
ALBANY COUNTY, NEW YORK

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

- GROUP 4: Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 c.f.m. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom heaterman, revinilus widener, steam cleaner, tractor
- (14) CLASS A: Roofers
- CLASS B: Pitch and asbestos
- (15) GROUP 1: Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)
- GROUP 2: Euclid or similar equipment
- GROUP 3: Lowboy or lowboy trailers
- (16) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen
- GROUP 2: Tandems, batch trucks mechanics
- GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic
- GROUP 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (cross) carrier
- GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

FRINGES BENEFIT FOOTNOTES

- a. Paid Holiday: Thanksgiving, provided employee reports for work the day after the holiday
- b. Paid Holidays: Labor Day and Independence Day
- c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the day after Thanksgiving
- d. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit
- e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday
- f. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday
- g. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day
- h. Two hours off with pay on the first Tuesday after the first Monday of the year provided they are working on a job beyond 50 miles from the shop

DECISION NO. NY81-3018

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
13.45	1.07	.66		.02
14.63	1.275	1.08		.03
12.32	.80	1.00		.05
8.76	.80	1.00		.05
11.98	.70	1.00		.02
12.48	.70	1.00		.02
13.25	1.85	1.78	1.01	.05
11.13	.70	.85	a	.025
8.56	.70	1.00		.025
13.69	1.875	1.78	1.03	.05
12.30	1.875	1.78	1.03	.05
10.70	.80	1.00	1.03	.05
13.75	.90	38+.60		.05
13.80	.80	38+.80	b	.05
12.36	1.195	.95	d+c	.035
8.65	1.195	.95	d+c	.035
6.18				
12.00	.75	1.46		.08
12.25	.75	1.46		.08
12.125				
10.32	.90	1.20		.12
10.47	.90	1.20		.12
10.495	.90	1.20		.12
10.545	.90	1.20		.12
10.595	.90	1.20		.12
10.57	.90	1.20		.12
10.795	.90	1.20		.12

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
7.19	.90	1.20		.12
7.315	.90	1.20		.12
7.33	.90	1.20		.12
7.37	.90	1.20		.12
7.405	.90	1.20		.12
7.39	.90	1.20		.12
7.57	.90	1.20		.12
10.21	1.00	1.20		.12
10.36	1.00	1.20		.12
10.385	1.00	1.20		.12
10.434	1.00	1.20		.12
10.485	1.00	1.20		.12
10.465	1.00	1.20		.12
10.685	1.00	1.20		.12
7.08	1.00	1.20		.12
9.04	.90	1.20	e	.10
9.24	.90	1.20	e	.10
9.44	.90	1.20	e	.10
9.64	.90	1.20	e	.10
9.49	1.10	1.30	e	.15
9.69	1.10	1.30	e	.15
9.89	1.10	1.30	e	.15
10.09	1.10	1.30	e	.15

LABORERS (BUILDING) CONT'D

- CLASS B
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- ZONE II
- CLASS A
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- CLASS B (6) (HEAVY & HIGH-WAY)
- ZONE I
- CLASS A
- CLASS B
- CLASS C
- CLASS D
- ZONE II
- CLASS A
- CLASS B
- CLASS C
- CLASS D

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

- ASBESTOS WORKERS
- BOILERMAKERS
- BRICKLAYERS (1)
- CLASS A
- CLASS B
- CARPENTERS (2)
- CLASS A
- CLASS B
- CLASS C
- CLASS D
- CLASS E
- CLASS F
- CLASS G
- CEMENT MASONS (HEAVY & HIGH-WAY)
- ELECTRICIANS (3)
- ZONE I
- ZONE II
- ELEVATOR CONSTRUCTORS'
- ELEVATOR CONSTRUCTORS
- HELPERS
- ELEVATOR CONSTRUCTORS
- HELPERS (PROB.)
- IRONWORKERS (4)
- CLASS A
- CLASS B
- CLASS C
- LABORERS (5) (BUILDING)
- ZONE I
- CLASS A
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7

SCHEDULE #2
RENSELAER COUNTY, NEW YORK

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
13.35	1.00	1.02		.05
8.87	1.00	1.02		.05
11.93	1.15	1.25	e	.15
12.01	1.15	1.25	e	.15
12.16	1.15	1.25	e	.15
12.41	1.15	1.25	e	.15
12.82	1.15	1.25	e	.15
13.02	1.15	1.25	e	.15
13.28	1.15	1.25	e	.15
8.31	1.15	1.25	e	.15
8.37	1.15	1.25	e	.15
8.48	1.15	1.25	e	.15
8.67	1.15	1.25	e	.15
8.98	1.15	1.25	e	.15
9.13	1.15	1.25	e	.15
9.32	1.15	1.25	e	.15
12.35	1.15	1.25	e	.15
11.94	1.15	1.25	e	.15
10.78	1.15	1.25	e	.15
9.75	1.15	1.25	e	.15
12.00	1.37	.40		.04
12.50	1.37	.40		.04
12.57	1.00	1.34		.07
14.52	.85	1.20	8	.08

PLUMBERS & STEAMFITTERS (10)

CLASS A
CLASS B
POWER EQUIPMENT OPERATORS
(11) (BUILDING)

CLASS A

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- CLASS B
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7

POWER EQUIPMENT OPERATORS
(12) (HEAVY & HIGHWAY)

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7

ROOFERS (13)
CLASS A
CLASS B
SHEET METAL WORKERS
SPRINKLER FITTERS

SCHEDULE #2
RENSELAER COUNTY, NEW YORK

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
11.60	1.40	38+1.00	f	
15.35	1.40	38+1.00	f	
10.44	1.40	38+1.00	f	
9.28	1.40	38+1.00	f	
9.86	1.40	38+1.00	f	
8.70	1.40	38+1.00	f	
13.25	1.40	38+1.00	f	
11.925	1.40	38+1.00	f	
10.60	1.40	38+1.00	f	
11.26	1.40	38+1.00	f	
9.94	1.40	38+1.00	f	
13.95	1.40	38+1.00	f	
15.345	1.40	38+1.00	f	
12.555	1.40	38+1.00	f	
11.16	1.40	38+1.00	f	
11.86	1.40	38+1.00	f	
10.46	1.40	38+1.00	f	
13.95	1.40	38+1.00	f	
14.65	1.40	38+1.00	f	
15.345	1.40	38+1.00	f	
13.95	1.40	38+1.00	f	
11.86	1.40	38+1.00	f	
11.16	1.40	38+1.00	f	
10.46	1.40	38+1.00	f	
11.60	.70	1.00		
11.23		.60		
11.98		.60		
11.73		.60		
13.08		.60		

LINE CONSTRUCTION (7)

CLASS A

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6

CLASS B

- GROUP 1
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6

CLASS C

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6

CLASS D

- GROUP 7
- GROUP 8
- GROUP 2
- GROUP 9
- GROUP 5
- GROUP 10
- GROUP 11

MARBLE (8)

PAINTERS (9)

CLASS A

CLASS B

CLASS C

CLASS D

SCHEDULE #2
RENSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS (14) (BUILDING)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (15) (HEAVY & HIGHWAY)					
GROUP 1	9.69	1.05	1.00	e	
GROUP 2	9.74	1.05	1.00	e	
GROUP 3	9.79	1.05	1.00	e	
GROUP 4	9.94	1.05	1.00	e	
GROUP 5	10.09	1.05	1.00	e	

CLASSIFICATION FOOTNOTES CONT'D

- (4) CLASS A: Structural, ornamental, reinforcing, machinery mover, fence erector, rigger, rodman & stone derrickman
 CLASS B: Sheeters
 CLASS C: Sheeters
 ZONE I: Twp. of North Greenbush, East Greenbush, Schodack, Nassau, Stephentown and Rensselaer City
 ZONE II: Remainder of County
- (5) CLASS A: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 GROUP 1: Laborers
 GROUP 2: Pipelayers (2 man team), mortar mixers, (hand or machine), jackhammer operator, wall pointing, concrete vibrators, power driven buggies
 GROUP 3: Form setter (curb)
 GROUP 4: Wagon drill operator
 GROUP 5: Acetylene burners
 GROUP 6: Demolition
 GROUP 7: Blasters
 ZONE I: Twp. of North Greenbush, East Greenbush, Schodack, Nassau and Stephentown
 ZONE II: Remainder of County
 CLASS A: Laborers, drill tenders, flagmen, outboard and hand boats
 CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1 1/2" and single diaphragm), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASSIFICATION FOOTNOTES

- (1) Bricklayers, cement masons, marble masons, plasterers, pointers, caulkers, and cleaners
 CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 CLASS A: Carpenters, drywall installers, soft floor layers and lathers
 CLASS B: Millwrights
 CLASS C: Piledrivermen & dockbuilders
 CLASS D: Heavy & Highway
 CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use.
 CLASS F: Divers
 CLASS G: Diver Tenders
 ZONE I: Schodack, Rensselaer, East Greenbush, Nassau and Stephentown
 ZONE II: Remainder of County

SCHEDULE #2
 RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

- (7) CLASS C: All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman
 CLASS D: Blasters, form setter, stone or granite curb setters
 CLASS A: Electrical overhead & underground distribution work
 CLASS B: All overhead transmission line work and lighting for athletic fields
 CLASS C: Sub-station, switching structures (when not part of the line), electrical, telephone or CATV commercial work, street lighting & signal systems
 CLASS D: All pipe type cable installations maintenance jobs or projects
 GROUP 1: Journeyman lineman & technician
 GROUP 2: Cable splicer
 GROUP 3: Groundman digging machine operator, groundman dynamite man
 GROUP 4: Groundman mobile equipment operator, mechanic first class, ground truck driver
 GROUP 5: Groundman truck driver (tractor trailer)
 GROUP 6: Driver mechanic, groundman - experienced
 GROUP 7: Journeyman lineman
 GROUP 8: Certified Lineman welder
 GROUP 9: Groundman equipment operator
 GROUP 10: Groundman truck drivers
 GROUP 11: Groundman
 (8) Marble, tile and terrazzo workers
 (9) CLASS A: Brush
 CLASS B: Structural steel and bridge
 CLASS C: Swingscaffold, Bosun chair, water towers, window jacks, flagpoles
 CLASS D: Spray gun application & sandblasting
 (10) CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for pre-dominantly residential use

SCHEDULE #2
 RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

- (11) CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for pre-dominantly residential use
 GROUP 1: Oilers
 GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators
 GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belcrete power pac (belcrete system), electric submersible pump 4" and over
 GROUP 4: Dinky locomotives, Baber Greene loaders, loaders and conveyors, tractor, scoomobiles, bulldozers, road roller, form fine graders, power brooms and sweeper
 GROUP 5: Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well driller (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
 GROUP 6: Lefourneau graders or scrapers, trenching machines, push cart
 GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator belcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(12) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (saucer man or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel

GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greasecan/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready-mix concrete plant, refrigeration equipment (for soil stabilization), road Widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tuggger-hoist, winch, winch cat

GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, dust collectors, generators, pumps, welding machines (4 of

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

GROUP 3 CONT'D: any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP 4: Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 c.f.m. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom, power heaterman, re-vinyl widener, steam cleaner, tractor

(13) CLASS A: Roofers

CLASS B: Pitch and asbestos

(14) GROUP 1: Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)

GROUP 2: Euclid or similar equipment

GROUP 3: Lowboy or lowboy trailers

(15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen

GROUP 2: Tandems, batch trucks mechanics

GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors, trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

GROUP 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

FRINGE BENEFITS FOOTNOTES

- a. Paid Holidays: Labor Day and Independence Day
- b. Paid Holiday: Thanksgiving Day, provided employee reports for work the day after the holiday
- c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the day after Thanksgiving
- d. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
- e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day provided the employer has worked the day before and after the holiday.
- f. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States, and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday
- g. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	13.45	1.07	.66		.02
BOLLERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS (1)					
CLASS A	12.32	.80	1.00		.05
CLASS B	8.76	.80	1.00		.05
CARPENTERS (2)					
ZONE I					
CLASS A	12.25	.55	.90	a	.005
CLASS B	12.50	.55	.90	a	.005
CLASS C	12.40	.55	.90	a	.005
CLASS D	11.23	.55	.90		.025
ZONE II					
CLASS A	11.98	.70	1.00		.02
CLASS B	12.48	.70	1.00		.02
CLASS C	13.25	1.85	1.78	1.01	.05
CLASS D	11.13	.70	.85	b	.025
CLASS E	9.56	.70	1.00		.02
CLASS F	15.69	1.875	1.78	1.03	.05
CLASS G	12.30	1.875	1.78	1.03	.05
CEMENT MASONS (Heavy & Highway)	10.70	.80	1.00		
ELECTRICIANS (3)					
ZONE I	13.80	.80	3%+.80		.05
ZONE II					
CLASS A	13.20	.70	3%+1.45		.03
CLASS B	13.70	.70	3%+1.45		.03
ELEVATOR CONSTRUCTORS	12.36	1.195	.95	c+d	.035
ELEVATOR CONSTRUCTORS HELPERS	8.65	1.195	-.95	c+d	.035
ELEVATOR CONSTRUCTORS HELPERS					
PROBATIONARY					
IRONWORKERS (4)	6.18				
CLASS A	12.00	.75	1.46		.08
CLASS B	12.25	.75	1.46		.08
CLASS C	12.125	.75	1.46		.08
LABORERS (Building) (5)					
ZONE I					
CLASS A	10.54	.85	1.10		.07
GROUP 1	10.69	.85	1.10		.07
GROUP 2	10.715	.85	1.10		.07
GROUP 3	10.765	.85	1.10		.07
GROUP 4	10.815	.85	1.10		.07
GROUP 5	10.79	.85	1.10		.07
GROUP 6	11.015	.85	1.10		.07
GROUP 7					

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
13.95	1.40	37+1.00	F	
15.345	1.40	37+1.00	F	
12.555	1.40	37+1.00	F	
11.16	1.40	37+1.00	F	
11.86	1.40	37+1.00	F	
10.46	1.40	37+1.00	F	
13.95	1.40	37+1.00	F	
14.65	1.40	37+1.00	F	
15.345	1.40	37+1.00	F	
13.95	1.40	37+1.00	F	
11.86	1.40	37+1.00	F	
11.16	1.40	37+1.00	F	
10.46	1.40	37+1.00	F	
11.60	.70	1.00	F	
9.55	.50	.40		
9.95	.50	.40		
10.10	.50	.40		
11.23	.60	.60		
11.98	.60	.60		
11.73	.60	.60		
13.08	.60	.60		
13.35	1.00	1.02		.05
8.87	1.00	1.02		.05
12.25	.75	1.10		.10
11.93	1.15	1.25	e	.15
12.01	1.15	1.25	e	.15
12.16	1.15	1.25	e	.15
12.41	1.15	1.25	e	.15
12.82	1.15	1.25	e	.15
13.02	1.15	1.25	e	.15
13.28	1.15	1.25	e	.15

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

- CLASS C
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- CLASS D
- GROUP 7
- GROUP 8
- GROUP 2
- GROUP 9
- GROUP 5
- GROUP 10
- GROUP 11
- MARBLE (8)
- PAINTERS (9)
- ZONE I
- CLASS A
- CLASS B
- CLASS C
- ZONE II
- CLASS A
- CLASS B
- CLASS C
- CLASS D
- PLUMBERS & STEAMFITTERS (10)
- ZONE I
- CLASS A
- CLASS B
- ZONE II
- POWER EQUIPMENT OPERATORS (11)
- (Building)
- CLASS A
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
7.40	.85	1.10		.07
7.525	.85	1.10		.07
7.54	.85	1.10		.07
7.58	.85	1.10		.07
7.615	.85	1.10		.07
7.70	.85	1.10		.07
7.78	.85	1.10		.07
10.21	1.00	1.20		.12
10.36	1.00	1.20		.12
10.385	1.00	1.20		.12
10.435	1.00	1.20		.12
10.485	1.00	1.20		.12
10.485	1.00	1.20		.12
10.685	1.00	1.20		.12
7.08	1.00	1.20		.12
9.49	1.10	1.30	e	.15
9.69	1.10	1.30	e	.15
9.89	1.10	1.30	e	.15
10.09	1.10	1.30	e	.15
9.39	.80	1.00	e	.05
9.59	.80	1.00	e	.05
9.79	.80	1.00	e	.05
9.99	.80	1.00	e	.05
11.60	1.40	37+1.00	F	
15.35	1.40	37+1.00	F	
10.44	1.40	37+1.00	F	
9.28	1.40	37+1.00	F	
9.86	1.40	37+1.00	F	
8.70	1.40	37+1.00	F	
13.25	1.40	37+1.00	F	
11.925	1.40	37+1.00	F	
10.60	1.40	37+1.00	F	
11.26	1.40	37+1.00	F	
9.94	1.40	37+1.00	F	

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

- CLASS D
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- ZONE II
- CLASS A
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- LABORERS (Heavy & Highway) (6)
- ZONE I
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- ZONE II
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- LINE CONSTRUCTION (7)
- CLASS A
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- CLASS B
- GROUP 1
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6

CLASSIFICATION FOOTNOTES:

- (1) Bricklayers, Cement Masons, Marble Masons, Plasterers, Pointers, Caulikers & Cleaners
 - CLASS A: Building
 - CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 - CLASS A: Tmps. of Day, Hadley, Edinburg, Corinth and Moreau
 - CLASS A: Carpenters & Soft Floor Layers
 - CLASS B: Millwrights
 - CLASS C: Piledrivers
 - CLASS D: Heavy & Highway
 - ZONE II: Remainder of County
 - CLASS A: Carpenters, Drywall Installers, Soft Floor Layers & Lathers
 - CLASS B: Millwrights
 - CLASS C: Piledrivers & Dockbuilders
 - CLASS D: Heavy & Highway
 - CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 - CLASS F: Divers
 - CLASS G: Diver Tenders
- (2) ZONE I: Tmps. of Day, Hadley, Edinburg, Corinth and Moreau
 - CLASS A: Carpenters & Soft Floor Layers
 - CLASS B: Millwrights
 - CLASS C: Piledrivers
 - CLASS D: Heavy & Highway
 - ZONE II: Remainder of County
 - CLASS A: Carpenters, Drywall Installers, Soft Floor Layers & Lathers
 - CLASS B: Millwrights
 - CLASS C: Piledrivers & Dockbuilders
 - CLASS D: Heavy & Highway
 - CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 - CLASS F: Divers
 - CLASS G: Diver Tenders
- (3) ZONE I: Gansevoen, Mt. McGregor, Schuylerville, Victory Mills, Wayville, Stillwater, Mechanicville, and Waterford
 - ZONE II: Remainder of County
 - CLASS A: Electricians
 - CLASS B: Cable Splicers
 - CLASS A: Structural, Ornamental, Reinforcing, Machinery Mover, Fence Erector, Rigger, Rodman, & Stone Derrickman
 - CLASS B: Sheeters
- (4) ZONE I: Tmps. of Day, Hadley, Edinburg, Corinth, Moreau, South Glen Falls, Providence, Greenfield, Milton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta and Clifton Park
 - ZONE II: Remainder of County
 - CLASS A: Building
 - CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 - GROUP 1: Laborers
 - GROUP 2: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well point, concrete vibrators, power driven buggies
 - GROUP 3: Form setter (curb)
 - GROUP 4: Wagon drill operator
 - GROUP 5: Acetylene burners
 - GROUP 6: Demolition
 - GROUP 7: Blasters

	Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
		H & W	Pensions	Vacation	
CLASS B					
GROUP 1	8.31	1.15	1.25	e	.15
GROUP 2	8.37	1.15	1.25	e	.15
GROUP 3	8.48	1.15	1.25	e	.15
GROUP 4	8.67	1.15	1.25	e	.15
GROUP 5	8.98	1.15	1.25	e	.15
GROUP 6	9.13	1.15	1.25	e	.15
GROUP 7	9.32	1.15	1.25	e	.15
POWER EQUIPMENT OPERATORS (12)					
(Heavy & Highway)					
GROUP 1	12.35	1.15	1.25	e	.15
GROUP 2	11.94	1.15	1.25	e	.15
GROUP 3	10.78	1.15	1.25	e	.15
GROUP 4	9.75	1.15	1.25	e	.15
ROOFERS (13)					
CLASS A	12.00	1.37	.40		.04
CLASS B	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	8	.07
TRUCK DRIVERS (14)					
(Building)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (15)					
(Heavy & Highway)					
GROUP 1	9.69	1.05	1.00	e	
GROUP 2	9.74	1.05	1.00	e	
GROUP 3	9.79	1.05	1.00	e	
GROUP 4	9.94	1.05	1.00	e	
GROUP 5	10.09	1.05	1.00	e	

SCHEDULE #3

SARATOGA COUNTY, NEW YORK

(6) ZONE I: Typs. of Halfmoon and Stillwater

ZONE II: Remainder of County

GROUP 1: Laborers, Drill Tenders, flagmen, outboard and hand boats
 GROUP 2: Bull float, chain saw, concrete aggregate, bin, concrete boatman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1 1/2" and single diaphragm), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer
 GROUP 3: All rock or drill machine ops. (except quarry master and similar type) Acetylene torch op., asphalt taker, powderman
 GROUP 4: Blasters form setter, stone or granite curb setters
 CLASS A: Electrical overhead & Underground Distribution Work
 CLASS B: All Overhead Transmission Line Work and Lighting for Athletic Fields
 CLASS C: Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Comarical Work, Street Lighting & Signal Systems
 CLASS D: All Pipe type Cable Installations Maintenance Jobs or Projects

(7)

GROUP 1: Journeyman Lineman & Technician
 GROUP 2: Cable Splicer
 GROUP 3: Groundman Digging Machine Operator; Groundman Dynamite Van
 GROUP 4: Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver
 GROUP 5: Groundman Truck Driver (Tractor Trailer)
 GROUP 6: Driver Hoehanic, Groundman - Experienced
 GROUP 7: Journeyman Lineman
 GROUP 8: Certified Lineman Welder
 GROUP 9: Groundman Equipment Operator
 GROUP 10: Groundman Truck Drivers
 -- GROUP 11: Groundman
 (8) Marble, Tile & Terrazzo Workers
 (9) ZONE I: Typs. of Day, Hadley, Corlith, Noreau, Gansvoort, & Mc. McGregor
 CLASS A: Brush
 CLASS B: Window Jack, Structural Steel, Swing Scaffold, Bosun Chair and Bridge
 CLASS C: Spray, Sandblasting and Waterblasting
 ZONE II: Remainder of County
 CLASS A: Brush
 CLASS B: Structural Steel and Bridge
 CLASS C: Swing Scaffold, Bosun Chair, Water Towers, Window Jacks, Flagpoles
 CLASS D: Spray Gun Application & Sandblasting

(10)

ZONE I: Typs. of Clifton Park, Galwey, Milton, Halts, West Milton
 CLASS A: Building
 CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 ZONE II: Remainder of County

SCHEDULE #3

SARATOGA COUNTY, NEW YORK

(11) CLASS A: Building

CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
 GROUP 1: Oilers
 GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators
 GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, wall points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, bolterete power pac (bolterete system, electric unmarable pump 4" and over)
 GROUP 4: Dinky locomotives, Baber Greene loaders, loaders and conveyors, tractor, scoops/ables, bulldozers, road roller, form fine graders, power brooms and sweeper
 GROUP 5: Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, tractors, core and well drillier (one drum) economible and similar type machines, olovers, A-L frame winches, power hoisting (single drum)
 GROUP 6: Letourneau graders or scrapers, trenching machines, push cart draglines, pile drivers, hoists tov or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, modal CHB Vibrotamp or similar, Murphy type diesel generator bolterete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CHI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whitelias, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), sucking machine
 (12) GROUP 1: Automated concrete spreader (CHI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CHI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (auto-cated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, crane & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (6 c.y. and over), head tower (saetman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (santty or straddle type), piledriver, power grader, quarry eater (or equivalent), scraper, shovel, sideboos, slip form paver, tractor drum belt type loader, truck crane, tunnel shovel
 GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, capehoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 200 C.F.F. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locopotive maintenance/engineer/greasecan/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crate, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tigger-bolst, winch, winch cat

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2000 C.F.M. combined capacity, 3 or less with more than 1,200 C.F.M. but not to exceed 2,000 C.F.M., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP 4: Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 C.F.M. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (165 and under), concrete saw self-propelled, fireman, form tamper, mulching machine, offer, power boom, power heaterman, revinus widener, steam cleaner, tractor

(13) CLASS A: Roofers
CLASS B: Pitch and Asbestos

(14) GROUP 1: Straight, Winch, Transit Mix or job site, Road Oilers, Dump panel, Pick-up, Water and Fuel Trucks on site (including nozzle)
GROUP 2: Euclid or similar equipment
GROUP 3: Lobboy or lowboy trailers

(15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen
GROUP 2: Tandems, batch trucks mechanics
GROUP 3: Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumper type vehicles, truck mechanic
GROUP 4: Specialized earth moving equipment, euclid type or similar off-highway equipment where not self loaded, and straddle (gross) carrier
GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

PRINCE BENEFIT FOOTNOTES:

- Paid Holiday: Thanksgiving, provided employee reports for work the day after the holiday
- Paid Holidays: Labor Day and Independence Day
- Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and the day after Thanksgiving
- Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
- Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday
- Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday
- Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

	Fringe Benefits Payments				Education and/or Appr Tr.
	H & W	Pensions	Vacation		
Basic Hourly Rates					
13.45	1.07	.66			.02
14.63	1.275	10%			.03
12.32	.80	1.00			.05
8.76	.80	1.00			.05
11.98	.70	1.00			.02
12.48	.70	1.00			.02
13.25	1.85	1.78	1.01		.05
11.13	.70	.85	a		.025
8.56	.70	1.00			.02
15.69	1.875	1.78	1.03		.05
12.30	1.875	1.78	1.03		.05
10.70	.80	1.00	1.03		.05
13.20	.70	37+1.45			.03
13.70	.70	37+1.45			.03
12.36	1.195	.95	b+c		.035
8.65	1.195	.95	b+c		.035
6.18					
12.00	.75	1.46			.08
12.25	.75	1.46			.08
12.125	.75	1.46			.08
10.54	.85	1.10			.07
10.69	.85	1.10			.07
10.715	.85	1.10			.07
10.765	.85	1.10			.07
10.815	.85	1.10			.07
10.79	.85	1.10			.07
11.015	.85	1.10			.07
7.40	.85	1.10			.07
7.525	.85	1.10			.07
7.54	.85	1.10			.07
7.58	.85	1.10			.07
7.615	.85	1.10			.07
7.70	.85	1.10			.07
7.78	.85	1.10			.07

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS (1)
CLASS A
CLASS B
CARPENTERS (2)
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
CLASS G
CEMENT MASONS (Heavy & Highway)
ELECTRICIANS (3)
CLASS A
CLASS B
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS HELPERS
ELEVATOR CONSTRUCTORS HELPERS
PROBATIONARY
IRONWORKERS (4)
CLASS A
CLASS B
CLASS C
LABORERS (Building) (5)
CLASS A
GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7
CLASS B
GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
11.93	1.15	1.25	d	.15
12.01	1.15	1.25	d	.15
12.16	1.15	1.25	d	.15
12.41	1.15	1.25	d	.15
12.82	1.15	1.25	d	.15
13.02	1.15	1.25	d	.15
13.28	1.15	1.25	d	.15
8.31	1.15	1.25	d	.15
8.37	1.15	1.25	d	.15
8.48	1.15	1.25	d	.15
8.67	1.15	1.25	d	.15
8.98	1.15	1.25	d	.15
9.13	1.15	1.25	d	.15
9.32	1.15	1.25	d	.15
12.35	1.15	1.25	d	.15
11.94	1.15	1.25	d	.15
10.78	1.15	1.25	d	.15
9.75	1.15	1.25	d	.15
12.00	1.37	.40	f	.04
12.50	1.37	.40	f	.04
12.57	1.00	1.34	f	.07
14.52	.85	1.20	f	.08
10.62	1.10	1.00		.12
10.86	1.10	1.00		.12
11.01	1.10	1.00		.12
9.69	1.05	1.00		
9.74	1.05	1.00		
9.79	1.05	1.00		
9.94	1.05	1.00		
10.09	1.05	1.00		

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

POWER EQUIPMENT OPERATORS
(Building) (11)

CLASS A

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

CLASS B

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

POWER EQUIPMENT OPERATORS
(Heavy & Highway) (12)

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

ROOFERS (13)

CLASS A

CLASS B

SHEET METAL WORKERS

SPRINKLER FITTERS

TRUCK DRIVERS (14)

(Building)

GROUP 1

GROUP 2

GROUP 3

GROUP 4

TRUCK DRIVERS (15)

(Heavy & Highway)

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
9.39	.80	1.00	d	.05
9.59	.80	1.00	d	.05
9.79	.80	1.00	d	.05
9.99	.80	1.00	d	.05
11.60	1.40	37+1.00	e	
15.35	1.40	37+1.00	e	
10.44	1.40	37+1.00	e	
9.28	1.40	37+1.00	e	
9.86	1.40	37+1.00	e	
8.70	1.40	37+1.00	e	
13.25	1.40	37+1.00	e	
11.925	1.40	37+1.00	e	
10.60	1.40	37+1.00	e	
11.26	1.40	37+1.00	e	
9.94	1.40	37+1.00	e	
13.95	1.40	37+1.00	e	
15.345	1.40	37+1.00	e	
12.555	1.40	37+1.00	e	
11.16	1.40	37+1.00	e	
11.86	1.40	37+1.00	e	
10.46	1.40	37+1.00	e	
13.95	1.40	37+1.00	e	
14.65	1.40	37+1.00	e	
15.345	1.40	37+1.00	e	
13.95	1.40	37+1.00	e	
11.86	1.40	37+1.00	e	
11.16	1.40	37+1.00	e	
10.46	1.40	37+1.00	e	
11.60	.70	1.00	e	
11.23		.60	e	
11.98		.60	e	
11.73		.60	e	
13.08		.60	e	
13.35	1.00	1.02		.05
8.87	1.00	1.02		.05

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

LABORERS (Heavy & Highway) (6)

CLASS A

CLASS B

CLASS C

CLASS D

LINE CONSTRUCTION (7)

CLASS A

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

CLASS B

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

CLASS C

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

CLASS D

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 10

GROUP 11

GROUP 12

GROUP 13

GROUP 14

GROUP 15

GROUP 16

GROUP 17

GROUP 18

GROUP 19

GROUP 20

GROUP 21

GROUP 22

GROUP 23

GROUP 24

GROUP 25

GROUP 26

GROUP 27

GROUP 28

GROUP 29

GROUP 30

GROUP 31

GROUP 32

GROUP 33

GROUP 34

GROUP 35

PAINTERS (9)

CLASS A

CLASS B

CLASS C

CLASS D

PLUMBERS & STEAMFITTERS (10)

CLASS A

CLASS B

SCHEDULE #4

SCHENECTADY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES:

(1) Bricklayers, Cement Masons, Marble Masons, Plasterers, Pointers, Caulkers & Cleaners

CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

(2) CLASS A: Carpenters, Drywall Installers, Soft Floor Layers & Lathers
CLASS B: Millwrights
CLASS C: Pile-drivers & Dockbuilders

CLASS D: Heavy & Highway
CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

CLASS F: Divers
CLASS G: Diver Tenders
CLASS A: Electricians
CLASS B: Cable Splicers

(3) CLASS A: Structural, Ornamental, Reinforcing, Machinery Mover, Fence Erector, Rigger, Rodman, & Stone Derricksman

CLASS B: Sheeters
CLASS C: Sheeters, Bucker-up

(4) CLASS A: Building

CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

GROUP 1: Laborers

GROUP 2: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well point, concrete vibrators, power driven buggies

GROUP 3: Form setter (curb)

GROUP 4: Wagon drill operator

GROUP 5: Acetylene burners

GROUP 6: Demolition

GROUP 7: Blasters

CLASS A: Laborers, Drill tenders, flagmen, outboard and hand boats buggy, hand or machine vibratory, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op on asphalt paver, water pump op. (1 1/2" and single diaphragm), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C: All rock or drill machine ops (except quarry master and similar type) Acetylene torch op, asphalt raker, powdermen

CLASS D: Blasters, form setter, stone or granite curb setters

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

(7) CLASS A: Electrical overhead & Underground Distribution Work

CLASS B: All Overhead Transmission Line Work and Lighting for Athletic Fields
CLASS C: Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATB Commercial Work, Street Lighting & Signal Systems
CLASS D: All Pipe type Cable Installations Maintenance Jobs or Projects

GROUP 1: Journeyman Lineman & Technician

GROUP 2: Cable Splicer

GROUP 3: Groundman Digging Machine Operator, Groundman Dynamite Man

GROUP 4: Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver

GROUP 5: Groundman Truck Driver (Tractor Trailer)

GROUP 6: Driver Mechanic, Groundman - Experienced

GROUP 7: Journeyman Lineman

GROUP 8: Certified Lineman Welder

GROUP 9: Groundman Equipment Operator

GROUP 10: Groundman Truck Drivers

GROUP 11: Groundman

(8) Marble, Tile & Terrazzo Workers

(9) CLASS A: Brush

CLASS B: Structural Steel and Bridge

CLASS C: Swing Scaffold, Bosun Chair, Water Towers, Window Jacks, Flagpoles

CLASS D: Spray Gun Application & Sandblasting

(10) CLASS A: Building

CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

CLASS A: Building

CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

GROUP 1: Oilers

GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power psc (beltcrete system, electric submersible pump 4" and over)

GROUP 4: Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractor, scoopedobiles, bulldozers, road roller, form fine graders, power brooms and sweeper

GROUP 5: Black top spreaders, Black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well driller (one drum), econmobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: Lefourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists tow or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CHI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirflies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

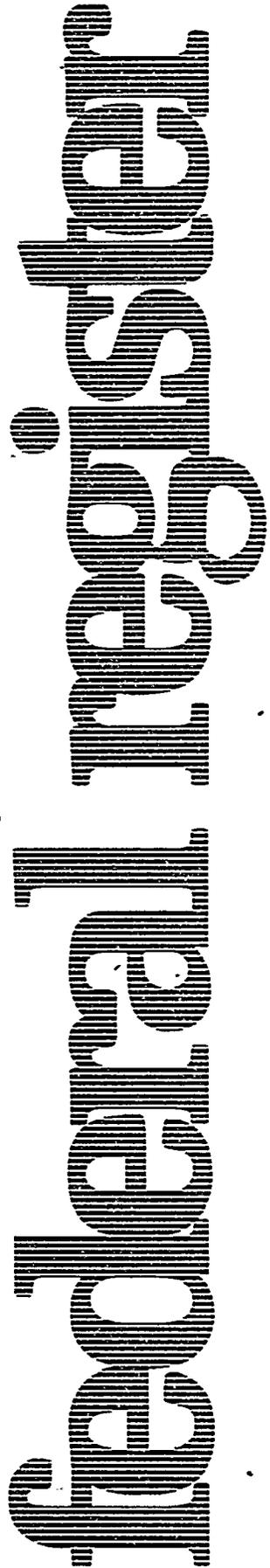
SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

- (12) GROUP 1: Automated concrete spreader (CML), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (saugman or equal) hoist (2- or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel.
- GROUP 2: Backhoe (tractor mounted, rubber tired), bluminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cagehoist, central mix plant (non-automated and all concrete hotching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tuggert-hoist, winch, winch cat
- GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2000 C.F.M. combined capacity, 3 or less with more than 1,200 C.F.M. but not to exceed 2,000 C.F.M., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammer-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point
- GROUP 4: Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 C.F.M. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tapper, mulching machine, oiler, power boom, power heaterman, rewinus widener, steam cleaner, tractor
- (13) CLASS A1 Roofers
- (14) GROUP 1: Pitch and Abestos
Pick-up, Water and Fuel Trucks on site (including nozzle)
- GROUP 2: Euclid or similar equipment.
- GROUP 3: Lobby or lobby trailers
- (15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and recyclers, greasers, truck firemen
- GROUP 2: Tandems, batch trucks mechanics
- GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic
- GROUP 4: Specialized earth moving equipment, euclid type or similar off-highway equipment where not self loaded, and straddle (ross) carrier
- GROUP 5: Off-highway tandem back dump, twin engine equipment and double-hitched equipment where not self loaded

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

FRINGE BENEFIT FOOTNOTES:

- a. Paid Holidays: Labor Day and Independence Day
- b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and the day after Thanksgiving
- c. Employer Contributes 8% of basic hourly rate for 5 years or more of service and 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
- d. Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday
- e. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before and the day after a holiday
- f. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop



Friday
March 27, 1981

Part III

**Department of
Health and Human
Services**

National Institutes of Health

Protection of Human Research Subjects;
Correction

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

National Institutes of Health

45 CFR Part 46

Protection of Human Research
Subjects; Correction

AGENCY: Department of Health and Human Services.

ACTION: Final Rule; correction.

SUMMARY: On January 26, 1981, the Federal Register published (46 FR 8366) final amendments to Subpart A of the Health and Human Services regulations for the protection of human research subjects. This notice corrects several printer's errors which appeared in that document.

FOR FURTHER INFORMATION CONTACT: F. William Dommel, Jr., Assistant Director, OPRR, Westwood Building, Room 3A18, National Institutes of Health, Bethesda, Maryland 20205, Telephone: (301) 496-7163.

Accordingly, the following corrections are made in FR Doc. 81-2579, appearing on pages 8366 through 8391 in the Federal Register dated January 26, 1981:

1. On page 8366:

(a) Third column, second paragraph, line 3, change "other" to "others." As corrected, the line reads "safeguards for others who may have."

(b) Third column, third paragraph, line 15, change "1979" to "1978." As corrected, the line reads "FDA stated in the August 8, 1978."

(c) Third column, third paragraph, line 20, change "1978" to "1979." As corrected, the line reads "on August 14, 1979 in conjunction with a."

2. On page 8367:

(a) Third column, under Conforming Amendments, line 1, change "E" to "B." As corrected, the line reads "Subparts B and C of 45 CFR 46 are."

(b) Third column, under Major Provisions, third paragraph, line 2, change "or" to "on." As corrected, the

line reads "the existing HHS policy on protection of."

3. On page 8368, third column, the paragraph beginning "The Commentators" should not be a new paragraph, nor should those words be in italics. As corrected, lines 30 and 31 should read "research funds. The commentators expressing."

4. On page 8369:

(a) Second column, line 3, change "IRE" to "IRB." As corrected, the line reads "regardless of source of funding." IRB."

(b) Third column, second paragraph, lines 16 and 17, there should be a comma, not a period, between "subjects" and "limitation." As corrected, these two lines read "welfare of human research subjects, limitation to those specific kinds of."

5. On page 8373, second column, second paragraph, line 11, there should be a comma, not a period, between "individuals" and "HHS." As corrected, the line reads "living individuals, HHS clarifies its."

6. On page 8374, first column, under Recommendation of the National Commission, line 14, change "expeced" to "expected." As corrected, the line reads "that are expected to be reviewed by it."

7. On page 8375, first column, under (6), line 2, insert "to" between "follow" and "conduct." As corrected, the line reads "the IRB will follow to conduct initial and."

8. On page 8377, third column, line 42, change "the" to "The." As corrected, the line reads "requirement was vague and obscure. The."

9. On page 8378, first column, under HHS Response, line 5, change "procedures" to "procedure." As corrected, the line reads "continuing review procedure is not."

10. On page 8381, third column, under Public Comment, line 8, insert a comma after the word "costly." As corrected, the line reads "inefficient, costly, unnecessary."

11. On page 8383, second column, third paragraph, line 8, insert the words "and desirable" between "appropriate" and "even." As corrected, the line reads "or service programs is appropriate and desirable even."

12. On page 8386:

(a) Second column, after the table of contents, under Authority, line 2, the line should read "352 [42 U.S.C. 289f-3(a)]." (i.e., an italicized l, not 2891).

(b) Third column, § 46.101(b)(3), line 4, change "Responses" to "responses." As corrected, the line reads "responses are recorded in such a."

(c) Third column § 46.101(b)(4), line 5, change "Observations" to "observations." As corrected, the line reads "observations are recorded in such a."

13. On page 8387, second column, § 46.102(f), line 1, change "human subject" to "Human subject." As corrected, the line reads "(f) 'Human subject' means a living."

14. On page 8388, third column, § 46.108(c), line 3, there should be a footnote after the word "Secretary." As corrected the line reads "the Secretary¹ any serious or continuing."

15. On page 8389:

(a) Second column, § 46.113, line 12, there should be a footnote after the word "Secretary." As corrected, the line reads "the Secretary¹." The accompanying footnote should read "¹ Reports should be filed with the Office for Protection from Research Risks, National Institutes of Health, Department of Health and Human Services, Bethesda, Maryland 20205."

(b) Third column, § 46.115(a)(7), line 2, change "rqured" to "required." As corrected, the line reads "findings provided to subjects, as required."

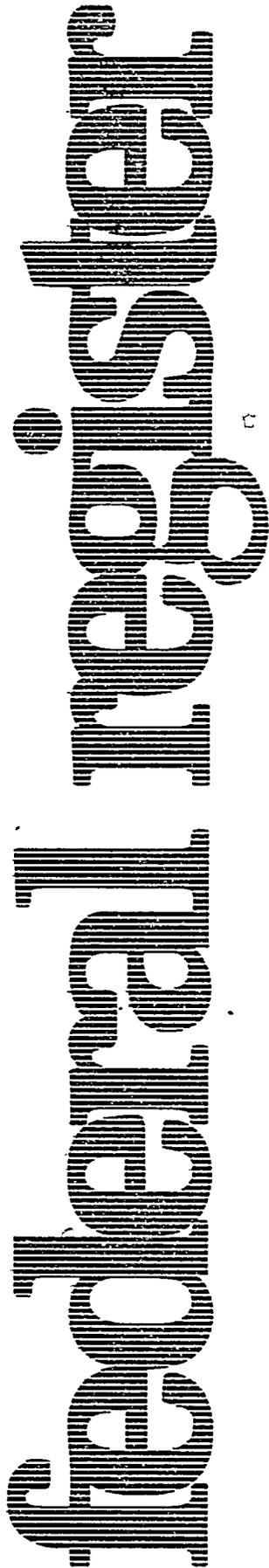
Dated: March 20, 1981.

D. S. Fredrickson,
Director, National Institutes of Health.

[FR Doc. 81-9174 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-08-M

Friday
March 27, 1981



Part IV

**Department of
Agriculture**

Animal and Plant Health Inspection
Service

Animal Welfare; List of Registered
Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

The following list is being published to give notice to the public of exhibitors currently registered under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the exhibitors listed below are registered under said Act:

(Section 6, 80 Stat 351, as amended (7 U.S.C. 2136))

Done at Washington, D.C., this 10th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
961E	ALASKA CHILDREN'S ZOO.....		BOX 1730S STAR ROUTE.....	ANCHORAGE.....	99507
962E	BROWN, JR., LT.....		3001 MOUNTAINVIEW DR.....	ANCHORAGE.....	99503
963E	CITY OF FAIRBANKS.....		POB 790.....	FAIRBANKS.....	99707

ARKANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
711002	HALLIE'S.....		PO BOX 303.....	CLINTON.....	72031

CALIFORNIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93C1014	COUNTY OF LOS ANGELES.....		DEPT. OF PARKS & RECREATIONS 1.	LOS ANGELES.....	90015

COLORADO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
841016	DRAKE, D.....	ANIMAL WORLD.....	333 6TH ST.....	PENROSE.....	81240
841017	KROHN, JC.....	THE FORT.....	SR BOX 20AA.....	MORRISON.....	80465
841018	LA CHAUMIERE FRENCH RESTAURANT.....		PINEWOOD SPRINGS.....	LYONS.....	80540
841019	LA FRANCE RESTAURANT, INC.....		BOX 2217.....	DILLON.....	80435
841012	NATIONAL PARK VILLAGE.....		4600 FALL RIVER RD.....	ESTES PARK.....	80517

FLORIDA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58ER90	CAMP KULAQUA.....		RT 2 BOX 244K.....	HIGH SPRINGS.....	32643
58ER70	MILLER, PROFESSO R.....		465 NE 102ND ST.....	MIAMI SHORES.....	33130
58ER62	SEMINOLE IND VIL & CRFTS ENT.....		6073 STERLING RD.....	HOLLYWOOD.....	33024
58ER33	SWAMPARIUM.....		RT 5 BOX 39.....	CANTONMENT.....	32533

GEORGIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
57EX0013	CHATTAHOOCHEE NATURE CENTER.....		9135 WILLEO RD.....	ROSWELL.....	30075
57EX0005	CITY OF ATHENS.....	MEMORIAL PARK.....	RECREATION & PARKS DEPT.....	ATHENS.....	30601
57EX0003	KETCHAM, LE.....		BOX 60A RT 3.....	WOODSTOCK.....	30188
57EX0002	OKEFENOKEE ASSOCIATION, INC.....	OKEFENOKEE SWAMP PACK.....		OKEFENOKEE.....	31501

IOWA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
4258	BOARD OF PARK COMMISSIONERS.....	FEJERVORY PARK CHLDNS. ZOO...	236 W CENTRAL PARK AVE.....	DAVENPORT.....	52803
4251	BUFFALO RANCH MUSEUM.....		310 LOVERS LANE.....	FAYETTE.....	52142
4259	CITY OF CEDAR RAPIDS.....	BEVER PARK MUNICIPAL ZOO.....	PARK DEPARTMENT CITY HALL.....	CEDAR RAPIDS.....	52401
4253	CITY OF FORT DODGE.....		PARK DEPT. 1450 OLESON PK AVE.....	FORT DODGE.....	50501
4252	CITY OF MASON CITY.....		PARK DEPT. 19 S. DELAWARE AVE.....	MASON CITY.....	50401
4250	IOWA STATE CONSERVATION COMM.....		WILDLIFE EXHIBIT STATON.....	BOONE.....	50030
4261	OSBORNE CONSERVATION CENTER.....			ELKADER.....	52043
4255	POLK COUNTY CONSERVATION BOARD.....	JESTER PARK.....		GRANGER.....	50100

ILLINOIS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
331037	CHAMPAIGN PARK DISTRICT.....	CHILDREN'S PRAIRIE FARM.....	706 KENWOOD RD.....	CHAMPAIGN.....	61820
331036	FLORIST, DIETZ.....		NORTH MAIN.....	MASON CITY.....	62604
331035	FOREST PRES. DIST/DUPAGE CTY.....	WILLOWBROOK WILDLIFE HAVEN..	881 W ST CHARLES RD.....	LOMBARD.....	60140

ILLINOIS—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
331012	ILLINOIS DEPARTMENT OF CONSERVATION.		602 STATE OFFICE BUILDING	SPRINGFIELD	62706
331039	PILCHER PARK NATURE CENTER		3938 W JEFFERSON	JOUET	60435
331034	SOCIAL DYNAMICS, INC.		2 S. 661 RT 53	GLEN ELLYN	60137
331038	SOUTHERN ILLINOIS UNIVERSITY		C/O CAMPUS MASCOT BOX 168	EDWARDSVILLE	62025
331010	STONE, LR		BOX 349 ROUTE 1	EAST MOLINE	61244

KANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
481006	BEAR HOUSE TRUCK STOP, INC.			BUNKER HILL	67626
481007	BOARD OF PARK COMMISSIONERS	CENTRAL RIVERSIDE PARK	503 CITY BLDG ANNEX, 104 S MAIN	WICHITA	67202
481009	CITY OF ST. MARYS			ST. MARYS	66536
481001	DODGE CITY WRIGHT PARK ZOO			DODGE CITY	67801
481005	MARKLEY, JE			SENECA	66538
481010	OLD ABILENE TOWN, INC		BOX 438	ABILENE	67410
481011	STIMAX, M & W		PO BOX 442	ARKANSAS CITY	67005

KENTUCKY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
6124	ISSAC W. BERNHEIM FOUNDATION		BERNHEIM FORREST	CLERMONT	40110
6125	MAMMOTH ONYX CAVE		BOX 527	HORSE CAVE	42749
6123	OTTER CREEK PARK			VINEGROVE	40175

LOUISIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
721004	ALFRED BONNABEL HIGH SCHOOL		BRUIN DR.	METAIRIE	70003
721003	SNAKE FARM		PO BOX 96	LA PLACE	70063

MASSACHUSETTS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
14E1	EASTOVER FARM		EAST STREET	LENOX	01240

MARYLAND

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
51RE2	DYKES BROS. ATTRACTION		MERRITT MILL RD	SALISBURY	21801
51RE13	JACKSON, HL	TRADE LEE'S VILLAGE	RT.50	W OCEAN CITY	21842

MAINE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
11E1	MAINE DEPT INLAND FISH/WILDLIFE		284 STATE ST	ST AUGUSTA	04330
11E2	MAINE DEPT. OF MARINE RESOURCES	MARINE RESOURCES LABORATORY.	STATE HOUSE	AUGUSTA	04333

MICHIGAN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34RE47	BELLE ISLE NATURE CTR.		BELLE ISLE PARK	DETROIT	48207
34RE72	BINDER PARK ZOOLOGICAL SOCIETY, INC.		7500 DIVISION DR	BATTLE CREEK	49017
34RE59	BITELY, G	BIRCH SHORES RESORT	R 1	MCMILLAN	49853
34RE28	CARL G. FENNER ARBORETUM		2020 E. MT. HOPE	LANSING	48910
34RE4	CEDERBERG, EH	DEER ACRES, INC.	2033 COGGINS RD	PINCONNING	49650
34RE19	CITY OF MIDLAND	CURRIE-WILSON ENTERPRISES, INC.	PO BOX 227	MIDLAND	48640
34RE7	CITY OF MT. PLEASANT	NELSON PARK ZOO	120 S. UNIVERSITY	MT. PLEASANT	48858
34RE32	CLAERHOUT, E & SCHUSTER, M.	EMIL THE BUFFALO	8887 GRATIOT RD	RICHMOND	48062
34RE16	CLINCH PARK ZOO		GRAND VIEW PKWY.	TRAVERSE CITY	49684
34RE8	CLOUGH, L&J	EVERGREEN RESORT	R 2 JI-65	HALE	49736
34RE85	COLE, R & B		11128 NORTH ELMS ROAD	CLIO	48420
34RE13	DICKEY, DL	PINE RIDGE AMUSEMENT	7784 MAIN ST.	BIRCH RUN	49415
34RE66	DRAYTON PLAINS NATURE CENTER, INC.		2125 DENBY DR.	DRAYTON	48020
34RE38	ELM REST SERVICE		1507 S LAKE MITCHELL DR	ADILLAC	49601
34RE42	FINLEY, M	LONGHORN RANCH	7684-25 MILE ROAD	WASHINGTON	48094
34RE52	FLATH, J	DELLS SUPPER CLUB	C/O THE DELLS SUPPER CLUB	ESCANABA	49837
34RE82	FOX, F & RESTIQUE, R		5810 NO M-30	GLADWIN	48624
34RE86	GIBBS, LONNIE	GIBBS COUNTRY STORE	6469 S MOREY ROAD	MCSHAIN	49657
34RE54	HAFEMAN, R		R 2 BOX 75	WALLACE	49893
34RE77	HARRINGTON, TN	DEER RANCH	238 N. STATE	ST IGNACE	49781
34RE75	HERSON, K		RT 1 BOX 139	WALLACE	49893
34RE81	HILLIER, DW		11986 E. ARNOLD LAKE RD	GLADWIN	48624
34RE68	HINES, I		RT 2, 1781 COLDWATER RD	MT PLEASANT	48858
34RE45	HUMAN SOCIETY OF MACOMB CO.		11350-22 MILE RD	UTICA	49087
34RE33	INDUSTRIAL MUTUAL ASSN	L.M.A. CHILDRENS FARM	901 E. SECOND ST	FLINT	48503
34RE51	IRON MOUNTAIN CITY PARK		A&B STS.	IRON MOUNTAIN	49801

MICHIGAN—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34RE46	JOHN HENES PARK		202 HENES PARK DR	MENOMINEE	49850
34RE9	JOHNSON, RM	JOHNNY'S FISH & GAME PARK	5511 E. 46 1/2 RD	CADILLAC	49601
34RE3	KALAMAZOO NATURE CENTER		7000 N. WESTNEDGE	KALAMAZOO	49007
34RE30	KING ANIMALAND PARK, INC.		62000 GRATIOT AVE	RICHMOND	48062
34RE31	MAY, H		394 CAMBRIA RD	HILLSDALE	49242
34RE18	MAYER, WG		7606 HIX RD	WESTLAND	48185
34RE64	MERCIER, FR	SANTA'S GIFT SHOP	BOX 75	MUNISING	49882
34RE24	MOTT FARM PROGRAM		66140 BRAY RD	FLINT	48505
34RE20	N.E. ISAACSON OF MICHIGAN, INC.		5477 SUGAR RIVER RD	GLADWIN	48824
34RE48	NANKIN MILLS NATURE CENTER		33175 ANN ARBOR TRAIL	WESTLAND	48185
34RE80	NEWLIN, G		PO BOX 1	WALLACE	49093
34RE6	OGEMAW GAME REFUGE	TEN LAKES SPORTSMEN CLUB	5626 W. ROSE CITY RD	WEST BRANCH	48661
34RE12	PEEBLES, G		18810 CARDONI	DETROIT	48203
34RE57	PICLNET, N	NORM'S BALD MOUNTAIN RIDING STABLE	3085 S. LAPEER RD	PONTIAC	48057
34RE62	PRESQUE ISLE PARK ZOO	PRESQUE ISLE PARK ZOO	300 BARAGA AVE	MARQUETTE	49855
34RE56	QUAS, G	BAMBI PARK	PO BOX 215	IRON MOUNTAIN	49801
34RE15	SAGINAW CHILDREN'S ZOO		1694 S WASHINGTON	SAGINAW	48601
34RE67	SPICKERMAN, H		R 1	ROSE BUSH	48878
34RE34	STEPHENS, YR	YVONNE AND HER FRIENDS	BOX 37	WILLIAMSBURG	49690
34RE44	TESCH, H	LENAWEE INSTITUTE	3046 SUTTON RD	ADRIAN	49221
34RE65	WAFFLE, EJ		2416 ALDRICH RD	TEKONSHA	49092
34RE10	WALTZ, DB		1217 ST ANDREWS DR	MIDLAND	48640
34RE83	WEINKE, A & J	PAUL BUNYON LOOKOUT	6795 NO HURON RD	SPRUCE	48762
34RE26	WILDER, D	WHOOPEE BOWL	9580 DIXIE HWY	CLARKTON	48018

MINNESOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
411001	ALEXANDRIA DEER PARK		RT 4	ALEXANDRIA	56308
411005	CITY OF MANKATO		202 E JACKSON	MANKATO	56001
411036	CITY PARK BOARD	RAMSEY PARK ZOO	207 E FOURTH	REDWOOD FALLS	56283
411009	DULUTH ZOO		7210 FREMONT ST	DULUTH	55807
411002	HANSEN WT	ANIMAL ACRES ZOO	RR 3 BOX 203	WADENA	56482
411032	OLMSTED COUNTY PARK & REC. DIVN.	OXBOW PARK WILDLIFE EXHIBIT	1421-3RD AVE. S.E.	ROCHESTER	55901
411022	ST. PAUL'S COMO ZOO			ST. PAUL	55103
411044	THE FARM SUPPER CLUB, INC.		RR 4	PRINCETON	55371

MISSOURI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
4372	GOLD NUGGET JUNCTION			OSAGE BEACH	65065
4354	JONES, JW	BUENA VISTA'S EXOTIC ANIMAL PARADISE	R 1	STRAFFORD	65757
4352	MAX ALLEN'S ZOOLOGICAL GARDENS		US 54 S	ELDON	65026
4353	OZARK DEER FARM		ROUTE 3	ELDON	65026
4378	SILVER DOLLAR CITY			SILVER DOLLAR CITY	65610
4374	ST. LOUIS CO. PARKS DEPT.	LONE ELK PARK	7900 FORSYTH	ST. LOUIS	63105
4365	SZASZ, AB		RT 1	GERALD	63037

MONTANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
811004	SVELSTAD, NELS			WISE RIVER	59762

NORTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
551012	CHARLOTTE NATURE MUSEUM, INC.		1658 STERLING RD	CHARLOTTE	28209
551016	ENVIRONMENTAL ED., REC., & RES. CTR.		RT. 1, BOX 401	HIGH POINT	27260
551004	GRANDFATHER MOUNTAIN, INC.			LINVILLE	28840
551018	NATIONAL RECREATION SERVICE, DIV. OF NATL. SERV. IND., I.	FRONTIERLAND	PO BOX 307	SILVER SPRINGS	32688
551003	NORTH CAROLINA MUSEUM OF LIFE & SCIENCE		PO BOX 8177	DURHAM	27704

NEBRASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
471001	MUNICIPAL ZOO		DEPT. OF PARKS & RECREATION, 13.	LINCOLN	68502
471003	RYAN, KP			BLAIR	68088

NEW MEXICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
8517	CITY OF CLOVIS	HILLCREST & ZOO	PO BOX 700	CLOVIS	88101

NEVADA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
88E30	PRATT, STEVEN RAY		115 E. WIGWAM	LAS VEGAS	89119
88E28	VERGIS, SHERRY		503 CARPENTER	LAS VEGAS	89107

NEW YORK

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
21E2	DEPARTMENT OF PUBLIC WORKS	CITY OF ITHACA	108 E GREEN STREET	ITHACA	14850

OHIO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
31E22	CLELAND, L	CLELAND'S DEER ACRES	ROUTE 11	BAINBRIDGE	45612
31E197	CLEVELAND MUSEUM OF NATURAL HISTORY.		WADE OVAL, UNIVERSITY CIRCLE	CLEVELAND	44106
31E47	DAYTON MUSEUM OF NATURAL HIST.		2629 RIDGE AVE	DAYTON	45414
31E110	ELYRIA PARKS & RECREATION DEPT.		1101 PROSPECT ST.	ELYRIA	44035
31E146	FANTASY FARM		RT. 1	MIDDLETOWN	45052
31E293	HINEY, KM		1034 HOME AVE	AKRON	44310
31E117	KHOL, R	KHOL'S GAME FARM	30770 CARRON RD	OLON	44139
31E33	LAKE ERIE JUNIOR NATURE & SCIENCE CENTER.		23728 WOLF RD.	CLEVELAND	44140
31E249	NAFFZIGER, DL		ROUTE 1, BOX 18	ARCHBOLD	43502
31E107	SIEDEL'S FUN FARM, INC.		21837 WESTWOOD DR.	STRONGSVILLE	44136
31E58	THE CLEVELAND AQUARIUM		601 E. 72ND ST.	CLEVELAND	44103
31E156	UNIVERSAL PRINTING, INC.		1192 E. 40 ST.	CLEVELAND	44114
31E172	WOHL SHOE CO.		8350 MARYLAND AVE	LOUIS	63105
31E122	WORK, RM & IS	NELSON LEDGE PARK 44231	R 2, BOX 292	GARRETTSVILLE	44231

OKLAHOMA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
73E3	SHEARER, WV		ROUTE 1	MOORLAND	73852
73E7	THE FRANK PHILLIPS FOUNDATION, INC.	WOOLAROC WILDLIFE REFUGE	402 PROFESSIONAL BLDG.	BARTLESVILLE	74003

SOUTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
561011	GREENVILLE ZOO		CLEVELAND PARK DR.	GREENVILLE	29601
561001	SMITH, WC	WILSON'S TRUCK STOP	ROUTE 1 HWY. 21	GREAT FALLS	29055
561015	WALL, JA		116 CHESTER ST.	SPARTANBURG	29301

TEXAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74RE21	CITY OF ANDREWS		MUNICIPAL ADM. BLDG	ANDREWS	79714
74RE5	CITY OF CHILDRESS		CITY HALL	CHILDRESS	79201
74RE7	CITY OF SINTON		PO BOX 1395	SINTON	78387
74RE20	DODD, CE		5116 BOB DR.	FT. WORTH	76118
74RE9	FT. WORTH MUSEUM OF SCIENCE & HISTORY.		1501 MONTGOMERY ST.	FORT WORTH	76107
74CA15	GIBBS, B		RT. 4, BOX 550	MISSION	78572
74CA1	HALL, CA		RT. 1, BOX 762	MESQUITE	75149
74RE18	INNER SPACE		HWY 1435-SOUTH	GEORGETOWN	76626
74CA13	LUCIA, T.		RT. 3 BOX 154	WEATHERFORD	76086
74RE14	RICE, B		PO BOX 264 COMBINE RD.	SEAGOVILLE	75159
74RE16	SAPP, MI		27150 OKENT	SAN ANTONIO	78216
74RE17	UNIVERSITY OF HOUSTON		BOX 240 UNIV. CTR.	HOUSTON	77004
74RE3	WONDER WORLD		PO BOX 1369	SAN MARCOS	78666

WASHINGTON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
919E	ST. OF WA DEPT OF GAME	GAME FARM SYSTEM	600 N CAPITOL WAY	OLYMPIA	98504

WISCONSIN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
351089	CONNOR FOREST INDUSTRIES		CAMP 5 FARM	LAONA	54541
351010	GANNON'S BIRCHWOOD RESORT		R.R. 1	LODI	53555
351036	GE-CA-WA LODGE DEER FARM		BOX 117A	IRON RIVER	54847
351069	JOHNSON, AR		C/O TONY SMOLHA	BARABOO	53913
351106	MILLER, LW	THE OUTPOST	RT. 3	TOMAHAWK	54487
351065	SETCHELL, V			CHETEK	54728
351093	VAN DYKE, RH		RT. 3	NEW LONDON	54961

WISCONSIN—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
351102	WALTERS, I.....	.....	.....	WHITELAKE	54491
351096	WEST, E.....	.....	RT 3	WAUPACA	54981
351068	WISCONSIN DEPT. OF NATURAL RESOURCES.	.....	BOX 450	MADISON.....	53701

WEST VIRGINIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
541001	MEADOWS, ER.....	.....	RT. 4, BOX 107	GRAFTON.....	26354

WYOMING

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
831001	CITY OF CHEYENNE	LIONS PARK.....	CITY-COUNTY BLDG.	CHEYENNE	82001
831004	WIND RIVER RANCH.....	.....	.....	DUBOIS.....	82513

Friday
March 27, 1981

REGISTRATION

Part V

**Department of
Agriculture**

Animal and Plant Health Inspection
Service

Animal Welfare; List of Registered
Carriers and Intermediate Handlers

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Carriers and Intermediate Handlers

The following list is being published to give notice to the public of carriers and intermediate handlers currently registered under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the carriers and intermediate handlers listed below are registered under said Act:

(Section 6, 80 Stat 351, as amended (7 U.S.C. 2136))

Done at Washington, D.C., this 10th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
AKH1	TAILWAGGERS' LODGE.....		2905 TANGLEWOOD PLACE.....	ANCHORAGE.....	99503
AKT1	WIEN AIR ALASKA, INC.....		4100 INTL. AIRPORT RD.....	ANCHORAGE.....	99502

ARIZONA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
AZH2	GARRETT, JACK.....	COLONIAL PET SALON.....	8005 E ROOSEVELT.....	SCOTTSDALE.....	85257
AZH5	HEILAND, GEORGE.....	CANINE COUNTRY CLUB.....	2332 E WASHINGTON.....	PHOENIX.....	85034
AZH3	HIGGINS, R.....	A-A DOGGIE DUDE RANCH.....	1381 W HATCHER ROAD.....	PHOENIX.....	85021
AZH1	KING, J & PERRY, J.....	AIRPORT INN PET LODGE.....	6391 S MARK RD.....	TUCSON.....	85700
AZH4	KISS, J & G.....	SUN CITY BOARDING KENNELS.....	6744 W ASTOR RD.....	PEORIA.....	85345

CALIFORNIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
CAT7	AIR CALIFORNIA.....		3636 BIRCH ST.....	NEWPORT BEACH.....	92660
CAH15	BOWERS, JAMES.....	BEEFEATER KENNELS.....	10917 CHERRY AVE.....	FONTANA.....	92335
CAT9	BURLINGTON NORTHERN AIR FREIGHT INC.....		PO BOX 7420.....	NEWPORT BEACH.....	92660
CAT3	CONTINENTAL AIR LINES, INC.....		7300 WORLD WAY WEST.....	LOS ANGELES.....	90009
CAH4	EL SUPERBA KENNELS.....		5441 HACKBERRY LN.....	SACRAMENTO.....	95841
CAH7	FLYING FUR PET TRAVEL.....		13815 VICTORY BLVD.....	VAN NUYS.....	91401
CAH18	GRUPE, ZONA.....	GLENNROE KENNELS.....	334 GLENDURA CIRCLE.....	DANVILLE.....	94520
CAT5	HUGHES AIR CORP.....		SAN FRANCISCO INTL. AIRPORT.....	SAN FRANCISCO.....	94120
CAH2	JET PETS, INC.....		9014 PERSHING DR.....	PLAYA DEL REY.....	90291
CAH20	JONES, JM.....	ANIMAL TRANSPORT.....	4124 VICTORIA AVE.....	LOS ANGELES.....	90000
CAH12	JONES, K.....	LIVING SPECIALTIES.....	450 APRIL WAY.....	CAMPBELL.....	95000
CAT1	KOREAN AIR LINES.....		1813 WILSHIRE BLVD.....	LOS ANGELES.....	90057
CAH6	MCCALLUM, WM.....		1063 DELL AVE.....	CAMPBELL.....	95008
CAH14	MIRAMONTES, KATHY.....	BRAVURA KENNELS.....	RT 2 BOX 455.....	WOODLAND.....	95695
CAH8	MISHLER, GE.....	ALL PET TRANSP. SERVICE.....	3382 UNIVERSITY AVE.....	SAN DIEGO.....	92104
CAH13	MITCHELL, JIMMY R.....	RED STAR KENNEL.....	2660 PUTMAN ROAD.....	VACAVILLE.....	95680
CAT6	PETAXI, INC.....		PO BOX 12337.....	SAN FRANCISCO.....	94112
CAH16	SCOTT, JANICE.....	GREENBACK PET RESORT.....	8311 GREENBACK LANE.....	FAIR OAKS.....	93620
CAH17	SEACREST KENNELS.....		P.O. BOX 1214.....	CARLSBAD.....	92000
CAH3	STEIN, C & A.....	FLYING FUR.....	8357 SUNVIEW DR.....	EL CAJON.....	92022
CAT8	SWIFT AIRE LINES, INC.....		P.O. BOX W.....	SAN LUIS OBISPO.....	93400
CAT4	THE FLYING TIGER LINE, INC.....		7401 WORLD WAY WEST.....	LOS ANGELES.....	90009
CAH5	WECHSLER, N.....	PET EXPRESS INC.....	P.O. BOX 40160.....	SAN FRANCISCO.....	94140
CAT2	WESTERN AIR LINES, INC.....		6060 AVION DR.....	LOS ANGELES.....	90045
CAH1	WHEELER'S AIRPORT AN. SHELTER.....		PO BOX 8245.....	SAN FRANCISCO.....	94120
CAH10	WOOD, JR.....	WOODBRAE KENNELS.....	16270 BURTON RD.....	LOS GATOS.....	95030
CAT10	WORLD AIRWAYS, INC.....		OAKLAND INTERNATIONAL AIRPORT.....	OAKLAND.....	94614
CAH9	WORLD WIDE PET SHIPPING.....		2027 CENTRAL AVE.....	SO. EL MONTE.....	01733
CAH11	YOUNG, R.....	ROLAND'S DOG GROOMING.....	6129 MISSION STREET.....	DALY CITY.....	94014

COLORADO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
COT7	AIR U.S.....		PO BOX 38647 AMF STAPLETON INT.....	DENVER.....	80238
COT2	ASPEN AIRWAYS, INC.....		HANGAR 5 STAPLETON INTL. ARPT.....	DENVER.....	80207
COH2	BOWMAN, B & C.....	ELMFIELD KENNELS.....	2658 W FLORIDA AVE.....	DENVER.....	80219
COH6	BRAVO'S PET PICKUP LTD.....		965 YALE ROAD.....	BOULDER.....	80303
COT4	COMBS FREIGHTAIR, INC.....		3333 QUEBEC ST SUITE 9200.....	DENVER.....	80207
COT1	FRONTIER AIRLINES, INC.....		8250 SMITH RD.....	DENVER.....	80207
COT8	FT. COLLINS FLYING SERVICE.....		2200 AIRWAY AVE.....	FT. COLLINS.....	80524
COH3	GARCIA, GH.....	NORTH METRO BOARDING KENNELS.....	666 LOWELL BLVD.....	DENVER.....	80204
COH7	KENNEL ESTATES, LTD.....		12595 JORDAN RD.....	FOUNTAIN.....	80817
COH5	PEGASUS PET SHIPPING SERVICES.....		3914 WINONA CT.....	DENVER.....	80212
COT5	PIONEER AIRWAYS INC.....		3333 QUEBEC ST J4080.....	DENVER.....	80207

COLORADO—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
COT6	ROCKY MOUNTAIN AIRWAYS		HANGER 8 STAPLETON APRT	DENVER	80207
COT9	SHAVANO AIR, INC.		PO BOX 128	PONCHA SPRINGS	81242
COT3	STAR AIRWAYS, INC.		3330 SYRACUSE ST.	DENVER	80207
COH1	TENAKER KENNEL, INC.		895 LAREDO	AURORA	80011
COH4	WOODMEN BOARDING KENNELS		6440 N OLD HWAY 85-87	COLORADO SPRINGS	80919

CONNECTICUT

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
CTH2	BALL, R.	DAY HILL KENNELS	20 DAY HILL RD.	WINDSOR	06095
CTT2	COSMOPOLITAN CANINE CARRIERS INC.		5 BROOK STREET	DARIEN	06820
CTH3	CURTIS, D.	MEADOWROCK KENNEL	SOUTH ST.	SUFFIELD	06078
CTT1	EMERY AIR FREIGHT CORP.			WILTON	06397
CTH4	HOPMEADOW BOARDING KENNELS, INC.		237 HOPMEADOW ST.	SIMSBURY	06089
CTH5	LEVINE, MARK	KEYSTONE KENNELS	RT 42	BETHANY	06525
CTT4	OCEAN AIRWAYS, INC.		121 WHITNEY AVENUE	NEW HAVEN	06510
CTT3	PILGRIM AIRLINES		PO BOX 1743	NEW LONDON	06340
CTH1	THE DOG CORPORATION	CANDLEWICK KENNELS	2811 HEBREN AVE	GLASTONBURY	06033
CTH6	VALLEY BOARDING KENNELS		47 PATRIA ROAD	SOUTH WINDSOR	06074

DISTRICT OF COLUMBIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
DCT*	U.S. AIR		WASHINGTON NAT. AIRPORT	WASHINGTON	20001

FLORIDA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
FLT1	AIR ANIMAL, INC.		4805 WEST GRAY ST.	TAMPA	33609
FLT5	AIR FLORIDA, INC.		3600 NW 79TH AVE., SUITE 590	MIAMI	33166
FLT6	AIRLIFT INTER. INC.		PO BOX 522485	MIAMI	33152
FLH25	AMERICAN PET SERVICES CORP.		8807 SW 107TH AVE.	MIAMI	33176
FLH12	ANIMAL LOVERS' PET CTR.		503 W. 49TH ST.	HALEAH	33012
FLH5	B & B KENNELS INC.		15801 SW 152 AVE.	MIAMI	33187
FLH21	BARON'S K-9 HOTEL, INC.		2420 E TAMARIND AVE.	W PALM BEACH	33458
FLH11	BISCAYNE PET HOUSE		10789 BISCAYNE BLVD	MIAMI	33166
FLH20	BOBBI'S WORLD, INC.		1040 NW 53RD ST	FORT LAUDY	33309
FLH10	CARNEL CORP.	TROPICAL PET SHOP	2220 CORAL WAY	MIAMI	33145
FLH4	COMFORT KENNELS		265 W 25 ST.	HALEAH	33010
FLT2	EASTERN AIR LINES, INC.		MIAMI INTL. AIRPORT	MIAMI	33148
FLH19	FIGG, F & R	DRIFTWOOD KENNELS	PO BOX 668	LAUREL	33545
FLH23	GROOM, HE	GEORGE'S KENNELS	5085 EDGEWOOD COURT	JACKSONVILLE	32205
FLH24	HOPPERSTART, D.	CHAROBES KENNELS	RT 2 BOX 572	ARCHER	32618
FLH7	LANDMARK KENNELS		8717 SW 134 ST.	MIAMI	33176
FLH2	LOUIS WASSERMAN		4650 SW 70 TERR.	DAVE	33314
FLH17	MAKI INTERNATIONAL INC.		PO BOX 13049	FORT LAUDERDALE	33316
FLH14	MATUS, C.	FLYING FUR PET TRAVEL SERVICE	6742 COLLINS AVE.	MIAMI BEACH	33141
FLH13	MENNYFIELD ACADEMY OF ANIMAL TECH.		5040 NE 13 AVE.	FT LAUDERDALE	33334
FLH9	MIDWAY PET CTR.		7771 W FLAGLER ST.	MIAMI	33144
FLT3	NATIONAL AIRLINES, INC.		PO BOX 592055, AMF.	MIAMI	33159
FLH6	PET FAIR INC.		14405 NW 7TH AVE.	MIAMI	33168
FLH1	PET TAXI SERVICE, INC.		1224 N.E. 144TH ST.	N MIAMI	33161
FLT7	RICH INTERNATIONAL AIRWAYS, INC.		PO BOX 522067	MIAMI	33152
FLH16	ROBBINS INC.		PO BOX 523025	MIAMI	33152
FLH22	SWASEY, DIANE	HUSH PUPPY KENNEL	RT 8 BOX 41	DAYTONA BEACH	32014
FLH15	TAMARAC TOWERS HOTEL FOR PETS.		3910 HWY 49ST	TAMARAC	33309
FLH3	TOTH, LD.	TOMAR KENNELS	4102 GERTRUDE ST.	ORLANDO	32809
FLH8	UTIL. SERV. CORP OF AM. INC.		7855 SW 94 ST.	MIAMI	33156
FLH18	WALKER, J & J	SUNSHINE KENNELS	RT 2 BOX 330K	SARASOTA	33582

GEORGIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
GAH7	AMBERY, P & DANIEL, M.	AMBERY ANIMAL HOSPITAL	1400 HOWELL MILL ROAD.	ATLANTA	30318
GAH2	ATLANTA BAGGAGE AND EXPRESS CO		1561 E VIRGINIA AVE SUITE 112A	ATLANTA	30337
GAH6	C & H COURIERS INC.		4419 COWAN BLVD.	TUCKER	30084
GAT1	DELTA AIR LINES, INC.		HARTSFIELD ATLANTA INTL. ARPT.	ATLANTA	30320
GAH4	GLASS, JOHN C.	SILICA KENNELS	RT 6 BOX 129 US 19 SOUTH	ALBANY	31705
GAH5	MILLER, K & K.	CLOUD 9 KENNELS	RT 1 WARD DR.	ELLENWOOD	30049
GAH1	SONIC DELIVERY SYSTEMS INC.		P.O. BOX 4422	ATLANTA	30302
GAH3	TRI-CITY ANIMAL HOSPITAL		2967 CENTRAL AVE BOX 60628	EAST POINT	30344

HAWAII

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
HIH2	A & P SHIPPING CORP.	FLYING FUR PET TRAVEL SERV.	1050 KIKOWAENA PL.	HONOLULU	96819
HIT4	AIR CARGO ENTER. INC.		PO BOX 30248	HONOLULU	96820
HIT3	AIR HAWAII CORP.		3049 WALENA ST.	HONOLULU	96819
HIT2	ALOHA AIRLINES, INC.		PO BOX 39028	HONOLULU	96820
HIH5	ALOHA PET LODGE		767 ALAMOAHA BLVD	HONOLULU	96813
HIT6	DHL AIR CARGO		P.O. BOX 30526	HONOLULU	96820

HAWAII—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
HIT1	HAWAIIAN AIRLINES, INC.		1164 BISHOP ST, SUITE 800	HONOLULU	06813
HIH3	HAWAIIAN HUMANE SOCIETY		2700 WAIALAE AVE.	HONOLULU	96826
HIT6	HORIZON CARGO TRANS. INC.		PO BOX 30085	HONOLULU	06820
HIH4	ST DEPT/AG - ANIMAL QUAR. STATION		99-770 MOANALUA RD	AIEA	96701

IOWA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
IAT1	S.M.B. STAGE LINE, INC.		5805 FLEUR DRIVE	DES MOINES	50321

IDAHO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
IDH3	ADA BOARDING KENNELS		8250 W VICTORY	BOISE	83709
IDH2	ALLISON, M.	GEM CREST KENNELS	4140 GOLDENROD	MERIDIAN	83642
IDT4	BOISE AVIATION INC.	BOISE AIRPORT SERVICE	3200 AIRPORT WAY	BOISE	83705
IDH5	MCCUE, P & J	TETON KENNELS	RT 2, BOX 435	IDAHO FALLS	83401

ILLINOIS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
ILT2	ALLIED AIRFREIGHT CORP.		999 E TOUHY AVE	DES PLAINES	60018
ILH5	AMERICAN INT'L PET SHIPPING	INNE TOWNE PET MOTEL	7233 MADISON STREET	FOREST PARK	60130
ILH4	CALANCA, O		RR 1 BOX 175	GRAYSLAKE	60030
ILH2	FLYING FUR PET TRAVEL SERVICE		310 SOUTH MICHIGAN AVE	CHICAGO	60604
ILH3	OWENS, MR & MRS R		RT 1 BOX 10A BROWN RD	BRIGHTON	62012
ILH6	ROSINSKI, THEODORE L	HOLLYWOOD KENNELS	23W755 WEST IRVING PARK ROAD	ROSELLE	60172
ILT1	UNITED AIR LINES, INC.		PO BOX 66100	CHICAGO	60660
ILH7	VALLEE, JG		210 VILLA ROAD	STREAMWOOD	60103

INDIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
INH1	HARLAN, G & S	WAYPORT KENNELS	7657 N. HWY 37	BLOOMINGTON	47401

KANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
KST1	AIR MIDWEST, INC.		MID-CONTINENT AIRPT	WICHITA	67209

KENTUCKY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
KYH1	BROOKS, CAREN	BLUE GRASS KENNELS	5291 PARKERS MILLS ROAD	LEXINGTON	40511
KYH3	HAMLIN, C & K	KESHLYN KENNELS	3566 WALNUT HILL ROAD	LEXINGTON	40502
KYH2	SHEABEL KENNEL		2568 RICHMOND ROAD	LEXINGTON	40502

LOUISIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
LAH1	CLICK DELIVERY SERV. INC.		3710 ROBERTSON ST BOX 683	METAIRIE	70004

MASSACHUSETTS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MAT1	AIR NEW ENGLAND, INC.		LOGAN INTL. AIRPORT	BOSTON	02120
MAH2	FRAHMANN, M & G		750 WAKEBY RD	MARSTON	02640
MAT2	PATRIOT TRUCKING INC.		PO BOX 131	REVERE	02151
MAT3	PROVINCETOWN-BOSTON AIRLINE, INC.		P.O. BOX 639	PROVINCETOWN	02657
MAH1	WRIGHT, M P	CEDARSHAKE KENNEL	21 HARRINGTON RD	WESTMINSTER	01473

MARYLAND

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MDT2	CUMBERLAND AIRLINES		PO BOX 1611	CUMBERLAND	21502
MDT3	GIBSON AVIATION, INC.		7940 AIRPARK DR	GAITHERSBURG	20760
MDT4	PAUL HENRY AIR FREIGHT INC.	AIRPORT INDUSTRIAL PARK	BOX 255	HAGERSTOWN	21740

MAINE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MET1	BAR HARBOR AIRWAYS, INC	BAR HARBOR AIRLINES	RFD 1	ELLSWORTH	04605
MET3	COLES EXPRESS		444 PERRY RD	BANGOR	04401
MET4	DOWNEAST AIRLINES INC		PO BOX 966	ROCKLAND	04841
MET2	PORTLAND AIR FREIGHT	PORTLAND INTL JETPORT	1016 WESTBROOK ST	PORTLAND	04102

MICHIGAN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MIT1	EAGLE AVIATION, INC.		BISHOP AIRPORT	FLINT	48507
MIH1	WELLS, D.		32283 ECORSE RD	ROMULUS	48174

MINNESOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MNT4	AIR FREIGHT EXPRESS		7600 24TH AVENUE SOUTH	MINNEAPOLIS	55450
MNH1	AMERICAN BOARDING KENNEL		1102 E HWY 13	BURNSVILLE	55337
MNT1	NORTHWEST AIRLINES, INC.		ST. PAUL INTL. AIRPORT	ST. PAUL	55117
MNT3	REPUBLIC AIRLINES INC.		RT. 6 P.O. BOX 180F	MINNEAPOLIS	55450

MISSOURI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MOH3	ANDERSON, LARRY	B & L TRANSPORT	RT 1 BOX 223	TROY	63379
MOH2	BUTLER, D.	PET EXPRESS	9540 NW PRAIRIE VIEW RD	KANSAS CITY	64153
MOH7	EBEST, J K	COUNTRY LANE KENNEL	4112 TOWERS RD	ST. CHARLES	63301
MOH4	GIBSON, J & W	IMPERIAL CROWN KENNELS AND PET CEMETERY INC.	115 N HIGHWAY 67	FLORISSANT	63031
MOH1	KENNELWOOD VILLAGE INC		755 NEW BALLAS RD SO	ST LOUIS	63141
MOH6	KUNZ, F & P	BLUFFVIEW KENNELS	RT 4 BOX 58A	ST. CHARLES	63301
MOT1	OZARK AIR LINES, INC.		PO BOX 10007	ST LOUIS	63145
MOH5	RYBOLT, PAT		RR 1 BOX 233	HALLSVILLE	65255

MISSISSIPPI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MST1	MILLER AIR TRANSPORTERS, INC.		PO BOX 22551	JACKSON	39205

NORTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NCT3	AIR EXPRESS, INC.		REGIONAL AIRPORT BOX 8706	GREENSBORO	27410
NCH1	HORKY, A & E		2333 EATON TON ST	CHARLOTTE	28208
NCH2	KEYES, T. HALL	NANHALL TRAINING CENTER	2206 ASHEBORO STREET	GREENSBORO	27406
NCT2	LITTLE MOUNTAIN AIRPORT, INC.		RT 1 BOX 310	MAIDEN	28650
NCT1	PIEDMONT AVIATION, INC.		WINSTON SALEM	WINSTON	27102
NCT4	PINEHURST AIRLINES, INC.		PO BOX 849	PINEHURST	28374

NORTH DAKOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NDT1	AIR FREIGHT EXPRESS		PO BOX 5021 SUS	FARGO	58102

NEW JERSEY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NJH8	AIRLINE ANIMAL TRANSPORTATION		58 KINDERKAMACK RD	EMERSON	07630
NJH1	GRADLYN KENNELS INC.	INT'L PET TRAVEL SERVICE	SYKESVILLE ROAD	WRIGHTSTOWN	08562
NJH7	HAY HILL KENNELS, INC.		905 N WASHINGTON AVE	GREEN BROOK	08312
NJH5	HOLLY CREEK KENNEL		R.D. 3 TAUNTON RD.	MARLTON	08053
NJH4	MANHARD, GM & RC	HILLSBOROUGH BOARDING KENNELS	ROYCEFIELD RD PO BOX 692	SOMERVILLE	08376
NJH6	MULSBURY, F & H	CHERRY LANE KENNELS	RD 2 BOX 163	FREEHOLD	07728
NJH3	PURR N POOCH INC		STATE HIGHWAY 35	MANASQUAN	08736
NJH2	ROXDANE KENNELS INC.		75 STIRLING RD	WARREN	07060
NJT1	WORLDWIDE PET TRAVEL SERVICE		7 LEE LANE	VINCENTOWN	08088

NEW MEXICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NMT3	AIR NEW MEXICO		RT. 6 P.O. BOX 180F	SANTE FE	87501
NMT2	CROWN AVIATION INC.		PO BOX 9211	ALBUQUERQUE	87119
NMT4	ED'S FLYING SERVICE, INC.		P.O. BOX 968	ALAMOGORDO	83310
NMH3	LJJAN, P & M	COUNTRY BOARDING KENNELS	RT 6 BOX 459	SANTA FE	87501
NMH1	PARCEL DELIVERY OF ALBUQUERQUE		AMF PO BOX 9121	ALBUQUERQUE	87119
NMH2	RAWHIDE EXPRESS		P.O. BOX 9112	ALBUQUERQUE	87119
NMT1	ROSS AVIATION INC.		PO BOX 9124	ALBUQUERQUE	87119
NMH4	SUMMERS, T & V	FUR FIN & FEATHER PET CENTER	5100 E MAIN	FARMINGTON	87401

NEVADA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NVH1	AMERICAN ANIMAL SERVICES, INC.....	THE ANIMAL INN.....	3460 WEST OQUENDO ROAD.....	LAS VEGAS.....	89118

NEW YORK

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NYT3	AIR CANADA.....		MONTREAL H3B3P7.....	MONTREAL H3B3P.....	
NYT2	AMERICAN AIRLINES, INC.....		633 THIRD AVE.....	NEW YORK.....	10017
NYH6	ASPCA.....		441 EAST 82ND STREET.....	NEW YORK.....	10028
NYH1	DAL CORTIVO, R & S.....	CROSS CTRY PET TRANSPORTERS.	CROSS RD.....	LAGRANGEVILLE.....	12540
NYH9	EAGLE HILL DOG CENTER INC.....		PO BOX 307 GRAVES RD.....	WESTMORELAND.....	13490
NYT6	FISHERS ISLAND FERRY DISTRICT.....			FISHERS ISLAND.....	06390
NYH8	FLYING FUR PET TRAVEL SERVICE.....		133 SO. 41 AVE.....	FLUSHING.....	11355
NYH11	HICKEY, R.....	WHITE SHADOW RANCH.....	680 ATLANTIC AVE.....	BALDWIN.....	11510
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NYH12	TEDESCHI, C.....	TEDESCHI & SONS TRUCKING, INC.	59-50 56TH RAOD.....	MASPETH.....	11378
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NYH2	WORLD WIDE PET TRANSPORT.....		96-01 METROPOLITAN AVE.....	FOREST HILLS.....	11375

OHIO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
OHH1	KARNIK KENNEL.....		5411 BLACK RD.....	WATERVILLE.....	43560

OKLAHOMA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
OKT1	GT WESTERN AIRLINES, INC.....	RICHARD LOYD JONES ARPT.....		TULSA.....	74107
OKH1	STROTHMANN, G & R.....	SUNDOWN KENNELS.....	RT 2 BOX 740.....	CLAREMORE.....	74017

OREGON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
ORH7	ANDERSON, L & HALL, R.....	PENDLETON VETERINARY CLINIC..	1901 SW COURT.....	PENDLETON.....	97801
ORH9	BENTON HUMANE SOCIETY.....		PO BOX 1336.....	CORVALLIS.....	97330
ORH1	BERLANT, D.....	TWIN WILLOWS KENNELS.....	320 NE GERTZ RD.....	PORTLAND.....	97211
ORH2	BOND, MRS M.....		29083 AIRPORT RD.....	EUGENE.....	97402
ORH4	BOWER, A.....	APPLEGATE COUNTRY BOARD. KENNELS.	150 DETRICK DR.....	GRANTS PRESS.....	97520
ORT3	EVERGREEN INTL AIRLINES INC.....		3185 CRESTVIEW DR.....	NEWBERG.....	97132
ORH6	GROUPE, J.R.....	RIVERSIDE VETERINARY CLINIC.....	330 NE HWY 11.....	PENDLETON.....	97801
ORH5	HICKMAN, J.....	ARCHERS BOARDING KENNELS & BOTIQUE.	18750 SW PACIFIC HWY.....	SHERWOOD.....	97140
ORH8	LUDLOW, C & M L.....	LUCKY FOUR KENNEL.....	32234 COUNTRY RD.....	TANGENT.....	97389

PENNSYLVANIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
PAT1	ALTAIR AIRLINES, INC.....		SCOTT PLAZA 2.....	PHILADELPHIA.....	19113
PAH3	BUZY, J.....		BOGGS SCHOOL RD.....	CORAOPOLIS.....	15108
PAH2	CRESTWOOD DOG MOTEL.....		2717 WEST 26TH ST.....	ERIE.....	16500
PAT2	FLIGHT EXPRESS CARGO, INC.....		PO BOX 67.....	ESSINGTON.....	19020
PAH4	HURST, D.....		3031 B OLD PHILA. PIKE.....	RONKS.....	17572
PAH1	MCKENDRY, S.....		RD 2.....	CORAOPOLIS.....	15108
PAH6	PARKWAY WEST PET CARE CNTR.....		RD 2 GRINGO CLINTON RD.....	CORAOPOLIS.....	15108
PAH7	SHAMBAUGH, VIRGINIA.....	VON HELFRICH KENNEL.....	1137 PINE ROAD.....	CARLISLE.....	17013
PAT3	SKYLINE MOTORS AIR CARGO, INC.....		71 BRIDGE STREET.....	WEST BRIDGEWATER.....	15009
PAH8	STEWART, M & WLM.....	STEWART KENNELS.....	PYLE RD RR 2 BOX 303.....	CHADDS FORD.....	19317
PAH5	VIR-DEL KENNEL.....		36 RANDOLPH RD. RD 1.....	GREAT BEND.....	16821

PUERTO RICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
PRT3	CARIBBEAN AIR SERVICES.....		SAN JUAN INT'L AIRPORT.....	ISLA VERDE.....	00913
PRT2	FLAMENCO AIRWAYS, INC.....		PO BOX 214.....	CULEBRA.....	00645
PRT1	PRINAIR.....		INTERNATIONAL AIRPORT.....	ISLA VERDE.....	00913

SOUTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
SCH4	AIR FREIGHT DELIVERY		PO BOX 558	WEST COLUMBIA	29169
SCT1	ATLANTIS AIRLINES, INC.		PO BOX 2022	MYRTLE BEACH	29577
SCH2	CHARLESTON CARTAGE CO INC.		PO BOX 42	CAYCE	29033
SCH1	GIBSON KENNELS, INC.		6548 WARD AVE.	CHARLESTON HEIGHTS	29405
SCH6	PET HAVEN INC.		RT 4 BOX 129	HOPKINS	29061
SCH7	POWELL, L. A.	SUN-GLO KENNELS	1019 LST AVE. SO.	NORTH MYRTLE BEACH	29582
SCH3	ROCKYS KENNEL		PO BOX 191 PLATE SPRINGS RD	LEXINGTON	29872
SCH5	SHADY ACREAS PET RESORT		HARMON RD RT2 BOX 207J	HOPKINS	29061

TENNESSEE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
TNT1	MID-TENN AVIATION CO		RT 3 BOX 840	DICKSON	37055

TEXAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
TXH9	AAA KENNEL, INC.		3316 GLANDE RD.	COLLEYVILLE	76034
TXH4	AIR CARGO EXPRESS		2227 E. UNION BOWER	IRVING	75062
TXH8	AIR/FRATE TRANSPORTATION		BOX 60523 AMF	HOUSTON	77205
TXH1	BOOKER, JR. SM	BOOKER'S KENNEL	101 E NOLAN TRAIL	HARKER HEIGHTS	76541
TXT1	BRANIFF AIRWAYS, INC.		PO BOX 35001	DALLAS	75235
TXH6	COUNTRY KENNEL		RT 2, BOX 178	FRISCO	75034
TXH2	FLYING FUR PET TRANSFER		4500 TRAVIS	HOUSTON	77002
TXH11	HRANITZKY, DENNIS		623 EAST DALLAS ROAD	GRAPEVINE	76051
TXH3	KENTREE BOARDING KENNELS		14934 VERA DR	HUMBLE	77338
TXH5	MANNING MAX, INC.		400 CASCADE	IRVING	75061
TXT5	MORGAN EXPRESS, INC.		10130 MONROE DRIVE	DALLAS	75229
TXH10	PRAEGER, DS JR.		7817 SOUTH COOPER STREET	ARLINGTON	76017
TXT3	RIO AIRWAYS INC.		PO BOX 636	KILLEEN	76541
TXT2	TEXAS INTL. AIRLINES, INC.		PO BOX 12788	HOUSTON	77017

UTAH

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
UTH2	ALPINE KENNELS		235 W 3750 SO	SALT LAKE CITY	84115
UTH3	FLYING FUR PET TRAVEL SERVICE		5348 KENWOOD DR	MURRAY	84107
UTH1	GREENWOOD KENNELS		180 SO. HWY. 89	SALT LAKE CITY	84054
UTT1	JOHNS-MANVILLE SALES CORP.	KEY AIRLINES	PO BOX AMF 22065	SALT LAKE CITY	84122
UTH4	RICKFORD, RL	RICK & PAT'S PET CENTER & GROOMERY.	3968 SOUTH 2ND EAST	SALT LAKE CITY	84107
UTT2	TRANS WESTERN AIRLINES OF UTAH		PO BOX 3253	LOGAN	84321

VIRGINIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
VAT1	ANIMAL AIRLINE		PO BOX 99	LINDEN	22642
VAH2	COHEL, E	JAMES RIVER KENNELS	RT 1 BOX 260	CARROLLTON	23314
VAT2	DIRECT COURIER INC.		2780 S. JEFFERSON DAVIS HWY.	ARLINGTON	22202
VAH5	DULLES GATEWAY KENNELS, LTD		4500 UPPER CUB RUN DRIVE	CHANTILLY	22021
VAH1	K - KENNELS INT.		PO BOX 213	CHANTILLY	22021
VAH3	RAMSEY, MARY WELLS	WAYWARD BOARDING KENNELS	RT 1 BOX 383	RUSTBURG	24588
VAH4	STONEHEAD DOG RANCH		R.D.L. BOX 163A	ALDIE	22001

VERMONT

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
VTT1	PRECISION VALLEY AVIATION		SPRINGFIELD AIRPORT	NORTH SPRINGFIELD	05150

WASHINGTON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
WAH2	AIRBORNE FREIGHT CORP.		PO BOX 662	SEATTLE	98111
WAT1	ALASKA AIRLINES		18300 PACIFIC HWY. SO	SEATTLE	98188
WAH8	ARNOLD, D.	WARNITCH KENNELS	13426 SE 203TH	KENT	98031
WAH4	ATWOOD, L	KELLY'S KENNELS	2040 S 142ND	SEATTLE	98168
WAH6	DEMARRC, V	HOLIDAY KENNELS	22211 RUSSELL RD.	KENT	98031
WAH9	KRUGER ANIMAL HOSPITAL		12516 PACIFIC HWY SO	SEATTLE	98168
WAH3	MOCK, R	HAPSBURG KENNEL	14043 24TH AVE SO	SEATTLE	98168
WAH10	RUSSELL, P	TANNEHAUS KENNEL	2412 224TH EAST	SPANAWAY	98387
WAH7	ZAPPALA, C & C	SCHAFFERHAUS & VIELEDANKE KENNELS.	1043 SO 140TH	SEATTLE	98168

WISCONSIN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
WIT1	AIR WISCONSIN		OUTAGAMIE CTY AIRPORT	APPLETON	54911
WIH1	ANIMAL MOTEL		6068 NORTH 115TH ST.	MILWAUKEE	53225
WIH2	GROSSKOFF, MRS KEN	GOLRUSK PET CARE CENTER	1991 ALLOUEZ AVE	GREEN BAY	54301

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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.

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 March 18, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register in cooperation with Old Dominion University.
- WHAT:** Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and the Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
- WHEN:** April 29 at 9:00 a.m. and 1:00 p.m. (identical sessions).
- WHERE:** Webb Center, Old Dominion University, Norfolk, Va.
- RESERVATIONS:** Call Henry Schmoele, (804) 440-3329.

