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federal register

Friday
April 3, 1981

Highlights

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

20135 **Law Day, U.S.A., 1981** Presidential proclamation

20508, 20482 **Decontrol of Oil** DOE/ERA revokes regulations made unnecessary by the Executive Order exempting crude oil and refined petroleum products from price and allocation regulations. (Part IV of this issue). EIA gives status of reporting requirements for data collection forms in effect under the Emergency Petroleum Allocation Act. (Part III of this issue). (2 documents)

20215 **Nuclear Power Plants and Reactors** NRC proposes to change review procedures for operating licenses in effort to reduce or eliminate delay between completion of construction and issuance of license.

20211 **Surface Mining** Interior/SMREO further postpones effective dates of three rules dealing with exemptions and definitions for prime farmland rules of initial and permanent regulatory programs and an exemption for operations affecting two acres or less. Comments are requested as to whether rules should be suspended indefinitely pending further rulemaking.

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Highlights

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

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

20502 **Continental Shelf** DOE proposes variable work commitment bidding system to encourage participation of greater diversity of firms in oil and gas lease sales. (Part V of this issue)

20155 **Banks, Banking** Depository Institutions Deregulation Committee rules that ceiling rates of interest payable on 26 week money market certificates and 2½ year or more small saver certificates will become effective the day after they are announced.

20154 **Credit Unions** NCUA rules that ceiling rates of interest payable on share certificates and 26 week money market certificates will become effective the day after they are announced.

20298 **Banks, Banking** FRS adopts fee schedules for commercial check clearing and collection services.

20241 **Food Assistance Programs** USDA/FNS notifies State agencies of availability of funds to improve delivery operations for the Special Supplemental Food Program for Women, Infants, and Children.

20156 **Migrant Labor** Labor/ETA requires that prime sponsors and public agencies, in order to compete for grants under the Comprehensive Employment and Training Act, must commit an appropriate amount of Title II funds to service migrant and other seasonal farmworkers.

20230 **Handicapped** Treasury/RSO requests comments on whether revenue sharing discrimination regulations should have interim effect during period of reconsideration. Comments are also solicited on whether zoning authority discrimination regulations should be eliminated.

20302 **Biologics** HHS/PHS/CDC makes swine flu vaccine available to responsible researchers for laboratory purposes. The vaccine is not licensed, cannot be used in humans, and the potency cannot be guaranteed.

20223-20228 **Medical Devices** HHS/FDA withdraws proposals to classify various devices into class I (general controls) or class II (performance standards). (15 documents)

20228 **Regulatory Agenda** EEOC

20260 **Privacy Act Document** Defense/Sec'y

20359 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4830 of April 2, 1981

Law Day, U.S.A., 1981

By the President of the United States of America

A Proclamation

America was founded on the principles of liberty and the rule of law. And throughout our Nation's history, the preservation of individual rights has been dependent upon the dedication of our people to liberty and the institutionalization of its principles in the law of the land.

Our forefathers' dedication to liberty is clearly expressed in this Nation's great Charters of Freedom: the Declaration of Independence, the Constitution and the Bill of Rights. These documents, which are the very foundation of American law, guarantee certain inalienable rights and privileges to every citizen. Among these are: freedom of speech, freedom of the press, freedom of religion, freedom of contract, the right to assemble and petition, the right of property ownership, and the right to due process of law.

This year marks the Nation's twenty-fourth annual celebration of Law Day, U.S.A.—a special day for reflection on our heritage of individual freedom and for rededication to maintaining, through law, the principles of liberty which govern this land.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, invite the American people to celebrate Friday, May 1, 1981, as Law Day, U.S.A., and to mark its observance with programs and ceremonies as befits our great heritage of liberty under law.

I urge clergymen of all faiths to bring to public attention through sermons and suitable programs the moral and ethical dimensions of law and liberty.

I also urge schools, civic, service and fraternal organizations, public bodies, libraries, the courts, the legal profession, all media of public information and interested individuals and organizations to participate in the observance through programs which will focus on the Law Day 1981 theme: Law—the Language of Liberty. To that end, I call upon all public officials to display the flag of the United States on all government buildings on that day.

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

Ronald Reagan

[FR Doc. 81-10361
Filed 4-2-81; 10:29 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 64
Friday, April 3, 1981

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Administrative Office of the U.S. Courts

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of two positions at the Administrative Office of the U.S. Courts from Legislative Analyst/Advisor to Attorney/Advisor (Legislative) to more appropriately reflect the duties of the positions.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Carol Sefren, Administrative Office of the U.S. Courts, 202–633–6116.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3372(a)(2) is revised as set out below:

§ 213.3372 Administrative Office of the U.S. Courts.

(a) *Office of the Director.* * * *

(2) Two Attorney/Advisors (Legislative).

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

[FR Doc. 81-9851 Filed 4-2-81; 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: This amendment excepts from the competitive service under Schedule C for a one-year period not to exceed August 1, 1981, one position of Confidential Legislation Assistant because this position is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 15, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(10) is revised as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(10) One Private Secretary and one Confidential Liaison Assistant to the Assistant Secretary for Congressional Affairs.

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

[FR Doc. 81-9832 Filed 4-2-81; 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: This amendment excepts from the competitive service under Schedule C one Confidential Assistant to the Assistant Secretary for Maritime Affairs, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 29, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(25) is revised as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(25) One Private Secretary and one Confidential Assistant to the Assistant Secretary for Maritime Affairs.

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

[FR Doc. 81-9833 Filed 4-2-81; 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: This amendment excepts from the competitive service under Schedule C one Confidential Assistant to the Counsellor to the Secretary, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 22, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(37) is revised as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(37) One Private Secretary and one Confidential Assistant to the Counsellor to the Secretary.

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

[FR Doc. 81-9834 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Director, National Technical Information Service, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT:

On position authority: Willian Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(39) is added as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(39) One Special Assistant to the Director, National Technical Information Service.

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

[FR Doc. 81-9835 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Director, Office of Public Affairs, Minority Business Development Agency, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 2, 1980.

FOR FURTHER INFORMATION CONTACT:

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

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(c)(1) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(c) *Minority Business Development Agency.* * * *

(1) Director, Office of Public Affairs.

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

[FR Doc. 81-9836 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Private Secretary to the Associate General Counsel for International Trade, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 20, 1980.

FOR FURTHER INFORMATION CONTACT:

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

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(3) is revised as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(3) One Private Secretary to each of the following: Assistant Secretary for International Economic Policy; Assistant Secretary for Trade Development; Assistant Secretary for International Trade, Deputy Under Secretary for International Trade; Assistant Secretary for Trade Administration; Associate General Counsel for International Trade.

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

[FR Doc. 81-9837 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under ⅛Schedule C one position of Confidential Assistant to the Deputy Assistant Secretary for Import Administration because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 30, 1980.

FOR FURTHER INFORMATION CONTACT:

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

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(5) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(5) One Confidential Assistant to the Deputy Assistant Secretary for Import Administration.

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

[FR Doc. 81-9838 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Confidential Assistant to the Deputy Assistant Secretary for Finance, Investment and Services, Office of the Assistant Secretary for Industry and Trade, Department of Commerce, because it is confidential in nature. Appointments may be made to

this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 25, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314 (m)(6) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(6) One Confidential Assistant to the Deputy Assistant Secretary for Finance, Investment and Services.

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

[FR Doc. 81-9639 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Secretary (Steno) to the Director General of the Foreign Commercial Service, Foreign Service Officer, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 13, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(8) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(8) One Secretary (Steno) to the Director General of Foreign Commercial Service, Foreign Service Officer.

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

[FR Doc. 81-9640 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C three positions of Confidential Assistants to the Assistant Secretary for Trade Development because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 28, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(9) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(9) Three Confidential Assistants to the Assistant Secretary for Trade Development.

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

[FR Doc. 81-9641 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Private Secretary to the Deputy Under Secretary for International Trade, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(11) is revised as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(11) One Private Secretary to each of the following: Assistant Secretary for International Economic Policy; Assistant Secretary for Trade Development; Assistant Secretary for International Trade; and Deputy Under Secretary for International Trade.

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

[FR Doc. 81-9642 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Commerce from one Confidential Assistant to the Deputy Assistant Secretary (Field Operations) to Confidential Assistant to the Deputy Assistant Secretary for the U.S. Commercial Service to reflect an organizational transfer.

EFFECTIVE DATES: June 4, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–635–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(21) is revised as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(21) One Confidential Assistant to the Deputy Assistant Secretary for the U.S. Commercial Service.

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

[FR Doc. 81-9843 Filed 4-2-81; 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: This amendment excepts from the competitive service under Schedule C one Private Secretary to the Assistant Secretary for Science and Technology, Department of Commerce, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Steve Roman, Department of Commerce, 202–377–3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(n)(3) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(3) One Private Secretary to the Assistant Secretary for Science and Technology.

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

[FR Doc. 81-9844 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Executive Office of the President

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one Schedule C Secretary to the Chairman, Council of Economic Advisers to Private Secretary to the Chairman, Council of Economic Advisers because it more accurately reflects the duties of the position. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Martha Smith, Executive Office of the President, 202–395–3765.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3303(b)(1) is revised as set out below:

§ 213.3303 Executive Office of the President.

* * * * *

(b) *Council of Economic Advisers.*

(1) One Private Secretary and one Secretary to the Chairman; and, one Secretary to each of the other two Members.

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

[FR Doc. 81-9826 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Executive Office of the President

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Secretary to the Assistant Director for Legislative Affairs (Congressional Relations) because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Martha Smith, Executive Office of the President, 202–395–3765.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3303(h)(2) is added as set out below:

§ 213.3303 Executive Office of the President.

* * * * *

(h) *Office of Administration.* * * *

(2) One Secretary to the Assistant Director for Legislative Affairs (Congressional Relations).

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

[FR Doc. 81-9825 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Export-Import Bank of the United States

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Export-Import Bank of the United States from Secretary (Steno) to the General Counsel to Administrative Assistant to the General Counsel, to more appropriately reflect the duties of the position.

EFFECTIVE DATE: May 20, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Carol Miller, Export-Import Bank of the United States, 202–566–8834.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3342(m) is revised as set out below:

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(m) One Administrative Assistant to the General Counsel.

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

[FR Doc. 81-9850 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Federal Deposit Insurance Corporation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revises one Schedule C position: One Assistant to member of the Board of Directors (Comptroller), Federal Deposit Insurance Corporation. No appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: Donna J. Ashurst, Office of Personnel Management, 202–632–3782.

On position content: Jack C. Pleasant, Federal Deposit Insurance Corporation, 202–389–4303.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3333(a) is revised as set out below:

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(a) One Assistant to each member of the Board of Directors (except Comptroller).

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

[FR Doc. 81-9066 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Federal Deposit Insurance Corporation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revises the Schedule C position: Confidential Assistant to the Board of Directors, Federal Deposit Insurance Corporation. No appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT:

On position authority: Donna J. Ashurst, Office of Personnel Management, 202–632–3782

On position content: Jack C. Pleasant, Federal Deposit Insurance Corporation, 202–389–4303

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3333(b) is reserved.

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(a) * * *

(b) [Reserved]

(c) * * *

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

[FR Doc. 81-9069 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Federal Deposit Insurance Corporation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revises the Schedule C position: Special Assistant to the Chairman, Federal Deposit Insurance Corporation. No appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: October 3, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: Donna J. Ashurst, Office of Personnel Management, 202–632–3782

On position content: Jack C. Pleasant, Federal Deposit Insurance Corporation, 202–389–4303

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3333(d) is reserved.

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(c) * * *

(d) [Reserved]

(e) * * *

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

[FR Doc. 81-9068 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Federal Deposit Insurance Corporation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revises *one* Schedule C position: Special Assistant to the Director (Appointive), Federal Deposit Insurance Corporation. No appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: Donna J. Ashurst, Office of Personnel Management, 202–632–3782.

On position content: Jack C. Pleasant, Federal Deposit Insurance Corporation, 202–389–4303.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3333(g) is revised as set out below:

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(g) One Special Assistant to the Director (Appointive).

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

[FR Doc. 81-9067 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Federal Deposit Insurance Corporation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revises the Schedule C position: Counsel to the Chairman of the Board of Directors, Office of the Chairman, Federal Deposit Insurance Corporation. No appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: Donna J. Ashurst, Office of Personnel Management, 202–632–3782

On position content: Jack C. Pleasant, Federal Deposit Insurance Corporation, 202–389–4303

Office of Personnel Management

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.333 (i) is reserved.

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(h) * * *

(i) [Reserved]

(j) * * *

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

[FR Doc. 81-9065 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Health and Human Services from Receptionist (Typing) to the Secretary to Secretary (Typing) to the Secretary to reflect the current title of the position.

EFFECTIVE DATE: March 4, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Rita Reed, Department of Health and Human Services, 202–426–7621.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(20) is revised as set out below:

§ 213.3316 Department of Health and Human Services.

(a) *Office of the Secretary.* * * *

(20) Secretary (Typing) to the Secretary.

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

[FR Doc. 81-9845 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Health and Human Services from one Confidential Assistant to the Special Assistant to the Director, Office of Consumer Affairs, to Confidential Executive Assistant to the Director, Office of Consumer Affairs to reflect the current duties of the position.

EFFECTIVE DATE: May 13, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: Willian Bohling, Office of Personnel Management, 202–632–6000.

On position content: Rita Reed, Department of Health and Human Services, 202–426–7621.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(m)(5) is revised and (m)(6) is added as set out below:

§ 213.3316 Department of Health and Human Services.

* * * * *

(m) *Office of Consumer Affairs.* * * *

(5) One Confidential Assistant, one Special Assistant to the Special Assistant to the President for Consumer Affairs.

(6) One Confidential Executive Assistant to the Director.

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

[FR Doc. 81-9846 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Housing and Urban Development

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Housing and Urban Development from Special Assistant to the Deputy Assistant Secretary for Legislation and Urban Policy to Urban Policy Specialist to the Assistant Secretary for Community Planning and Development to reflect the current title of the position and the new superior.

EFFECTIVE DATE: May 20, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Linda Grant, Department of Housing and Urban Development, 202–755–5479.

Office of Personnel Management.

Beverly M. Jones

Issuance System Manager.

Accordingly, 5 CFR 213.3384(d)(2) is revised as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.* * * *

(2) One Urban Policy Specialist.

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

[FR Doc. 81-9854 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Housing and Urban Development

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Housing and Urban Development from Administrative Aide to the General Manager, New Community Development Corporation to Secretary (Steno) to the General Manager, New Community Development Corporation.

EFFECTIVE DATE: May 28, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Linda Grant, Department of Housing and Urban Development, 202–755–5479.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3384 (j)(4) is revised as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(j) *New Community Development Corporation.* * * *

(4) One Secretary (Steno) to the General Manager.

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

[FR Doc. 81-9849 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of the Interior

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to Assistant Secretary for Indian Affairs, Department of the Interior, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Theresa Winchell, Department of the Interior, 202–343–7764.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3312 (a)(28) is revised as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Interior.* * * *

(28) Three Special Assistants and one Executive Assistant to the Assistant Secretary for Indian Affairs.

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

[FR Doc. 81-9048 Filed 4-3-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of the Interior

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Director, Bureau of Mines, Department of the Interior, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 22, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Theresa Winchell, Department of the Interior, 202–343–7764.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3312(d)(1) is added as set out below:

§ 213.3312 Department of the Interior.

* * * * *

(d) *Bureau of Mines.*

(1) One Special Assistant to the Director.

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

[FR Doc. 81-9031 Filed 4-3-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; International Trade Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Confidential Secretary (Steno) to a Commissioner, U.S. International Trade Commissioner because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 22, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Molcie Tolar, U.S. International Trade Commission, 202–523–0306.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3339(a) is revised as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(a) One Staff Assistant, one Administrative Assistant, one Staff Assistant (legal), and one Confidential Secretary (Steno) to a Commissioner.

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

[FR Doc. 81-9047 Filed 4-3-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; International Trade Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Staff Assistant to a Commissioner, U.S. International Trade Commission, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 13, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Molcie Tolar, U.S. International Trade Commission, 202–523–0306.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3339 (c) is revised as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(c) One Staff Assistant (Legal), one Staff Assistant, and one Confidential Assistant to a Commissioner.

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

[FR Doc. 81-9048 Filed 4-3-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; International Trade Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the International Trade Commission from Professional Assistant (Legal) to a Commissioner, to Staff Assistant to a Commissioner to reflect the current duties of the position.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Molcie Tolar, International Trade Commission, 202–523–0306.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3339(e) is revised as set out below:

§ 213.3339 International Trade Commission.

* * * * *

(e) One Professional Assistant (Legal), two Confidential Assistants and three Staff Assistants to a Commissioner.

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

[FR Doc. 81-9049 Filed 4-3-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Justice

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Secretary (Typing) to the Deputy Administrator, Drug Enforcement Administration, Department of Justice, because it is

confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 11, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Bobbie Gross, Department of Justice, 202–633–1846.

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

Accordingly, 5 CFR 213.3310 (i)(2) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(i) *Drug Enforcement Administration.*

* * *

(2) One Secretary (Typing) to the Deputy Administrator.

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

[FR Doc. 81–9829 Filed 4–2–81; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Part 213

Excepted Service; Department of Justice

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Secretary and Confidential Assistant to the U.S. Attorney, Department of Justice, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 19, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Roberta Gross, Department of Justice, 202–633–1846.

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

Accordingly, 5 CFR 213.3310(o)(1) is revised as set out below:

§ 213.3310 Department of Justice.

* * * * *

(o) *Office of the U.S. Attorney.*

(1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

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

[FR Doc. 81–9830 Filed 4–2–81; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Part 213

Excepted Service; Metric Board

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the U.S. Metric Board from Secretary (Steno) to the Executive Director, to Secretary (Typing) to the Executive Director to more appropriately reflect the duties of the position.

EFFECTIVE DATE: May 13, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Cassandra Browner, National Capital Region, 202–472–9214.

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

Accordingly, 5 CFR 213.3383(a) is revised as set out below:

§ 213.3383 U.S. Metric Board.

(a) One Special Assistant and one Secretary (Typing) to the Executive Director.

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

[FR Doc. 81–9853 Filed 4–2–81; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Part 213

Excepted Service; National Foundation on the Arts and the Humanities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Chairman, National Endowment for the Arts, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Thomas Johnstone, National Endowment for the Arts, 202–632–4853.

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

Accordingly, 5 CFR 213.3382(b) is revised as set out below:

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(b) One Special Assistant for Minority Concerns, two Special Assistants and two Assistants to the Chairman, National Endowment for the Arts.

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

[FR Doc. 81–9852 Filed 4–2–81; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Part 213

Excepted Service; Office of Personnel Management

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts from the competitive service under Schedule C one Supervisory Legislative Analyst to the Director, Office of Congressional Relations, because it is confidential in nature; and (2) removes one Assistant for Congressional Liaison, because there is no longer a need for this position. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: September 9, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Pat Taylor Church, Office of Personnel Management, 202–632–6158.

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

Accordingly, 5 CFR 213.3391(i) is removed and (l) is added as set out below:

§ 213.3391 Office of Personnel Management.

* * * * *

(i) [Removed]

* * * * *

(l) One Supervisory Legislative Analyst to Director, Office of Congressional Relations.

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

[FR Doc. 81-9950 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Public Information Specialist to the Ambassador-at-Large/U.S. Coordinator for Refugee Affairs, Department of State, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: March 7, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Frances Jones, Department of State, 202–632–5350.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3304(a)(2) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(2) One Public Information Specialist to the Ambassador-at-Large/U.S. Coordinator for Refugee Affairs.

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

[FR Doc. 81-9947 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Under Secretary for Economic Affairs, Department of State, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management. This amendment also revokes a position because there is no longer a need for the job.

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Frances Jones, Department of State, 202–632–5350.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3304(a)(21) is revised and (q)(1) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(21) One Special Assistant to the Deputy Secretary.

* * * * *

(q) *Office of the Under Secretary for Economic Affairs.*

(1) One Special Assistant to the Deputy Secretary.

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

[FR Doc. 81-9827 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C Director, Office of Intergovernmental Affairs, Department of Transportation, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATES: May 22, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Jean O'Donnell, Department of Transportation, 202–426–4122.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3394(a)(23) is added as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(23) Director, Office of Intergovernmental Affairs.

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

[FR Doc. 81-9855 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Regional Representative of the Secretary, Department of Transportation, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Jean O'Donnell, Department of Transportation, 202–426–4122.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3394(a)(24) is added as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(24) Regional Representative of the Secretary.

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

[FR Doc. 81-9850 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator of the Federal Railroad Administration because the position is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Jean O'Donnell, Department of Transportation, 202–426–4122.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3394(e)(7) is revised as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(e) *Federal Railroad Administration.* * * *

(7) Two Special Assistants to the Administrator.

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

[FR Doc. 81-9857 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator, National Highway Traffic Safety Administration, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Jean O'Donnell, Department of Transportation, 202–426–4122.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3394(i)(8) is revised as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(i) *National Highway Traffic Safety Administration.* * * *

(8) Two Special Assistants to the Administrator.

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

[FR Doc. 81-9856 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Staff Assistant to the Assistant Secretary (Legislative Affairs), Department of the Treasury because it is confidential in nature. This amendment also revokes a position because there is no longer a need for the job. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Charlene Robinson, Department of the Treasury, 202–566–2258.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3305(a) (41) and (51) are revised as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(41) Two Staff Assistants to the Assistant Secretary (Legislative Affairs).

* * * * *

(51) Three Special Assistants to the Assistant Secretary (Legislative Affairs).

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

[FR Doc. 81-9858 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Listing of Appointing Authorities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is eliminating from its regulations the individual listings of excepted service appointing authorities. This change improves OPM's procedures for (1) providing timely information to agencies, and (2) codifying the personnel regulations annually.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT:
William Bohling, (202) 632–6000.

SUPPLEMENTARY INFORMATION: The final regulations carry out the intent of Executive Order 12291, Federal Regulation, and superseded E.O. 12044, Improving Government Regulations, to reduce regulations to the necessary minimum. The regulations will also bring OPM's procedures with respect to individual excepted appointing authorities into line with the provisions of E.O. 12043, Amending the Civil Service Rules regarding Notice of Exemptions from the Competitive Service, which provides only for public notice of exceptions and revocations with no provision for a public comment period. Under the regulations establishments, revocations and substantive modifications of individual excepted appointing authorities will be published as notices in the **Federal Register.** A consolidated notice of all authorities current as of June 30 will be published each year in the **Federal Register.** Information on authorities available to all agencies will continue to be published in the Federal Personnel Manual.

Proposed regulations were published for comment in the **Federal Register** of December 23, 1980 (45 FR 84808). Three comments were received, all from Federal offices.

One commentor expressed concern that information on individual appointing authorities would not be as readily located through the **Federal Register** as through the consolidated listing previously codified in 5 CFR Part 213. The consolidated listing published each year in the **Federal Register** will include all the information previously provided in the 5 CFR listing. To aid interested offices in keeping track of changes to the listing during the year, publication of notices of establishment or revocation of individual authorities will be scheduled, to the extent feasible, on either the second or fourth Tuesday of each month.

Another commentor requested publication of notices more frequently than once a month, as proposed. While once a month is the minimum publication schedule, notices will be published more frequently if volume warrants. To ensure that information about individual authorities reaches interested offices in a timely manner, notices of any establishments and revocations will be published within 1

month after the most recent date of Federal Register publication.

The third commentor questioned whether individual Schedule A, B and C appointing authorities will be identifiable. They will be. The present numbering system will be continued, and each new authority will be assigned a number upon establishment. The agency will be informed of this number by letter. Agencies will show the individual authority number in the space for "Civil Service or Other Legal Authority" on personnel action forms, just as they have done in the past. However, instead of showing "5 CFR" before the number, the agency will show "Sch. A," "Sch. B," or "Sch. C," as appropriate. The number will be an appointing authority, not a regulatory citation, comparable to a certificate number cited in a competitive appointment action.

Under these regulations, the listings of individual authorities will be eliminated from the January 1, 1981, volume of Title 5. The first consolidated listing in the Federal Register will be published as soon as possible after June 30, 1981.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising 5 CFR Part 213 to read as follows:

PART 213—EXCEPTED SERVICE

Subpart A—General Provisions

Sec.

213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

Schedule A

213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

Schedule B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

Schedule C

213.3301 Positions of a confidential or policy-determining character.
213.3302 Revocation of exceptions.
213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1058 Comp. p. 218, unless otherwise noted.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Office of Personnel Management, and which are not in the Senior Executive Service.

(b) "Excepted position" means a position in the excepted service.

(5 U.S.C. 2103)

§ 213.102 Identification of positions in Schedule A, B, or C.

The Office of Personnel Management shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C. Authority to establish positions under Schedule C may be delegated under terms of an agreement between OPM and employing agencies. Establishment of Schedule C positions under terms of such an agreement would be subject to existing criteria set forth in § 213.3301, to quotas established by OPM, and to any additional instructions prepared by OPM.

(5 U.S.C. 1104; Pub. L. 95-454, sec. 3(5))

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is not practicable to examine. Examining for this purpose means application of the qualification standards and requirements established for the competitive service. Positions filled under this authority are excepted from the competitive service and constitute Schedule A. For each authorization under this section, OPM shall assign an identifying number from 213.3102 through 213.3199 to be used by the appointing agency in recording appointments made under that authorization.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for student employment within the United States.

(c) An agency (including a military department) may appoint the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service to a summer position when:

(1) The opportunities for employment have been publicized in the summer announcement, OPM regional and/or area office supplements, or through Federal job information centers and State Employment Services for a minimum 2-week period;

(2) There are no eligible available with the same or higher rating under merit staffing plans for which the ranking criteria satisfy job-relatedness requirements of FPM Supplement 271–2, "Tests and Other Applicant Appraisal Procedures," or for which ranking is not appropriate and qualified candidates are considered on a strictly random basis; and

(3) The appointment is not prohibited by section 3110 of title 5, United States Code, or Part 310 of this chapter relating to the employment of relatives.

(d) Paragraphs (b) and (c) of this section do not restrict the appointment of persons:

(1) Who are eligible for placement assistance under OPM's Displaced Employees (DE) Program;

(2) Who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property;

(3) Who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by OPM and published in the Federal Personnel Manual; or

(4) Who are severely physically handicapped or mentally retarded when appointed under § 213.3102 (t) or (u).

(e) An agency may appoint for summer employment within the United States in positions under Schedule A only in accordance with the terms of OPM's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(f) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a coorespondence student.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not possible to hold a competitive examination.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is impracticable to hold open competition or to apply usual competitive examining procedures. Appointments under this authority are subject to the basic qualification standards established by the Office of Personnel Management for the occupation and grade level. Positions filled under this authority are excepted from the competitive service and constitute Schedule B. For each authorization under this section, OPM shall assign a number from 213.3202 through 213.3299 to be used by the appointing agency in recording appointments made under that authorization.

(b) Except as provided in § 213.3101, an agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position filled under Schedule B for student employment in the United States.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

Upon specific authorization by OPM, or under the terms of an agreement with OPM, agencies may make appointments under this section to positions in grades GS–15 and below which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position authorized under this section will be assigned a number from 213.3304 to 213.3399 to be used by the appointing agency in recording appointments made under that authorization.

§ 213.3302 Revocation of exceptions.

(a) Except as provided by paragraph (b) of this section, the exception from the competitive service for each Schedule C position at GS–15 and below in the executive branch is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Office of Personnel Management may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it (1) has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Office of Personnel Management within 3 work days after a Schedule C position at GS–15 and below has been vacated or filled.

§ 213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of a creation of a new department or agency.

(a) An agency may establish temporary positions at the GS–15 grade level and below necessary to assist a department or agency head during the period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or at the time of the creation of a new department or agency. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been put in writing by management or the present incumbent, such position to be designated as identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980. In the case of the creation of a new department or agency, the number of NTC positions should be reasonable in light of the size and program responsibilities of that department or agency. For those agencies with delegated authority to except positions under Schedule C, the total number of NTC positions established may not exceed 25 percent of that agency's quota of permanent Schedule C positions as approved by the Office of Personnel Management or 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980, whichever is greater.

(b) Service under this authority may not exceed 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

[FR Doc. 81-10297 Filed 4-2-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 299]

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 April 5–11, 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: April 5, 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 31, 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 910.599 is added as follows:

§ 910.599 Lemon Regulation 299.

The quantity of lemons grown in California and Arizona which may be handled during the period April 5, 1981, through April 11, 1981, is established at 250,000 cartons.

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

Dated: April 2, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-10366 Filed 4-4-81; 11:43 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1425

[Amendment 6]

Cooperative Marketing Association; Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) is amending the regulations governing cooperative marketing associations. The amendment revises the procedures and criteria under which an approved cooperative could: (1) request a waiver from the member business requirement; and (2) request authorization to carry forward losses from eligible pools. This amendment also clarifies certain accounting requirements and deletes the general waiver provision in 7 CFR 1425.13(g).

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dale W. Wilson, Cooperative Section, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C., 20013, (202) 447–5953. The final impact statements describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed for compliance with Executive Order 12291 and has been classified "not major."

The title and number of the federal assistance programs that this final rule applies to is: Title—Commodity Loans and Purchases; Number 10.051; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

In compliance with Secretary's Memorandum No. 1955 (43 FR 50988), it is determined that initiation of review of these regulations contained in 7 CFR Part 1425.1–.21 for need, currency, clarity, and effectiveness will be made within the next five years.

On December 24, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 85041) announcing that the Commodity Credit Corporation (CCC) was considering amending the regulations at 7 CFR Part 1425, Cooperative Marketing Associations, Eligibility Requirements for Price Support, to give the Executive Vice President, CCC, or an authorized designee, authority to: (1) authorize a waiver with respect to certain requirements in the regulations which would permit an approved cooperative to acquire less than 80 percent of its commodity from members; and (2) authorize the carrying forward of losses when it is determined that such authorization is appropriate under certain specifed conditions. The proposed amendment also clarified certain requirements of the regulations relating to pooling, allocation of costs and expenses, and assessing losses. The proposed amendment also deleted the general waiver provision provided for in § 1425.13 of the regulation.

Discussion of Comments

Comments were solicited on the proposed rule and interested persons were given thirty (30) days to express their view. Four comments were received. Of these, all the comments suggested that the changes was too restrictive in carrying forward losses, three of the comments requested additional time to comment, two opposed the deletion of the exception to pooling requirements, one opposed the clarification in pool accounting procedures, and two supported the change in the member business requirements.

Member Business Requirement

Two respondents supported the proposed change in the member business requirement. This amendment provides that an approved cooperative can be authorized to acquire less than 80 percent of its commodity from members of the cooperative for a time period of up to two years, if it can be established to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interests of the members of the cooperative. No other comments were received on this change.

Carrying Forward of Losses

Four respondents suggested that the proposed change in § 1425.13(f) of the regulations concerning the handling of losses to be carried forward was too restrictive. They contend that the proposed change, which requires a year-to-year authorization, is not compatible with the requirements of other government agencies which do permit the multi-year carry-forward of losses. This lack of compatibility makes it difficult for a cooperative to administer such losses. One respondent contended that the proposed change is too restrictive and should be modified to allow the same discretion as is presently provided in § 1425.13(g) of the regulations. Section 1425.13(g) permits CCC to approve an exception to the requirements of that section if the Executive Vice President, CCC, or his authorized designee, determines that the request will result in equitable treatment of members and is in accord with the purposes of the price support program. These comments were considered and it was determined that the proposed change in the regulations to permit an approved cooperative to carry losses forward for a period of one fiscal year with a review on a year-to-year basis did not give the cooperative sufficient flexibility in the administration of losses. Therefore, it has been determined that the proposed change in section 1425.13 of the regulations governing the handling of losses should be modified to provide that an approved cooperative may carry losses forward in accordance with a plan to be submitted by the cooperative to the Executive Vice President, CCC.

The cooperative shall prepare a plan for carrying losses forward which includes, but is not limited to, the following: (1) consideration of the stability of membership and participation between affected pools; (2) consideration of the financial condition of the cooperative; (3) consideration of whether the loss can reasonably be expected to be amortized and recovered from future earnings over the proposed time period; (4) provisions for notifying existing and new members of the cooperative of the plan to deduct eligible pool losses from subsequent eligible pool gains; (5) a procedure for maintaining necessary data and records needed to generate periodic progress reports as requested by the Executive Vice President, CCC, in monitoring the administration of the plan by the cooperative; and (6) provisions for obtaining prior approval of such plan by the membership of the cooperative.

Requests for Additional Comment Time

Three of the respondents requested additional time to review the regulations because of insufficient time to consider the proposed changes. As explained in the preamble to the proposed amendment, the comment period was shortened to thirty (30) days so that comments could be received and the amendment issued on a timely basis in order to permit cooperatives to avail themselves of these proposed changes as soon as possible. All comments that have been received have been considered in this change.

Deletion of Section 1425.13(g)

Two respondents opposed the deletion of § 1425.13(g) of the regulations which provides that the Executive Vice President, CCC, may authorize an exception to the requirements of that section if it is determined that the members of the cooperative would be treated equitably and that the exception is in accord with the purposes of the price support program. One respondent stated that the proposed change in this section appeared to be in conflict with Internal Revenue Service (IRS) regulations. Another respondent suggested that this section be retained and expanded to state that a cooperative could handle a loss in the manner specified by applicable statutes and regulations. These comments were considered. However, they do not appear to be germane to the issue in question. Paragraph (g) of section 1425.13 of the regulations is merely a general waiver provision and has nothing to do with the carrying forward of losses or IRS regulations as such. It is felt that more specific provisions governing the waiver authority are needed in administering the program, rather than a general provision which furnishes little guidance or criteria in determining whether approval of a particular request is appropriate.

Deferred Proceeds

One respondent opposed the proposed change in § 1425.13(c) of the regulations concerning deferred proceeds because the timing of the payment of the proceeds is determined by § 1425.14, thereby unnecessarily confusing the intent of the regulations. This comment was considered and it was determined that the proposed change was not clear, in that an eligible commodity can be included in an eligible pool as soon as the producer agrees to accept payment and the distribution of proceeds is made within the 15 days as provided for in § 1425.14(a) of the regulations. Therefore, this proposed change will be modified to provide that an eligible commodity can be included in an eligible pool as soon as the producer agrees to accept payment, and payment is made within the 15-day period as provided for in § 1425.14(a) of the regulations.

All comments received have been considered in connection with this final rule.

Final Rule

Accordingly, the regulations at 7 CFR Part 1425 are amended as follows:

1. Section 1425.11 is revised to read as follows:

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered to the cooperative for marketing must be produced by its members or by members of its member cooperatives. However, the Executive Vice President, CCC, or an authorized designee, may, for a period of two years or such lesser period of time as he determines appropriate, authorize a cooperative to acquire or receive for marketing from its members a quantity smaller than 80 percent of such crop, if that quantity has a value greater than the value of the quantity acquired or received from nonmembers for marketing, and if the cooperative establishes to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchases of commodities from CCC and processed products from other processors or merchandisers shall not be considered in determining the volume of member and nonmember business.

2. Section 1425.13 of the regulations is amended by removing paragraph (g) and by revising paragraphs (c), (e) and (f) to read as follows:

§ 1425.13 Eligible commodity and pooling.

* * * * *

(c) *Pools.* The cooperative may establish separate pools as needed for quantities of a commodity acquired from members. If the cooperative obtains price support from CCC on any quantity of a commodity included in a pool, all of the commodity included in the pool must be eligible for price support, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or in the case of cotton, because of bale weight or being repacked: *Provided, however,* That: (1)

any commodity delivered to a cooperative by producer members who have not accepted a payment of the initial advances made available to them by the cooperative for the commodity under § 1425.14(a) shall not be included in the eligible pool until the producer agrees to receive payment of loan proceeds less authorized charges as provided for in such paragraph; and (2) farm-stored commodities cannot be included in an eligible pool until they are physically delivered to the cooperative and deposited in an approved warehouse.

* * * * *

(e) *Allocation of costs and expenses.* If price support is obtained on any quantity of a crop of a commodity in a pool, allocations of costs and expenses among separate pools for the crop of the commodity in a pool shall be made in accordance with sound accounting principles and practices.

(f) *Losses.* (1) Any losses incurred by the cooperative in marketing a crop of a commodity for which price support is not obtained from CCC shall not be assessed against the proceeds from the marketing of a crop of a commodity included in a pool for which price support was obtained. Except as provided in subparagraph (f)(2) below, pool losses incurred by the cooperative in marketing a crop of a commodity for which price support is obtained may not be carried forward and applied against subsequent eligible pools on which price support is obtained.

(2) The Executive Vice President, CCC, or an authorized designee, may authorize an approved cooperative to carry forward losses incurred on an eligible pool for a crop of a commodity when CCC determines that such action will result in the equitable treatment of all members participating in comparable eligible pools in the period needed to offset losses and is not contrary to the purposes of the price support program. This authorization will be approved on the basis of a plan for the carrying forward of losses as submitted to CCC by an approved cooperative. The authorization will be continued on the condition that the approved cooperative remains in substantial compliance with the plan, as reflected in periodic progress reports. Any losses incurred subsequent to those contained in the approved plan may only be carried forward against subsequent eligible pools in accordance with a revised plan which has been approved by the Executive Vice President, CCC, under the criteria specified in this subparagraph.

Factors which must be considered in such a plan include, but are not limited to, the following:

(i) The stability of membership and participation between affected pools;

(ii) The financial condition of the cooperative; and

(iii) Whether the loss can reasonably be expected to be amortized and recovered from future earnings over the proposes time period.

The plan must also include the following:

(i) Provisions for notifying the new members of the cooperative of the plan to deduct eligible pool losses from subsequent eligible pool gains.

(ii) A procedure for maintaining—necessary data and records needed to generate periodic progress reports as directed by the Executive Vice President, CCC, and

(iii) Provisions for obtaining prior approval of such plan by the membership of the cooperative.

(g) *Exception.* [Removed]

(Secs. 4 and 5, P.L. 80–806, 62 Stat. 1070, as amended, (15 U.S.C. 714b and c); secs. 101, 103, 105A, 107A, 201, 301, 401, P.L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444(f), 1444c, 1445b, 1446, 1447, 1421).)

Signed at Washington, D.C. on March 4, 1981.

Edward Hews,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-10151 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1474

[CCC Farm Storage and Drying Equipment Loan Program Regulations, Amdt. 4]

Farm Storage Facilities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: The Farm Storage and Drying Equipment Loan Program makes recourse loans to producers to enable them to finance the purchase or construction of needed farm storage and drying equipment. This rule amends the Farm Storage and Drying Equipment Loan Program Regulations as follows: (1) The producer's need for proposed farm storage will be based on the amount by which the total capacity of existing storage is less than the storage capacity needed to store one (previously two) year's production, (2) existing capacity being used by producers to store grain under the Grain Reserve Program will be included when determining need for storage (capacity used for grain stored under the Farmer-Owned Grain Reserve Program was previously excluded), (3) the maximum allowable outstanding aggregate loan balance for any producer will be decreased from $100,000 to $50,000, (4) the maximum loan a producer may receive is decreased from 85 percent to 75 percent of the net cost of the structure (this has the effect of increasing the required downpayment from 15 percent to 25 percent), (5) the maximum term of a loan will be reduced from 8 years to 5 years, and (6) loans shall bear interest at the rate set forth in a separate announcement published in the **Federal Register**.

EFFECTIVE DATE: April 1, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, Acting Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–3391. A final Regulatory Impact Analysis is being prepared and will be available from Harold L. Jamison.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed in conformance with Executive Order 12291 and has been classified as a "major rule." I have determined that it is impracticable for the Commodity Credit Corporation to follow the procedures of Executive Order 12291 with respect to this rule and that this interim final rule warrants publication without opportunity for public comment.

The changes made by this amendment are intended to result in reduced program participation and a corresponding reduction in federal expenditures. Not making the changes effective until the expiration of a comment period could result in a substantial increase in the number of loan applications submitted during such period, thereby increasing program participation contrary to the purpose of this amendment.

The public is invited to submit written comments with respect to this amendment to the Director, Price Support and Loan Division, ASCS. Comments must be received not later than June 1, 1981, in order to be assured of consideration. The changes made by this interim final rule will be evaluated in the light of comments received. After the comments have been evaluated, a final rule will be published in the **Federal Register** discussing the comments received and any amendments to the regulations which were deemed necessary. If the provisions of the final rule differ from those of the interim final rule, producers whose loan applications were approved after the effective date of this interim final rule and whose loans have not yet

been disbursed will be permitted to take advantage of such provisons.

Current regulations provide that a producer's need for storage will be based on the amount by which the producer's total existing storage capacity is less than the storage capacity needed to store two years' production. This amendment provides that the producer's need for storage will be based on one year's storage capacity. In determining a producer's existing storage capacity, capacity used for grain stored by the producer under the Farmer-Owned Grain Reserve Program will no longer be excluded.

This amendment places a $50,000 limit on the toal aggregate outstanding loan balance for any individual producer. Previously, a producer could have outstanding loan balances for storage and drying equipment up to an aggregate maximum of $100,000.

This amendment also lowers the maximum loan a producer may receive from 85 percent of the net cost of the producer's needed storage or drying equipment to 75 percent (this has the effect of increasing the downpayment from 15 percent to 25 percent), and reduces the term of the loan from 8 years to 5 years.

This amendment also deletes the current provisions regarding interest rates, including the provision that loans disbursed after April 1, 1977, shall bear interest at the rate in effect on the date of disbursement until repaid. Loans made hereafter will bear interest at the rate set forth in a separate announcement published in the **Federal Register.**

Interim Final Rule

Accordingly, the regulations at 7 CFR Part 1474 are amended as follows:

(1) In § 1474.4, paragraph (b) is revised to read as follows:

§ 1474.4 Eligible borrowers.

* * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however,* That in making this determination (1) one year's estimated production of eligible commodities shall be used in determining whether the proposed drying equipment is needed, and (2) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for storage of eligible commodities is less than the storage capacity necessary to store one year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

(2) Section 1474.6 is revised to read as follows:

§ 1474.6 Term of loan.

The maximum term of the loan shall be five years from the date of the Promissory Note and Security Agreement. The term of an individual loan, however, may be extended and reextended for terms of not to exceed one year each if the approving State or county committee determines in writing that the borrower is unable to meet the current payment when due because of conditions beyond the borrower's control.

(3) In § 1474.8, paragraph (b) is revised to read as follows:

§ 1474.8 Amount of loan and loan application approvals.

* * * * *

(b) *Amount of loan.* The amount of any loan, when added to the outstanding balance of any previous loan for storage or drying equipment, shall not result in an aggregate outstanding balance in excess of $50,000 and shall not exceed the smaller of: (1) 75 percent of the net cost of the applicant's needed storage or drying equipment, or (2) the prorated cost of the applicant's storage which is needed and suitable for the storage of the applicable commodities when a storage structure has a larger capacity than the applicant's needed capacity.

* * * * *

(4) Section 1474.10 is revised to read as follows:

§ 1474.10 Interest rate.

Loans shall bear interest at the rate set forth in a separate announcement published in the **Federal Register.**

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c))

Signed at Washington, D.C., on March 30, 1981.

Edward Hews,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-10031 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Aerial and Underground Telephone Cable Specification; File With Existing Specification

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to include a File With to REA Bulletin 345–13 to announce a relaxation of the January 1, 1980, attenuation tolerance limits of PE–22, REA Specification for Aerial and Underground Telephone Cables, pertaining to 6 and 12 pair cables only. This action will impact all borrowers and manufacturers of aerial and underground telephone cables.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. A Final Impact Analysis has been prepared and is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. et seq.), REA hereby issues a File With to Bulletin 345–13, PE–22, to relax attenuation requirements for 6 and 12 pair cables. The revised pages to PE–22, issued March 20, 1979, were reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and was classified "not significant." This final rule has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

The revised pages to PE–22 added attenuation requirements to the specification in order to correct associated problems with the placement of subscriber and PCM carrier on aerial and underground telephone cable. The revised pages also provided for the attenuation tolerance limits to become more stringent effective January 1, 1980.

Based on attenuation data reviewed by REA, it became evident that small pair count cables of 6 and 12 pairs could not meet the more stringent attenuation tolerance limits that became effective January 1, 1980. Six and 12 pair cables are permitted to have wider tolerance limits for mutual capacitance as a result of manufacturing processes. Since

mutual capacitance effects attenuation, a 6 and 12 pair cable could be within the mutual capacitance tolerance limits but could be outside the more restrictive attenuation tolerance limits. As a result of the inconsistency between the mutual capacitance and attenuation tolerance limits for 6 and 12 pair cables, the cables would be acceptable for mutual capacitance but unacceptable for attenuation. To correct the inconsistency between mutual capacitance and attenuation tolerance limits for small pair count cables (6 and 12 pairs), REA is issuing a File With which will increase the attenuation tolerance limits for 6 and 12 pair cable sizes only, making them consistent with the mutual capacitance tolerance limits for 6 and 12 pair cable sizes.

John H. Arnesen, Assistant Administrator—Telephone, has determined that an emergency situation exists which warrants publication without opportunity for public comment on this final action. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this relaxation of the attenuation requirements of PE–22, is impracticable and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.**

This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

Dated: March 19, 1981.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81-10220 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Direct Burial Telephone Cable Specification; File With Existing Specification

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to include a File With to REA Bulletin 345–14 to announce a relaxation of the January 1, 1980, attenuation tolerance limits of PE–23, REA Specification for Direct Burial Telephone Cables, pertaining to 6 and 12 pair cables only. This action will impact all borrowers and manufacturers of direct burial telephone cables.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. A Final Impact Analysis has been prepared and is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. et seq.), REA hereby issues a File With to Bulletin 345–14, PE–23, to relax attenuation requirements for 6 and 12 pair cables. The revised pages to PE–23, issued March 20, 1979, were reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and was classified "not significant." This final rule has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

The revised pages to PE–23 added attenuation requirements to the specification in order to correct associated problems with the placement of subscriber and PCM carrier on direct burial telephone cable. The revised pages also provided for the attenuation tolerance limits to become more stringent effective January 1, 1980.

Based on attenuation data reviewed by REA, it became evident that small pair count cables of 6 and 12 pairs could not meet the more stringent attenuation tolerance limits that became effective January 1, 1980. Six and 12 pair cables are permitted to have wider tolerance limits for mutual capacitance as a result of manufacturing processes. Since mutual capacitance effects attenuation, a 6 and 12 pair cable could be within the mutual capacitance tolerance limits but could be outside the more restrictive attenuation tolerance limits. As a result of the inconsistency between the mutual capacitance and attenuation tolerance limits for 6 and 12 pair cables, the cables would be acceptable for mutual capacitance but unacceptable for attenuation. To correct the inconsistency between mutual capacitance and attenuation tolerance limits for small pair count cables (6 and 12 pairs), REA is issuing a File With which will increase the attenuation tolerance limits for 6 and 12 pair cable sizes only, making them consistent with the mutual capacitance tolerance limits for 6 and 12 pair cable sizes.

John H. Arnesen, Assistant Administrator—Telephone, has determined that an emergency situation exists which warrants publication without opportunity for public comment on this final action. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this relaxation of the attenuation requirements of PE–23, is impracticable and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.**

This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

Dated: March 20, 1981.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81-10219 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code. The sections of the ASME Code being incorporated provide rules for the construction of nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments permits the use of improved methods for construction and inservice inspection of nuclear power plants.

EFFECTIVE DATES: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. E. Baker, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone 301–443–5999.

SUPPLEMENTARY INFORMATION: On December 31, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 86500) proposed amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The proposed amendments revised § 50.55a to incorporate by reference the Winter 1978 Addenda and the Summer 1979 Addenda to Section III, Division 1, "Rules for the Construction of Nuclear Power Plant Components" of the ASME

Boiler and Pressure Vessel Code and Section XI, "Inservice Inspection of Nuclear Power Plant Components," of the ASME Code.

Interested person were invited to submit written comments for consideration in connection with the proposed amendment by February 17, 1981. No comments were received. The Commission has adopted the proposed amendment with a minor editorial revision to accommodate the incorporation by reference of the ASME Code.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50 are published as a document subject to codification.

1. In § 50.55a, paragraph (b) is amended by adding an introductory statement that reads as follows:

§ 50.55a Codes and standards.

* * * * *

(b) The ASME Boiler and Pressure Vessel Code, which is referenced in the following paragraphs, was approved for incorporation by reference by the Director of the Federal Register on January 1, 1981. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register.** Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, NY 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St. NW., Washington, D.C.

* * * * *

2. In § 50.55a, paragraph (b)(1) is revised to read as follows:

(b) * * *

(1) As used in this section, references to Section III of the ASME Boiler and Pressure Vessel Code refer to Section III, Division 1, and include editions through the 1977 Edition and addenda through the Summer 1979 Addenda.

* * * * *

3. In § 50.55a, the introductory portion of paragraph (b)(2) is revised to read as follows:

(b) * * *

(2) As used in this section, references to Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, Division 1 and include editions through the 1977 Edition and addenda through the Summer 1979 Addenda, subject to the following limitations and modifications:

* * * * *

4. In § 50.55a, footnote number 1 is removed and the space is reserved.

(Secs. 103, 104, 161b, and i., Pub. L. 83-703; 68 Stat. 936, 937, 948; Sec. 201, Pub. L. 93-438, 88 Stat. 1242; (42 U.S.C. 2133, 2134, 2201(b) and (i), 5841))

Dated at Bethesda, MD this 27th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-10226 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share, Share Draft, and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration (NCUA) Board has amended its rules to reduce the period between the announcement and the effective date of the ceiling rates of interest payable on share certificates and on the 26 week money market certificate. Under the revised rules, the ceiling rates of interest payable will become effective on the day after they are announced. Ceiling rates are generally announced on Monday, and, thus, generally will be effective on Tuesday rather than on Thursday as under the present rules. This action was taken by the Board in order to more closely link the ceiling rates of interest payable on share certificates and money market certificates with current market rates.

EFFECTIVE DATE: April 7, 1981.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, National Credit Union Administration (202) 357-1091.

SUPPLEMENTARY INFORMATION: With one exception, the dividend ceiling payable on share certificates is the greater of (1) 9½% or (2) the lesser of 12% or the average 2½ year yield for United States Treasury securities. The exception is share certificates with minimum denominations of $10,000 and minimum maturities of 26 weeks (money market certificates). The dividend ceiling on these share certificates is the greater of (1) the share certificate dividend ceiling or (2) one quarter of one percent greater than the discount rate for 26 week Treasury bills. U.S. Treasury bills maturing in 26 weeks normally are auctioned on Monday (occasionally on Friday) and, under current rules, the dividend ceiling based on the discount yield (auction average) is effective the following Thursday, the day on which the Treasury bills are issued. This dividend ceiling is effective until the next issuance of 26 week United States Treasury bills. The average 2½ year yield on United States securities is announced by Treasury on Monday (occasionally on Friday) afternoon (based on the average 2½ year yield for the five business days ending on Monday) and, under current rules, the dividend ceiling based on that average 2½ year yield are effective for a two-week period beginning on the following Thursday.

On December 29, 1980, the NCUA Board issued for public comment a proposed rule under which the ceiling rates would be effective one or two days following the Treasury announcement. A total of 29 comments was received on the proposal to make the effective date of new certificate ceiling rates one or two days after the Treasury auction. Twenty-three comments were received from individual credit unions; six were from credit union leagues or trade groups; and no comments were received from individuals.

Among the total commenters, 12 favored the proposal to move the effective date to one day after the auction; two favored two days after the auction; 13 favored no change; and two made neutral comments.

Those favoring the proposal to make the effective date one day after the Treasury auction noted that this would help to make credit union share certificate and money market certificate deposit flows more stable. That is, they would not experience the sharp inflows of certificate funds at higher rates during periods when the new rates are lower than current rates. The favorable commenters generally cited no operational difficulties in implementing the new ceilings one day after the Treasury auction. Two commenters favored the one day after proposal provided that other depository institutions adopted the same effective date; otherwise they favored no change.

Among those not favoring the one day after proposal, most mentioned operational difficulties in obtaining the information in a timely manner, changing computer programs, and disseminating the information to their

members. Getting the information to members in a timely fashion was a particular difficulty for military credit unions with overseas branches, and other credit unions with large branch networks. Two unfavorable commenters stated that although one day after the Treasury auction created some operational difficulties, two days after (generally Wednesday) would be no problem. One commenter favoring no change stated that a change to one day after would be appropriate if other depository institutions had that effective date.

Six of the individual credit unions submitting unfavorable comments objected to the change on the basis that it was difficult to obtain the new rate information in time for posting by the morning following the Treasury auction. Several noted that they use the *Wall Street Journal* to obtain the new rates and that they do not receive the *Journal* until Tuesday afternoon or Wednesday. These same credit unions stated that they would have few difficulties implementing a new rate one day after the Treasury auction if they could get the new rate information in time.

After consideration of all comments on the proposal, the NCUA Board has determined to change the effective date of the ceiling rate of interest on share certificates and on money market certificates from Thursday to the day after the new ceiling rates are announced. In this regard, the new ceiling rates generally are announced on Monday and, therefore, such rates will be effective on Tuesday. When a holiday occurs on Monday, the new ceiling rates are announced on Friday. In those instances, the new ceiling rates will become effective on Saturday. In all cases, the ceiling rates will remain in effect until the date that a new ceiling rate is announced. This action is effective for the new ceiling rate for money market certificates to be announced on April 6, 1981, and for the ceiling rate to be announced for all other share certificates on April 13, 1981.

The NCUA Board believes that this action will benefit credit unions by more closely linking the ceiling rates payable on share certificates and money market certificates with current market rates, thereby smoothing deposit flows. In addition, with the recent adoption of a similar rule by the Depository Institutions Deregulation Committee and with the recent installation of a toll-free number at NCUA which provides the new rate information by Monday evening (800–424–5531), the concerns of many commenters have been addressed. In order to facilitate the accomplishment of these objectives as soon as possible, and to maintain competitive balance among credit unions and other depository institutions, the Board finds that good cause exists for making this action effective in less than 30 days.

(Sec. 107, 94 Stat. 132 (12 U.S.C. sec. 1757); sec. 120, 73 Stat. 635 (12 U.S.C. sec. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. sec. 1789))

Rosemary Brady,

Secretary to the Board, National Credit Union Administration.

March 31, 1981.

Paragraph (g) (2) and (3) of § 701.35 is revised to read as follows:

§ 701.35 Share accounts and share certificate accounts.

* * * * *

(g) * * *

(2) On a share certificate account, except as otherwise provided in this subsection, up to the greater of (i) 9½%, or (ii) the lesser of 12% or the average 2½ year yield for United States Treasury securities, as determined and announced every other week by the United States Department of Treasury; such rate to become effective 1 day after the Treasury announcement;

(3) On a share certificate account, except as otherwise provided in this subsection, that represents an investment of retirement account funds pursuant to Section 721.4 or of public unit funds pursuant to Section 701.32, up to the greater of (i) 9½% or (ii) the lesser of 12% or the average 2½ year yield for United States Treasury, as determined and announced every other week by the United States Department of Treasury, such rate to become effective 1 day after the Treasury announcement;

* * * * *

[FR Doc. 81-10253 Filed 4-2-81; 8:45 am]

BILLING CODE 7535-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0016]

Effective Date of Ceiling Rates on Money Market Certificates and Small Saver Certificates

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has amended its rules to reduce the period between the announcement and the effective date of the ceiling rates of interest payable on the 26-week money market certificate (MMC) and on the 2½ year or more small saver certificate (SSC). Under the revised rules, the ceiling rates of interest payable on MMCs and SSCs will become effective on the day after they are announced. Ceiling rates for such deposits normally are announced on Monday and, thus, normally will be effective on Tuesday rather than on Thursday as under the present rules. This action was taken by the Committee in order to more closely link the ceiling rates of interest payable on MMCs and SSCs with current market rates.

EFFECTIVE DATE: April 7, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389–4261), Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452–3281), Allan Schott, Attorney-Advisor, Treasury Department (202/566–6798), Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377–6446), or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447–1880).

SUPPLEMENTARY INFORMATION: The ceiling rate of interest payable on MMCs is tied to the discount rate (auction average) on the most recently issued 26-week United States Treasury bills. Such bills normally are auctioned on Monday and, under current rules, the ceiling rate of interest based on the discount rate (auction average) is effective on the following Thursday, the day on which the Treasury bills normally are issued. This ceiling rate is effective until the next issuance of 26-week United States Treasury bills. The ceiling rate of interest payable on SSCs is tied to the average 2½ year yield for United States Treasury securities as determined by-weekly by the United States Treasury. Such average yield normally is announced by Treasury on Monday (based on the average 2½ year yield for the five business days ending on the day of announcement) and, under current rules, the ceiling rates based on their average 2½ year yield are effective for a two-week period beginning on the following Thursday.

On December 18, 1980, the Committee issued for public comment proposed rules under which the ceiling rates announced on Monday would be effective for new MMCs or SSCs issued beginning on the following Tuesday or Wednesday rather than on the following Thursday (45 FR 85059 (1980)). Over 400 comments from the public, including depository institutions, individuals,

trade associations, and federal instrumentalities, were received by the Committee on the proposal. Comments of a majority of depository institutions and trade associations favored changing the Thursday date to either Tuesday or Wednesday, while other commentators favored retention of the Thursday effective date. Those favoring a change in the effective date cited the potential or decreasing earnings pressures on and smoothing deposit flows of financial institutions as the primary benefits of such a change. Comments in favor of retention of the Thursday date generally viewed the proposal as having potential operational problems and as disadvantageous to depositors.

After consideration of all of the comments on the proposal, the Committee has determined to change the effective date of the ceiling rate of interest on MMCs and SSCs from Thursday to the day after the new ceiling rates are announced. In this regard, the new ceiling rates on MMCs and SSCs normally are announced on Monday and, therefore, such rates will be effective on Tuesday. When a holiday occurs on Monday, the new ceiling rates are announced on Friday. In those instances, the new ceiling rates will become effective on Saturday. In all cases, the ceiling rates will remain in effect from the day after the announcement of the ceiling rate until the end of the day that a new ceiling rate is announced for the particular category of deposit. As in the past, the ceiling rate applicable to outstanding deposits will not change during the life of the deposit. This action is effective for the new ceiling rate for MMCs to be announced on April 6, 1981, and for the ceiling rate to be announced for SSCs on April 13, 1981.

The Committee believes that this action will benefit depository institutions by more closely linking the ceiling rates payable on MMCs and SSCs with current market rates, thereby smoothing deposit flows among depository institutions. In view of the comments received on the proposal, the Committee believes that the change should not present operational difficulties for institutions. However, the Committee noted that if the change presents unanticipated operational difficulties for depository institutions, it might reconsider the amendment at a future date. In order to provide depositors with a return on their funds invested in MMCs and SSCs that is more closely aligned to current market rates as soon as possible, the Committee finds that good cause exists for making this action effective in less than 30 days.

Pursuant to its authority under Title II of Pub. L. 96–221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations, and mutual savings banks, effective April 7, 1981, the Committee amends Part 1204—Interest on Deposits (12 CFR Part 1204) as follows:

1. Section 1204.104 is revised to read as follows:

§ 1204.104 26-Week money market time deposits of less than $100,000.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks at a rate not to exceed the rates set forth below. Rounding any rate to the next higher rate is not permitted and interest may not be compounded during the term of this deposit.

Rate [1]	Maximum percent
Commercial banks:	
7.50 percent or below	7.75
Above 7.50 percent	(2)
Mutual savings banks and savings and loan associations:	
7.25 percent or below	7.75
Above 7.25 percent, but below 8.50 percent	(3)
8.50 percent, but below 8.75 percent	9
8.75 percent or above	(3)

[1] Established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the auction held immediately prior to the date of deposit ("Bill Rate").
[2] Bill rate plus one-quarter of one percent.
[3] Bill rate plus one-half of one percent.

2. Section 1204.106 is revised to read as follows:

§ 1204.106 Time deposits of less than $100,000 with maturities of 2½ years or more.

(a) A commercial bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more at a rate not to exceed the higher of one-quarter of one per cent below the average 2½ year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury immediately prior to the date of deposit, or 9.25 per cent. Such announcement is made by the United States Department of the Treasury every two weeks. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit. In no event shall the rate of interest paid exceed 11.75 per cent, except as provided in 12 CFR 217.7(g) and in 12 CFR 329.6(b)(6).

(b) A mutual savings bank or savings and loan association may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more at a rate not to exceed the higher of the average 2½ year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury immediately prior to the date of deposit, or 9.50 per cent. Such announcement is made by the United States Department of the Treasury every two weeks. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit. In no event shall the rate of interest paid exceed 12.00 per cent.

By order of the Committee, March 31, 1981.

Normand R. V. Bernard,

Executive Secretary of the Board.

[FR Doc. 81–10285 Filed 4–2–81; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 689

Migrant and Other Seasonally Employed Farmworkers Program Under the Comprehensive Employment and Training Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This rule revises regulations relating to the eligibility of organizations to compete for grants under Section 303 of the Comprehensive Employment and Training Act (CETA) to serve migrant and seasonal farmworkers. The revised regulations require that in order to compete for Section 303 grants, prime sponsors and public agencies designated by prime sponsors to receive and administer CETA Title II funds in their place (prime sponsor surrogates) commit an appropriate amount of their CETA Title II funds to the service of migrant and other seasonal farmworkers. The revision also makes clear that other public and private agencies, including prime sponsors who propose to operate Section 303 programs in other prime sponsors' jurisdictions, need not satisfy this requirement, but must receive the written concurrence of the prime

sponsors in the areas in which they propose to operate Section 303 programs.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lindsay L. Campbell, Director, Office of Farmworker Programs, Employment and Training Administration, U.S. Department of Labor, Room 6318, 601 "D" Street, N.W., Washington, D.C., 20213, telephone: (202) 376-6128.

SUPPLEMENTARY INFORMATION: On December 12, 1980, the Department of Labor published a proposed rule at 45 FR 81768-81769, to conform the requirements for public and private agencies to become eligible for grants to operate programs for migrant and other seasonally employed farmworkers under Section 303 of CETA to the Department's consistent practice in administering the Section 303 program. To be eligible for Section 303 grants for their own jurisdictions, the existing regulation, at 20 CFR 689.105(a)(1) requires that prime sponsors commit an "appropriate amount" of their CETA Title II funds for migrant and other seasonal farmworkers. This requirement is continued and it continues to apply to a prime sponsor surrogate (a public agency designated by a prime sponsor to receive and administer CETA Title II funds in its place). The proposed rulemaking specified that public and private agencies which are not prime sponsors, including prime sponsors which propose to operate Section 303 programs in other prime sponsors' jurisdictions, are not subject to this requirement, *i.e.*, they need not show that an appropriate amount of Title II funds have been committed to farmworkers by the prime sponsor in the jurisdiction. The proposed rule made clear, however, that public agencies must receive the written concurrence of the prime sponsor in the area in which they propose to operate Section 303 programs.

The proposed rulemaking invited comments for 30 days ending January 12, 1981. Comments were received from three organizations. The following summarizes the comments and the Department's response.

One comment, from a prime sponsor, recommended that prime sponsors not be required to commit an appropriate amount of CETA Title II funds in order to be eligible to receive Section 303 grants for their areas. This recommendation was not accepted. By requiring that prime sponsors document their commitment of an appropriate amount of Title II funds to serve seasonal farmworkers, DOL ensures that prime sponsors will use CETA Section 303 funds to supplement, not supplant, Title II funds.

This commenter made an alternate recommendation that other public agencies be required to obtain a commitment of an appropriate amount of CETA Title II funds in the jurisdiction in order to be eligible for Section 303 grants. Under this recommendation, such public agencies could become eligible for Section 303 funding only by persuading the prime sponsor to calculate and document its commitment of an "appropriate amount of Title II funds" (defined in 20 CFR 689.103) to its population of migrant and seasonal farmworkers. The Department believes that it would be inappropriate to preclude the eligibility of such public agencies because the prime sponsor itself has not committed an appropriate amount of its Title II funds, since a prime sponsor's refusal to do so would deprive DOL of its ability to use otherwise capable public agencies to serve eligible farmworkers in that prime sponsor's territory.

Another comment, from a consortium of several non-profit organizations currently operating Section 303 programs, asserts that public agencies have a history of discriminating against migrant and seasonal farmworkers and predicts that prime sponsors will use the regulatory change to evade their responsibilities to farmworkers under CETA Title II. As was noted in the proposal, this rulemaking merely conforms the regulatory language to the practice which the Office of National Programs (ONP) has followed since 1974. The predictions of the commenter have not materialized during the six years of ONP's dealing with public agencies in accordance with the principles in this final rule.

The third comment, from a public agency, favored adoption of the proposal.

The comments also underscored the need to make two minor changes in the regulation for the sake of clarity. A new paragraph has been added to § 689.105(a)(1) to make clear that a prime sponsor surrogate must meet the same eligibility requirements for Section 303 grants as a prime sponsor. Also, the language of § 689.105(a)(2) has been revised to make clear that public agencies which are not prime sponsor surrogates operate Section 303 programs with a prime sponsor's concurrence and not on behalf of a prime sponsor.

The financial and other impact of this regulation is less than specified in DOL's criteria for determining when a regulatory analysis should be made. (See 44 FR 5576, January 26, 1979). Therefore, the preparation of a regulatory analysis is not required for this regulation. Also, the Secretary has certified pursuant to 5 U.S.C. 605(b) that the amendments in this document will not have a significant economic impact on a substantial number of small business entities because the regulations are related solely to the conditions of eligibility for federal grant awards to State and local governments and private non-profit agencies, which are the only recipients of CETA Section 303 funds.[1]

The Migrant and Other Seasonally Employed Farmworkers Program is listed at Number 17.230 in the *Catalogue of Federal Domestic Assistance.* Applications for CETA section 303 grants are subject to OMB Circular No. A-95 clearinghouse procedures.

Accordingly, Part 689 of Chapter V of Title 20, Code of Federal Regulations is amended to read as follows:

1. Section 689.103 is amended by revising the definition of "eligible applicant" to read as follows:

§ 689.103 Definitions.

* * * * *

"Eligible Applicant" shall mean a prime sponsor, public agency, or private nonprofit organization which meets the requirements set forth in § 689.105 (Eligibility for allocable funds).

* * * * *

2. Section 689.105 is amended by revising paragraph (a), removing paragraph (b), and redesignating paragraph (c) as paragraph (b). As revised § 689.105 reads as follows:

§ 689.105 Eligibility for allocable funds.

(a) The following organizations and units of government shall be eligible to receive allocable funds under Section 303:

(1)(i) A prime sponsor designated under § 675.5 which proposes to operate Section 303 programs within its own territory, provided that such prime sponsor has within its jurisdiction a significant population of migrant and other seasonally employed farmworkers for whom it has committed an appropriate amount of its CETA Title II funds;

(ii) A public agency which has been designated by such a prime sponsor to receive and administer CETA Title II funds in its place and which meets the prime sponsor's eligibility requirements of paragraph (a)(1)(i) of this section.

(2) A public agency (including a prime sponsor proposing to operate a Section 303 program in the territory of another

[1] A copy of a letter of certification is filed with the original document.

prime sponsor) which has the concurrence of the prime sponsor(s) in the area(s) in which it proposes to operate a Section 303 program; and

(3) A private nonprofit organization authorized by its charter or articles of incorporation to provide employment and training or such other services as are permitted by this subpart.

(b) All applicants shall promptly provide the Department of Labor with documented evidence of services provided by the applicant to migrant or seasonal farmworkers upon request. If an applicant is the subject of administrative or judicial proceedings at the State or Federal level alleging lack of services to farmworkers, then the applicant must submit with its preapplication a copy or summary of the allegations and of the applicant's refutation of the allegations. The Department of Labor may require from the applicant additional documentation before deciding the applicant's eligibility.

3. In § 689.204–1, paragraph (c)(5) is revised to read as follows:

§ 689.204–1 Grantee Agreement.

* * * * *

(c) * * *

(5) For applicants required to obtain prime sponsor concurrence under § 689.105(a)(2), documentation of such concurrence.

* * * * *

(Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 *et seq.*, Pub. L. 95–524, 92 Stat. 1970)

Signed at Washington, D.C. this 27th day of March, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–10198 Filed 4–2–81; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Piperazine Phosphate and Dichlorophene/Toluene Capsules; Change of Sponsor From Burroughs Wellcome Co. to Zema Corp.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regultions to reflect the change of sponsor for two new animal drug applications (NADA's) from Burroughs Wellcome Co. to Zema Corp. The NADA's are for use of piperazine capsules and for dichlorophene/toluene capsules.

EFFECTIVE DATE: April 3, 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: Zema Corp., P.O. Box 12803, Research Triangle Pk., Durham, NC 27709, filed supplemental NADA 91–260 for piperazine phosphate capsules and NADA 102–942 for dichlorophene/toluene capsules reflecting the change of sponsor from Burroughs Wellcome Co. In addition, Burroughs Wellcome advised the Bureau of Veterinary Medicine (the Bureau) of the change of sponsor. The Bureau is amending the regulations in § 510.600(c) (21 CFR 510.600(c)), § 520.580 (21 CFR 520.580), and § 520.1804 (21 CFR 520.1804) to reflect this change.

This action, the change of sponsor of two NADA's, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Accordingly, under the Bureau's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category I supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

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 ANIMNAL 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
* * * * *	
Zema Corp., P.O. Box 12803, Research Triangle Park, Durham, NC 27709	050906
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
050906	Zema Corp., P.O. Box 12803, Research Triangle Park, Durham, NC 27709.
* * * * *	

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

2. In Part 520:

§ 520.580 [Amended]

a. § 520.580 *Dichlorophene and toluene capsules* is amended in paragraph (b)(1) by removing sponsor No. "000081" and inserting in numerical sequence in its place "050906".

§ 520.1804 [Amended]

b. § 520.1804 *Piperazine phosphate capsules* is amended in paragraph (b) by removing sponsor no. "000081" and inserting in its place "050906".

Effective date. This amendment is effective April 3, 1981.

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

Dated: March 24, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–9718 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products, Implantation or Injectable Dosage Form, New Animal Drugs Not Subject to Certification; Cupric Glycinate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to codify a

previously approved new animal drug application (NADA), and to reflect approval of a supplemental NADA providing for certain labeling revisions, use in beef cattle only, and a 30-day slaughter withdrawal time. The NADA, sponsored by Burns-Biotec Laboratories, Inc., provides for use of cupric glycinate injection in beef cattle for the prevention of copper deficiency, and if labeled for veterinary prescription use, for prevention and treatment of copper deficiency alone or associated with molybdenum poisoning.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Burns-Biotec Laboratories, Inc., 8536 K St., P.O. Box 3113, Omaha, NE 68103, is the sponsor of an NADA (31–971) providing for use of cupric glycinate injection for beef cattle for the prevention of copper deficiency, and when for veterinary prescription use, for the prevention and treatment of copper deficiency alone or in association with molybdenum toxicity. The NADA was originally approved March 29, 1967. This document codifies the approval and reflects approval of a supplemental NADA providing for certain labeling revisions including the change of product name from copper glycinate to cupric glycinate, its use in beef calves and beef cattle only, certain non-Rx and Rx uses, a change of certain inert ingredient names, and a 30-day slaughter withdrawal time.

Another injectable cupric glycinate (NADA 11–804) was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review published in the **Federal Register** of April 8, 1969 (34 FR 6269). The NAS/NRC review concluded, and FDA concurred, that the drug is effective for prevention of copper deficiency resulting from molybdenum poisoning or copper deficiency from any cause in pastured cattle, but more information was needed regarding dosage-animal size relationship. FDA has determined, based on the conclusions of the NAS/NRC review, that the product is effective for use as labeled and that based on data from published literature, the dosage is adequate for the labeled uses.

Approval of this supplemental NADA provides for revised labeling of the product and does not in any way change the current use of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category II approval which will not affect human exposure to residues of the drug and will not require reevaluation of safety and effectiveness data in the parent application.

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 human safety 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), Part 522 is amended by adding new § 522.518 to read as follows:

§ 522.518 Cupric glycinate injection.

(a) *Specifications.* Each milliliter (mL) of sterile aqueous suspension contains 200 milligrams of cupric glycinate (equivalent to 60 milligrams of copper).

(b) *Sponsor.* See 000845 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 200 milligrams (1 mL) for calves 300 pounds and under; 400 milligrams (2 mL) for calves over 300 pounds and adult cattle.

(2) *Indications for use.* For beef calves and beef cattle for the prevention of copper deficiency, or when labeled for veterinary prescription use, for the prevention and/or treatment of copper deficiency alone or in association with molybdenum toxicity.

(3) *Limitations.* For subcutaneous use only; repeat dose in 3 months in young calves, in 6 months in cattle; discontinue use 30 days before treated animals are slaughtered for food use; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment is effective April 3, 1981.

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

Dated: March 26, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–10037 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Injection

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 supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a 200-milligram-per-milliliter (mg/ml) oxytetracycline injection at 9 milligrams per pound (mg/lb) of body weight for treating bacterial pneumonia in calves and yearlings.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (113–232) providing for intramuscular use of its 200 mg/ml oxytetracycline injection for treating bacterial pneumonia infections in calves and yearlings when administered as a single dose at 9 mg/lb of body weight. Pfizer currently holds approval for (1) Intramuscular or intravenous use of the drug at 3 to 5 mg/lb body weight per day in beef cattle and nonlactating dairy cattle for treating pneumonia, shipping fever complex, foot-rot, diphtheria, bacterial enteritis, wooden tongue, leptospirosis, wound infections, and acute metritis; (2) Intramuscular use at 5 mg/lb body weight per day in cattle for treating anaplasmosis, severe foot-rot, and advanced cases of other indicated diseases; (3) Intramuscular use in cattle at 9 mg/lb body weight per day as a single dose when retreatment for anaplasmosis is impractical; (4) Intramuscular use at 3 to 5 mg/lb body weight per day in swine for treating bacterial enteritis, pneumonia, and

leptospirosis; and (5) Intramuscular use in sows at 3 mg/lb body weight as a single dose as an aid in control of infectious enteritis in suckling pigs.

Condition of use (3) is an alternative to the repetitive dosage regimen for treating anaplasmosis that is expressed in use (2). Similarly, this supplemental NADA provides for a single dose as an alternative to the repetitive dosage regimen of use (1) when retreatment of calves and yearlings for bacterial pneumonia is impractical due to husbandry conditions.

This latest single dosage regimen is approved for addition to both over-the-counter and prescription drug labeling for Pfizer's 200 mg/ml oxytetracycline injection. The regimen is supported by adequate and well-controlled clinical and field studies. Accordingly, the regulations are amended to add provisions for this new use of the drug.

The approval of the 9 mg/lb body weight dosage for the treatment of bacterial pneumonia in calves and yearlings results in no increased risk of exposure to residues of oxytetracycline, because residues resulting from that use do not exceed the level of residues resulting from the use of the approved, alternate dosage of 3 to 5 mg/lb body weight per day. 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 the safety and effectiveness data in the parent application.

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), Part 522 is amended in § 522.1660 by revising paragraph (c)(1)(i) to read as follows:

§ 522.1660 Oxytetracycline injection.

* * * * *

(c) *Conditions of use*—(1) *Beef cattle and nonlactating dairy cattle*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 5 milligrams per pound of body weight per day for treatment of anaplasmosis, severe foot-rot, and advanced cases of other indicated diseases; 9 milligrams per pound of body weight as a single dosage where retreatment for anaplasmosis is impractical; 9 milligrams per pound of body weight as single dosage where retreatment of calves and yearlings for bacterial pneumonia is impractical.

* * * * *

Effective date. This regulation is effective April 3, 1981.

(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. 81-9720 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Hygromycin B

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 for International Nutrition, Inc., providing for use of a 2.4-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections.

EFFECTIVE DATE: April 3, 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: International Nutrition, Inc., 6664 L St., Omaha, NE 68117, is sponsor of an NADA (109–688) providing for use of a 2.4-gram-per-pound hygromycin B premix for making complete swine feeds. The complete feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The NADA, filed by Elanco Products Co. in behalf of the sponsor, is based on safety and effectiveness data contained in Elanco's approved NADA 10–918. Use of the data in NADA 10–918 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 (December 23, 1977; 42 FR 64367), approval of NADA 109–688 does not require reevaluation of the safety and effectiveness data in NADA 10–918. NADA 109–688 is approved, and the regulations are amended to reflect the 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 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), § 558.274 is amended by revising paragraph (a) and by adding to paragraph (e)(1)(ii) new sponsor No. "043733" to read as follows:

§ 558.274 Hygromycin B.

(a) *Approvals.* (1) Premix of 2.4 and 8 grams per pound granted to 000986 in 21 CFR 510.600(c) for use as in paragraph (e) of this section.

(2) Premix of 2.4 grams per pound granted to 043733 in 21 CFR 510.600(c) for use in swine as in paragraph (e)(1)(ii) of this section.

* * * * *

(e) * * *

(1) * * *

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(ii) 12		Swine: control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*).	Withdraw 15 days before slaughter	000986, 043733
*	*	*	*	*

* * * * * * *

Effective date. This amendment is effective April 3, 1981.

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

Dated: March 26, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-10038 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Tylosin

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 animal drug application (NADA) sponsored by Growmark, Inc., providing for the safe and effective use of a 10-gram-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: April 3, 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: Growmark, Inc. (formerly FS Services, Inc.), 1701 Towanda Ave., Bloomington, IL 61701, is sponsor of a supplemental NADA (99-098) submitted on its behalf by Elanco Products Co. The supplement provides for use of a 10-gram-per-pound tylosin premix for making a complete swine feed which is used for increased rate of weight gain and improved feed efficiency. The original application was approved for use of a 40-gram-per-pound tylosin premix on December 16, 1974. A supplement for use of an 8-gram-per-pound tylosin premix was approved on April 21, 1976. This supplement for use of a 10-gram-per-pound premix is approved and the regulations are amended to reflect the approval.

Approval of this NADA relied upon 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 NADA was authorized by Elanco. This action did not involve reevaluation of the drug's safety and effectiveness in NADA 12-491.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original 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 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), § 558.625 is amended by revising paragraph (b)(27) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(27) To 020275: 8, 10, and 40 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. April 3, 1981.

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

Dated: March 24, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9721 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Tylosin

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 animal drug application (NADA) sponsored by Ralston Purina Co. providing for the safe and effective use of an 8-gram-per-pound tylosin premix for making complete swine feeds for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 3, 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: Ralston Purina Co., Checkerboard Sq., St. Louis, MO 63188, is sponsor of a supplemental NADA (43–387) to provide for use of an 8-gram-per-pound tylosin premix for making complete swine feeds. The complete feed is used for increased rate of weight gain and improved feed efficiency. The application is presently approved for such a claim involving premixes containing other than the presently requested level of tylosin. This supplement for use of an 8-gram-per-pound premix is approved and the regulations are amended to reflect the approval.

Approval of the NADA relied upon 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 NADA was authorized by Elanco. This action did not involve reevaluation of the drug's safety and effectiveness in NADA 12–491. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original 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 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), § 558.625 is amended by revising paragraph (b)(5) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(5) To 017800: 0.4, 0.8, 1, and 8 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 10 grams per pound, paragraph (f)(1)(i) and (vi)(*a*) of this section; 40 grams per pound, paragraph (f)(1)(i) and (vi)(*a*), (*b*), (*c*), and (*d*) of this section.

* * * * *

Effective date. This amendment is effective April 3, 1981.

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

Dated: March 24, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–9722 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax: Taxable Years Beginning After December 31, 1953; Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1980 and Estimated Tax for the Taxable Year 1981

AGENCY: Department of the Treasury.

ACTION: Proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220 (202–566–2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

Proclamation: For purposes of computing the 1980 income tax of foreign corporations carrying on a life insurance business, a percentage of 14.1 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1981. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1981 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

March 13, 1981.

[FR Doc. 81–9946 Filed 4–1–81; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of the Amendments to the Wyoming Operations Manual

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice gives approval of amendments to the Wyoming Operations Manual. Revisions to the manual were made by the State to bring it into conformity with amendments to the Wyoming Occupational Health and Safety Act and program and policy changes made by the Occupational Safety and Health Administration in its Field Operations Manual.

EFFECTIVE DATES: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Charlie Y. Boyd, Project Officer, Office of State Programs, Occupational Safety

and Health Administration, 200 Constitution Avenue, N.W., Room N-3613, Washington, D.C. 20210, (202) 523-8081.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and Part 1902 of this chapter. On May 3, 1974, notice was published in the **Federal Register** (39 FR 15395) of the approval of the Wyoming plan and the adoption of Subpart BB to Part 1952 containing the decision (38 FR 1178). On September 13, 1979 and November 18, 1980, the State of Wyoming submitted supplements to the plan involving Federal program changes (see Subpart C of 29 CFR Part 1953).

Description of the Plan Supplement

The Wyoming Field Operations Manual has been revised to reflect a legislative change made by Wyoming amending its penalty and enforcement system from criminal to civil in nature. Additionally, changes were made with respect to penalty calculation and classifications to conform with Federal program changes in these areas. The changes make Wyoming's Field Operations Manual as effective as the Federal Field Operations Manual.

Location of the Plan and its Supplements for Inspection and Copying

A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado, 80202; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Woming, 82001; and the Office of the Director for State Programs, Room N-3619, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Public Participation

Under 1953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Wyoming plan supplements described above are substantially identical to OSHA policies and procedures. Accordingly, it is found that further public comment is unnecessary.

Decision

After careful consideration, the Wyoming plan supplements are hereby approved under Subpart C of 29 CFR Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart BB of 29 CFR Part 952 is amended by adding the following paragraph (b) to § 1952.345 to read as follows:

§ 1952.345 Changes to approved plan.

* * * * *

(b) In accordance with Subpart C of Part 1953 of this chapter, amendments to the Wyoming Operations Manual relating to penalty calculation and classifications and sanctions were approved on March 25, 1981.

(Sec. 18 Pub. L. 91-596, 84 stat. 1608 (29 U.S.C. 667))

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

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-10254 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1952

Approval of Supplements to Arizona State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The State of Arizona has submitted a plan supplement describing a change in its occupational safety and health program concerning amendments to the Arizona Occupational Safety and Health Act of 1972. This document announces that the Arizona plan supplement is approved. In addition, this document announces formal withdrawal of State jurisdiction on Indian Reservations, with the result that Federal OSHA will have exclusive jurisdiction on Indian Reservations in the State.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210, (202) 523-6021.

SUPPLEMENTARY INFORMATION:

Background

The Arizona Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on October 29, 1974 (39 FR 39037). Part 1953 of this Chapter provides procedures for the review and approval of State changes supplements by the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of Supplements

1. The State passed several amendments to its Occupational Safety and Health Act on August 27, 1977. The amendments are based on commitments made to the Occupational Safety and Health Administration before plan approval and include:

a. A clarification that sanctions shall apply to violations of any provision of the Act, not only to violations of standards (A.R.S. 23-418).

b. A provision that standards or regulations shall assure, as far as possible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life (A.R.S. 23-410).

c. A clarification that notice of an intended inspection shall not be given prior to the time of actual entry upon the worksite (A.R.S. 23-408).

d. Expanded provisions for the granting of extended abatement periods, including an opportunity for employees to participate in hearings concerning petitions for modification of abatement (A.R.S. 23-417).

e. Clarification of the definition of "interested party" to include employees (A.R.S. 23-421, 422, 423, 433).

2. The State had also intended to submit an amendment deleting the requirement that a non-serious violation exists "unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of such condition or practice." (A.R.S. 23-401(9)) However, this legislation was not enacted, and the State proposed that this amendment not be required. By letter of July 31, 1979, Larry Etchechury, Director of the Arizona Division of Occupational Safety and Health, indicated that the State has had no trouble proving employer

knowledge and has not withheld any citations because of lack of employer knowledge. In addition, the State has promised to litigate if a citation for a non-serious violation is challenged on the basis of lack of employer knowledge. The State also promised to seek a legislative change to its Act if monitoring reveals any problems with this provision.

3. A written transmittal from the State of Arizona, dated August 4, 1980, from Larry Etchechury, Director, Arizona Occupational Safety and Health, states that, in accordance with Arizona State law, the State has no jurisdiction on Indian Reservations. This is a boundary-to-boundary restriction. Therefore, Federal OSHA will have sole jurisdiction on Indian Reservations.

Location of the Plan and its Supplements for Inspection and Copying

A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N-3613, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 11321, San Francisco, California 94102; and Division of Occupational Safety and Health, Industrial Commission of Arizona, 1601 West Jefferson St., Phoenix, Arizona 85005.

Public Participation

A notice was published on November 21, 1980 (45 FR 77048) announcing the submission of the Arizona plan supplements number one and two as set out above. Interested persons were given until December 22, 1980 to submit written data, views and arguments concerning whether the supplement should be approved. No comments were received.

The Assistant Secretary finds that the implementation of Federal OSHA jurisdiction on Indian Reservations in the State of Arizona is consistent with the governing legal principles. Therefore, good cause is found for approval of this supplement without public comment and notice.

Decision

After careful consideration, the Arizona plan supplements described above are hereby approved under Part 1953 of this Chapter. The decision above is hereby approved under Part 1953 of this Chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

1. In accordance with this decision, § 1952.354 of Subpart CC of Part 1952 of this Chapter is amended by adding paragraph (k) to read as follows:

§ 1952.354 Completed developmental steps.

* * * * *

(k) Legislative amendments required to bring the Arizona occupational safety and health law (Arizona Revised Statutes, Chapter 23) into conformity with Federal requirements were enacted effective August 27, 1977.

2. In accordance with this decision, Subpart CC of 29 CFR Part 1952 is amended by adding a new § 1952.355 as follows:

§ 1952.355 Changes to approved plans.

On August 4, 1980, the State of Arizona formally withdrew its jurisdiction on Indian Reservations.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 27th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-10255 Filed 4-2-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1788-5]

Approval and Promulgation of State Implementation Plans: State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act (CAA) as amended 1977 requires that states revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Kansas submitted revisions to its SIP to EPA on September 17, 1979, October 22, 1979, March 10, 1980, and September 22 and 25, 1980, in order to satisfy the requirements of Part D. Availability of the Kansas revisions was announced in the **Federal Register** on April 4, 1980 (45 FR 22981 and subsequent notices were published June 2, 1980 (45 FR 37224) and September, 24, 1980 (45 FR 63301), and the public was invited to make comments at that time. EPA's proposed action on the submittal was stated in the **Federal Register** on December 11, 1980 (45 FR 81608). Many of the issues were either satisfactory at the time of submission or have since been resolved by the Kansas Department of Health and Environment (KDHE) in a manner consistent with discussion in the proposed rulemaking. These items are approved without conditions.

EPA is taking final action to conditionally approve certain elements of the Kansas plan. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble, on July 2, 1979 (44 FR 38583) and November 23, 1979 (44 FR 67182).

It is not possible to make a final approval/disapproval decision on the non-Part D portions of the State plan submittal. These are portions which are either not addressed or inadequately addressed in the September 17, 1979, October 22, 1979, March 10, 1980, and September 22 and 25, 1980, submittals.

DATE: This approval is effective April 3, 1981.

ADDRESSES: Copies of the state submission, all public comments received, and the EPA-prepared evaluation report are available during normal business hours at the following locations.

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106;

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

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101;

Mid-America Regional Council, 20 West Ninth Street, Kansas City, Missouri 64105.

A copy of the state submissions and this notice is available at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Gale A. Wright (816) 374-3791 (FTS 758-3791) (Region VII Office).

SUPPLEMENTARY INFORMATION:

A. Background

The Clean Air Act Amendments (CAA) of 1977 added requirements to the Act for revised State Implementation Plans (SIP) for areas which have not attained the National Ambient Air Quality Standards (NAAQS). These requirements are found in Part D which includes Sections 171 through 178 of the Act. The requirements for an approvable nonattainment plan are listed in Section 172.

The general requirements for all SIP revisions are found in Section 110(a). Section 121 requires the state to consult with local governments on certain matters. Section 123 limits the availability of dispersion techniques for certain sources. Section 126 relates to interstate abatement. Section 127 requires public notification of violations of health related standards. Section 128 imposes requirements on state boards. Sections 161 through 169A (Part C) require each state plan to contain measures for the prevention of significant deterioration (PSD) of air quality.

In order for a plan to be fully approvable, it must meet all of the requirements discussed above. EPA's Part D criteria were proposed in the **Federal Register** on April 4, 1979 (44 FR 20372), and supplemented July 2, 1979 (44 FR 38583). Additional supplements to the general preamble were published in the **Federal Register** on August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). These notices contain the general preamble to the proposed rulemaking for all nonattainment plan submissions. They describe in detail the requirements for an approvable nonattainment plan. For a background discussion of the Kansas rulemaking, the reader is referred to the proposed rulemaking on the submittals which were published in the **Federal Register** on December 11, 1980 (45 FR 81608).

Certain portions of the Kansas SIP are being conditionally approved today. The conditional approval requires the state to submit additional materials by the deadlines specified in today's notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below, when determining if the state has satisfied the conditions.

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to submit the required materials needed to meet a condition in a timely manner, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and Section 110(a)(2)(I) restrictions on growth are in effect.

The State of Kansas submitted the SIP revisions for nonattainment areas in Kansas on September 17, 1979, October 22, 1979, March 10, 1980, and September 22 and 25, 1980. The submissions include plans to attain the ozone standard in Wyandotte and Johnson Counties and Douglas County and the total suspended particulate (TSP) standard in Kansas City.

The final rulemaking appeared in the **Federal Register** on November 4, 1980 (45 FR 73046) for area designations under Section 107(d) of the Act and on December 2, 1980 (45 FR 79808) for an 18-month extension to July 1, 1980 for the submission of a plan to provide for attainment of the secondary particulate standard in Topeka. Those areas of the state where nonattainment plans are required, but for which plans have not been submitted are Wichita for carbon monoxide and Topeka and Kansas City for secondary TSP.

B. General Discussion

The State of Kansas has submitted revisions to its SIP as required by Part D and the other provisions of the CAA. The non-Part D requirements are not addressed in this rulemaking, since the state has only submitted a few of the required non-Part D revisions. Additionally some of these submissions do not adequately satisfy the non-Part D requirements. The non-Part D submissions include Intergovernment Cooperation, Malfunction Regulation, New Source Review (as required by Section 110(a)(2)(D), and Consultation. A discussion of these submissions and EPA's comments are given in the proposed rulemaking of February 11, 1980 (45 FR 9017–18) and December 11, 1980 (45 FR 81613). As stated in these proposals, EPA proposed to take no action on the non-Part D issues. Consequently, this final rulemaking takes no action on the non-Part D revisions to the Kansas SIP.

Several Part D requirements apply only to ozone and carbon monoxide nonattainment areas. These requirements include an extension of the attainment date to December 31, 1987, the implementation of an inspection and maintenance (I/M) program for areas with attainment dates after 1982, and the implementation of transportation control measures (TCMs), as appropriate, to attain the NAAQS by the required deadlines. As explained in the December 11, 1980 proposed rulemaking (45 FR 81610 and 81612), of the three nonattainment areas under review, these requirements apply to the Wyandotte and Johnson Counties ozone nonattainment area. However, the state anticipates attaining the ozone standard in these counties by the 1982 deadline. Thus, neither an attainment date extension nor the implementation of an I/M program are necessary for the Kansas SIP. Furthermore, TCMs will not be required for the Wyandotte and Johnson Counties ozone SIP, since attainment of the ozone standard can be achieved by the projected reduction from the Federal Motor Vehicle Control Program and the control of major volatile organic compounds (VOC) sources. Consequently, these requirements will not be discussed further in this rulemaking.

Similarly, the Douglas County rural ozone plan does not need to address the following Part D requirements: Demonstration of Attainment, Reasonable Further Progress, and Margin of Growth. The December 11, 1980 proposed rulemaking (45 FR 81609) discusses further the Part D requirements for rural ozone nonattainment areas.

The December 11, 1980 proposed rulemaking constitutes a reproposal for the Wyandotte and Johnson Counties ozone plan. Kansas submitted the revisions for this nonattainment area on September 17, 1979. EPA published its comments and proposed action on this submission in the February 11, 1980 **Federal Register** (45 FR 9012). Reproposal of the Wyandotte and Johnson Counties ozone plan was necessary because the state chose to revise the regulatory elements affecting new and existing sources in the nonattainment area. The revised regulations corrected deficiencies and incorporated then-pending changes in EPA requirements on these regulatory elements. The December 11, 1980 proposed rulemaking contains a discussion of the revised regulations (45 FR 81609 and 81611–12).

Regarding the February 11, 1980 proposed rulemaking, EPA received comments on the proposed actions regarding deficiencies in the Part D new source review permit requirement. EPA proposed two options for correcting the deficiencies. During the 30 day public comment period, EPA received comments supporting the second option which consisted of EPA disapproving this element of the plan and

promulgating its own regulation. However, the state has pursued the first option which consisted of revision to the state regulation before EPA took final action on the submission. This issue is discussed further below in Section B(6).

C. Nonattainment Plan Provisions

The following is a discussion of each of the requirements for the nonattainment plan provisions of the Act, and the approval status of the Kansas plan with respect to each of these requirements. Included in the discussions are summaries of public comments received on the December 11, 1980 proposed rulemaking (45 FR 81608) followed by EPA's response.

(1) *Adoption After Reasonable Notice and Hearing*—Section 172(b)(1) of the CAA requires the plan be adopted by the state after providing reasonable notice and public hearing.

EPA found Kansas has adequately satisfied this requirement. The state held a public hearing on July 12, 1979 on the Wyandotte and Johnson Counties ozone submission of September 17, 1979. Kansas held a public hearing on July 21, 1980 on the revised VOC regulations which the state submitted to EPA on September 25, 1980. The public hearing on the revised new source review permit regulation was held on October 27, 1980, and the Kansas City TSP SIP submission was discussed at the August 29, 1979 public hearing.

EPA proposed to approve the SIP as meeting this requirement. EPA received no comments on this proposed approval.

Action: EPA approves the Kansas submissions as meeting the public participation requirements of Section 172(b)(1).

(2) *Demonstration of Attainment*—Section 172(a)(1) requires the plan to provide for attainment of NAAQS as expeditiously as practicable. Primary standards are to be met no later than December 31, 1982 (or in certain instances not applicable to the Kansas SIP, December 31, 1987).

The State of Kansas demonstrated attainment of the ozone standard in Wyandotte and Johnson Counties and projected attainment of the TSP standard in Kansas City by the above deadline. EPA proposed to approve the SIP as meeting this requirement. EPA received no comments on this proposed action.

Action: EPA approves the Kansas plan as meeting the requirements of Section 172(a)(1).

(3) *Emission Inventory*—Section 172(b)(4) requires the plan to include a comprehensive, accurate, and current inventory of all sources of each pollutant for which an area is nonattainment. It also requires the inventory to be updated as frequently as necessary to assure reasonable further progress is being made to insure the standard is attained.

As stated in the December 11, 1980 (45 FR 81610–11) proposed rulemaking, EPA found the inventories of VOC and TSP sources acceptable. While EPA found the Douglas County inventory deficient regarding cutback asphalt as a major VOC source, EPA proposed to approve the emission inventory if the state would submit an acceptable revised inventory prior to the close of the public comment period.

EPA received no comments on this proposed action.

On December 19, 1980, the state submitted an acceptable supplement to the Douglas County emission inventory.

Action: EPA approves the emission inventory portion of the plan as meeting the requirements of Section 172(b)(4).

(4) *Reasonable Further Progress (RFP)*—Section 172(b)(3) requires the state to demonstrate that it will make reasonable further progress toward attaining the standards by specific dates, including emission reductions which can be achieved by RACT.

Kansas presented an acceptable RFP curve for the Wyandotte and Johnson Counties ozone nonattainment area and for the Kansas City TSP nonattainment area. These submissions are discussed further in the December 11, 1980 proposed rulemaking (45 FR 81611). EPA proposed to approve the RFP submissions. No comments were received on the proposed action.

Action: EPA approves the Kansas SIP as meeting the requirements of Section 172(b)(3).

(5) *Margin of Growth*—Section 172(b)(5) requires the plan to expressly identify and quantify the emissions, if any, which will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

EPA found the state has adequately considered the growth of VOC and TSP emissions. For VOC emissions in the Wyandotte and Johnson Counties ozone nonattainment area, new sources will be accommodated without source specific offsets. This accommodation for new sources can be provided because existing emissions will be reduced more than needed for reasonable further progress and attainment of the ozone NAAQS. However, in the Kansas City TSP submission, emission offsets are required to accommodate any new major source construction or modifications in the nonattainment area. These submissions are discussed further in proposed rulemaking of February 11, 1980 (45 FR 9016) and December 11, 1980 (45 FR 81611).

EPA proposed to approve the state's submissions on margin of growth. No comments were received on this proposal.

Action: EPA approves the Kansas plan with respect to Section 172(b)(5).

(6) *Preconstruction Review Permits*—Section 172(b)(6) of the CAA requires that the plan include a permit program for the construction and operation of new or modified major stationary sources in accordance with the requirements of Section 173 of the Act.

In the September 17, 1979 submittal, the state proposed new amendments to the Kansas air quality regulations (28–19–7, 28–19–8, and 28–19–14) to carry out the provisions of Section 173 of the CAA. EPA noted deficiencies in the proposed regulations in the February 11, 1980 proposed rulemaking (45 FR 9016–15 and 9018–19). EPA identified the following two options for correcting these deficiencies: wait to take final action until the state corrected these deficiencies; or, disapprove this portion of the plan and promulgate its own Section 173 regulations based on Section 110(c) of the CAA. During the public comment period, EPA received numerous comments supporting the second option.

As explained in the General Discussion in Section B of the December 11, 1980 proposed rulemaking (45 FR 81609), early in 1980 the state decided to revise the proposed regulations to conform to the then-pending changes in EPA requirements for Section 173 of the CAA and to be consistent with EPA's comments in the February 11, 1980 proposed rulemaking. On September 22, 1980, the state submitted the revised regulation (28–19–16 through 16m) to replace the three previously proposed new source review permit regulations included in the September 17, 1979 submittal.

Because of the numerous changes in the revised regulation affecting new and existing sources in the Kansas nonattainment areas, the December 11, 1980 (45 FR 81614) proposed rulemaking constituted a reproposal of EPA's intended action. EPA proposed to conditionally approve the regulation provided the state: made minor changes to the text as discussed at the October 27, 1980 public hearing before adopting and filing the regulation with the state's Revisor of Statutes on or before the statutory December 31 deadline; and, after the final rulemaking is issued, revises the regulation to comply with the requirement of Section 173(3) of the

CAA. EPA received no comments on the conditional approval of the regulation.

EPA believes that Kansas has corrected the deficiencies identified in the proposal as necessary prior to the December 31, 1980 deadline. On November 21, 1980, the state notified EPA that it adopted regulation 28–19–16 through 16m as a temporary regulation and filed it with the Revisor of Statutes for the legislature's review during the 1981 session. Assuming the legislature does not change or reject the regulation, it will become a permanent one by May 1, 1981. Before filing the regulation, the state made the changes in the text of the regulation as discussed at the October 27, 1980 public hearing. This issue is discussed further below in Section C(8).

The state is working to get the statutory amendments passed which are necessary to revise the regulation to comply with Section 173(3) of the Act. Section 173(3) requires that before a permit is issued, the owner of the source must demonstrate that all major stationary sources owned or operated by the permit applicant, in the state, are subject to emission limitations and are in compliance with all emission limitations and standards under the CAA. The Kansas plan states that the Kansas Attorney General's Office has determined that this requirement cannot be adopted at this time, without changes in the state's statutory enabling authority. Thus, the existing regulation, subsection (16h), requires only that other sources owned or operated by the permit applicant must be in compliance with state regulations. To comply with this requirement of the CAA, the state must amend its statutes, accordingly, through legislative action and then revise the new source review permit regulation, as described above.

On January 7, 1981, the state wrote to EPA that the Governor is expected to propose the necessary statutory amendments in his legislative message and to assure that an appropriate bill is introduced in the legislature during the 1981 legislative session. Additionally, the Kansas Department of Health and Environment (KDHE) indicated it intended to present supportive testimony to the appropriate legislative committee, once the legislation is under consideration by the legislature. The state also reconfirmed its commitment to revise the new source review permit regulation according to the schedule given in the December 11, 1980 proposed rulemaking (45 FR 81614–15). The schedule is restated below.

In the January 7, 1981 submittal, the state reconfirmed its commitment for the interim period, before the requirement of Section 173(3) of the CAA is adopted as a permanent amendment to the new source review permit regulation, to notify EPA when a new source permit applicant is an owner or operator of the sources in the state which are not in compliance with a requirement of the CAA.

Action: EPA conditionally approves the new source review permit submission for the Kansas SIP, provided the state carries out the following two conditions. First, the state adopts the regulation as a permanent amendment to the Kansas air quality regulations by May 1, 1981. Second, the state revises the regulation in keeping with the requirement of Section 173(3) of the CAA. Compliance with this condition includes the adoption of the statutory amendments necessary to revise the regulation by April 30, 1981, the adoption and filing of the revised regulation as a temporary amendment with the Revisor of Statutes by July 1, 1981, and the adoption of the revised regulation as a permanent amendment to the Kansas air quality regulations by May 1, 1982.

(7) *Reasonably Available Control Measures.*—Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable. Under this provision, reasonably available control technology (RACT) is required for stationary sources.

(7a) The December 11, 1980 proposed rulemaking constitutes a reproposal of the RACT submission for the Wyandotte and Johnson Counties ozone plan and an original proposal for the Douglas County rural ozone plan. As noted in the February 11, 1980 proposed rulemaking (45 FR 9017 and 9019), a regulation controlling VOC emissions from cutback asphalt sources in the Wyandotte and Johnson Counties ozone area and the Douglas County rural ozone nonattainment areas was needed for an approvable VOC submission.

The state revised the regulations, accordingly, and submitted them to EPA on September 25, 1980. The state also made a commitment to adopt and submit additional VOC regulations for any source covered by Control Technology Guidelines (CTGs) issued by EPA in the future. However, before EPA approves the VOC regulatory element, the state must adopt a regulation controlling leaks from tank trucks serving a bulk petroleum terminal and vapor recovery system. Continued satisfaction of the requirement of Section 172(b)(2) of the Act for the ozone portion of the Kansas SIP depends on the state adopting and submitting additional RACT requirements for sources covered by CTGs issued by EPA in the future. The revised VOC regulations and the additional one covering tank trucks are discussed further in the December 11, 1980 proposed rulemaking (45 FR 81612).

EPA proposed to conditionally approve the VOC regulations as meeting the requirements of Section 172(b)(2), on condition that the state adopt the temporary VOC regulations as permanent ones by May 1, 1981 and amend the regulations to cover leaks from tank trucks and vapor recovery system. The schedule for the latter action consists of the state adopting and filing with the Revisor of Statutes a regulation on leak tight tank trucks and vapor recovery system by July 1, 1981; and, the state adopting this regulation as a permanent amendment to the Kansas air quality regulations by May 1, 1982. EPA received no comments on this proposal.

As discussed below in Section C(8), the state is taking satisfactory steps to meet these conditions.

Action: EPA approves the Kansas SIP for ozone as meeting the requirements of Section 172(b)(2) for sources of VOC with the condition that the state adopt the VOC regulations as permanent ones by May 1, 1981, and a regulation on leaks from tank trucks serving a bulk petroleum terminal and vapor recovery system according to the schedule given above.

(7b) Regarding the state's determination of control of major TSP sources in the Kansas City nonattainment area representing RACT, EPA proposed to conditionally approve this element. In the December 11, 1980 proposed rulemaking (45 FR 81614), EPA requested additional information on the state's determination of RACT for those sources listed in Appendix DK of the plan which are not equipped with control equipment. EPA stated that it believes further engineering evaluation of possible control equipment for those sources may be appropriate. EPA proposed to conditionally approve the TSP RACT submission provided the state commit to do the following: submit additional information on its determination of RACT for the above-referenced sources; and subsequently, implement any recommended control measures which might be identified by the further engineering study of the sources. EPA received no comments on this proposed conditional approval.

On December 22, 1980, Kansas wrote to EPA in response to the proposed conditional approval of the RACT submission for the TSP plan. The state agreed to accept the findings from the current RACT determination study

which is being conducted by the local agency, the Kansas City-Wyandotte County Department of Health. The findings will be available by July 1, 1981. The state further agreed to take such appropriate follow-up actions as may be necessary to implement RACT controls on these sources, if the current level of control is found to be inadequate. The state committed to carrying out these actions according to the schedule given below. EPA finds this commitment conforms to the proposed conditional approval.

Action: EPA approves the Kansas City TSP plan as meeting the requirements of Section 172(b)(2), provided the state carries out the following two conditions. First, the state must submit the additional information on the RACT determination for the sources without control equipment by September 1, 1981. Second, this submission must include an acceptable compliance schedule for completing the actions which may be necessary to control these sources at RACT. The state, should develop the compliance schedule, so that, Kansas City attains the TSP standard by December 31, 1982 deadline.

(8) *Enforceability of the Regulations*—Section 172(b)(10) requires written evidence that all necessary measures have been adopted as legal requirements and that the agencies responsible are committed to their implementation and enforcement.

As noted in Section B(11) and D(4) of the December 11, 1980 proposed rulemaking (45 FR 81612–13 and 81614–15, respectively), EPA noted four deficiencies in the Kansas SIP submissions regarding this requirement.

(8a) Two deficiencies concern the adoption of the VOC and new source review permit regulations as permanent amendments to the Kansas air quality regulations. Presently, they are effective as temporary regulations. Under state statute, regulations adopted as temporary regulations are fully enforceable until April 30 of the year succeeding the year in which a temporary rule is filed with Revisor of Statutes. An explanation of the procedures for adopting a temporary or permanent regulation and statutory restraints relating to a permanent or temporary regulation is given in Section B(11) of the December 11, 1980 proposed rulemaking (45 FR 81612–13).

EPA proposed to conditionally approve the regulatory element of the SIP with the state's commitment to adopt these regulations as permanent amendments by May 1, 1981 and to correct the deficiencies regarding tank trucks and the requirement of Section 173(3) of the CAA. These corrective measures are discussed further in Section D(3a) and (2) of the December 11, 1980 proposed rulemaking (45 FR 81614). EPA received no comments on this proposal.

The state has taken the necessary steps to have the regulations adopted as permanent ones by May 1, 1981. These steps are discussed further above in Section C(6) and (7).

Action: EPA conditionally approves the regulatory portion of the Kansas plan with the condition that the state adopt VOC and new source review permit regulations as permanent amendments to the Kansas air quality regulations by May 1, 1981. Additionally, the state must adopt a regulation covering VOC emissions from tank trucks as discussed above in Section (C)(7a) and revise the new source review permit regulation to comply the requirements of Section 173(3) of the CAA as discussed above in Section C(6).

(8b) As discussed above in Section C(7), the new source review permit regulation is deficient regarding the requirement of Section 173(3) of the CAA. The state has indicated that legislation to correct this deficiency would be placed on the legislature's agenda for action during the 1981 session.

EPA proposed to conditionally approve the new source review permit regulation with respect to Section 172(b)(6) on the condition that the state revise the regulation according to the schedule given in Section D(2b) of the December 11, 1980 proposed rulemaking (45 FR 81614) to meet the requirement of Section 173(3) of the CAA. Also, EPA stated that its issuance of the final rulemaking depended on the state making minor changes in the text before adopting and filing the regulation with the Revisor of Statutes as a temporary regulation by the December 31, statutory deadline, and adopting it as a permanent amendment by May 1, 1981. These issues are discussed further above in Section C(6).

As noted above in Section C(6), the state intends to take the necessary measures to have the legislation passed as a first step in revising the new source review permit regulation consistent with Section 173(3) of the Act. Kansas has also acted to meet the other conditions set forth in the proposed rulemaking.

Action: EPA conditionally approves the new source review permit regulation with respect to Section 172(b)(6) on the condition that the state revise the regulation as discussed in Section C(6) to meet the requirements of Section 173(3) of the CAA. In addition, the state must comply with the conditions set forth in Section C(6) and (8a).

(8c) As noted above in Section B(7), the Kansas City TSP plan takes credit for an estimated 46 percent decrease in TSP emissions from point sources due to installation of scheduled control systems and anticipated shut-down of several facilities. The plan does not clearly indicate that the projected reduction is the result of enforceable regulatory requirements.

EPA proposed to conditionally approve this element of the plan if the state submitted enforceable compliance schedules to insure enforceability of emission reductions credited in the attainment demonstration. EPA received no comments on this proposal.

On December 22, 1981, Kansas submitted information to clarify this issue. The actions resulting in the estimated 46 percent emission reduction from TSP point sources have been completed. Plant shut-downs have occurred as anticipated by the state. The state also informed EPA that the identified TSP sources in the TSP plan have taken the necessary measures to bring their emissions into compliance with state regulations. Such actions have resulted in actual emission reductions comparable with the estimated reductions which are identified in the Kansas City TSP plan.

Action: EPA approves the Kansas plan with respect to Section 172(b)(10).

(9) Commitment to Resources—Section 172(b)(7) requires the state to identify and commit the personnel and financial resources necessary to carry out the plan provisions. EPA determined that the Wyandotte and Johnson Counties ozone, the Douglas County rural ozone, and the Kansas City TSP SIP contains adequate commitments to the resources necessary to carry out the plan revisions. EPA proposed to approve this element of the plan. EPA received no comments on this proposal.

Action: EPA approves the Kansas plan with respect to Section 172(b)(7).

(10) Commitment to Comply with Schedules—Section 172(b)(8) requires the plan to contain emission limitations, schedules of compliance and other measures as may be necessary to meet the requirements of Section 172. EPA determined that the Wyandotte and Johnson Counties ozone, the Douglas County ozone, and Kansas City TSP plan contains evidence that the state and other governmental bodies are committed to implement the appropriate elements of the plan. EPA proposed to approve this element of the plan. EPA received no comments on this proposal.

Action: EPA approves the Kansas plan with respect to Section 172(b)(8).

(11) *Public, Local Government and State Involvement*—Section 172(b)(9) requires evidence of involvement and consultation of the public, local government, and state legislature in the planning process. The section also requires an identification and analysis of various effects of the plan and a summary of public comment on this analysis.

EPA found the state adequately addresses this requirement for the Wyandotte and Johnson Counties ozone and for the Kansas City TSP SIP. The December 11, 1980 proposed rulemaking (45 FR 81613) contains a discussion of these components of the plan. However, regarding the Douglas County rural ozone plan, EPA found the plan deficient with respect to this requirement. The Douglas County rural ozone SIP contains no evidence of involvement and consultation of the public, local government and state legislature in the planning process. Additionally, the plan lacks a submission on the identification and analysis of the air quality, health, welfare, economic, energy and social effects of the revision and a summary of public comments on the analysis.

EPA proposed to approve this element of the plan if the state submitted the necessary documentation to correct these deficiencies in the Douglas County rural ozone plan by the close of the public comment period. EPA received no comments on its proposed action. On December 19, 1980, Kansas submitted satisfactory information regarding its compliance with this requirement for the Douglas County plan.

Action: EPA approves the Kansas SIP as meeting the requirements of Section 172(b)(9).

D. National Comments

One commentor submitted extensive comments which it requested be considered part of the record for each state plan. Although some of the issues raised are not relevant to provisions in Kansas' submission, EPA is notifying the public of its response to these comments at this time. EPA's response is given in the **Federal Register** of April 9, 1980 (45 FR 24151). See also 45 FR 52876, August 7, 1980.

E. Conclusion

The Administrator's decision to approve or disapprove the proposed SIP revisions is based on the determination of whether or not the revisions meet the requirements of Part D and Section 110(a)(2) of the CAA and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

The revisions submitted by the State of Kansas were proposed in the **Federal Register** and public comments solicited. EPA received no public comment on this proposed conditional approval of the Kansas SIP revision. However, EPA received comments on the February 11, 1980 proposed rulemaking. These comments were addressed in Section B of this notice.

After a careful evaluation of the state submittal, the public comments received, and the additional information and commitments submitted by the state, the Administrator has determined that the actions taken in this notice are necessary and proper.

These actions amount to a conditional approval of the Kansas SIP revisions as meeting the requirements of Part D of the CAA. No action is taken with respect to non-Part D requirements.

EPA conditionally approves the plan provided the state adopts the VOC and new source permit review regulations as permanent ones, adopts a regulation covering leaks from tank trucks and vapor recovery system, revises the new source review permit regulation in keeping with Section 173(3) of the CAA, and submits additional information on its determination of uncontrolled TSP sources being at RACT and takes the follow up action as appropriate to control these sources at RACT. The schedules for completing these actions are given above in Section C (6), (7) and (8).

The 1980 edition of 40 CFR Part 52 lists for Kansas applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on the attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for sources to comply with new requirements. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements.

Sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date may be granted if it will not contribute to a violation of an ambient standard or PSD increment.

In addition, sources subject to preexisting plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the preexisting regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis. A more detailed discussion of issues relating to compliance date extensions and compliance with preexisting regulations can be found at 45 FR 24152, Cols. 1 and 2 (April 9, 1980).

EPA finds that good cause exists for making these amendments effective immediately for the following reasons:

1. The approvals, conditional approvals and extension granted to day lift the construction restriction which went into effect on July 1, 1979; and

2. The immediate effectiveness enables sources to proceed with certainty in conducting their affairs and persons seeking judicial review of the amendments may do so without delay.

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

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

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.

This rulemaking is issued under Section 110, 172, 173, and 301 of the CAA as amended.

Dated: March 23, 1981.

Walter C. Barber,

Acting Administrator.

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

1. Section 52.870 is amended by adding the following paragraph (c)(9):

Subpart R—Kansas

§ 52.870 Identification of plan.

* * * * *

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

(9) Kansas submitted State Implementation Plan (SIP) revisions to attain the National Ambient Air Quality Standards on September 17, 1979 for Wyandotte and Johnson Counties, on October 22, 1979 for Douglas County, and on March 10, 1980 for Kansas City of the state designated nonattainment areas under Section 107 of the Clean Air Act as amended in 1977. On September 22 and 25, 1980, the state submitted revised regulations on the control of volatile organic compounds and a regulation on the new source permit review program. Included in the plan are the following approved state air pollution control regulations:

(i) The VOC regulations which EPA approved as RACT: 28–19–61 Definitions, 28–19–62 Testing Procedures, 28–19–63 Automobile and Light Duty Trunk Surface Coating, 28–19–65 Petroleum Liquid Storage Tanks, 28–19–66 Petroleum Liquid Storage in External Floating Roof Tanks, 28–19–67 Petroleum Refineries, 28–19–68 Leaks from Petroleum Refinery Equipment, 28–19–69 Cutback Asphalt.

(ii) The New Source Permit Review regulation 28–19–16 through 16m which EPA conditionally approved as meeting the requirements of Sections 172(b)(6); 172(b)(11)(A), and 173.

(iii) The Kansas City-Wyandotte County air pollution control regulations which have been adopted by both the Kansas City, Kansas Board of City Commissioners and the Wyandotte County Board of County Commissioners: 2A–1 Jurisdiction, 2A–2 Purpose, 2A–3 Definitions, 2A–4 Powers of the Board, 2A–5 Facts and Circumstances Pertinent to Orders of Joint Board, 2A–6 Right of Entry for Inspection, 2A–7 Time for Compliance Schedule, 2A–8 Variance, 2A–9 Circumvention of Chapter or Regulations, 2A–10 Air Pollution Nuisances Prohibited; Additional Emission Restrictions; Interference with the Enjoyment of Life and Property, 2A–11 Reserved, 2A–12 Confidential Information, 2A–13 Registration and Permit System; Exemptions, 2A–14 Review of New or Altered Sources, 2A–15 Public Hearings, 2A–16 Installations in which Fuel is Burned, 2A–17 Restriction of Emission of Particulate Matter from Industrial Processes, 2A–18 Open Burning Prohibition, 2A–19 Opacity Requirements, 2A–20 Exceptions Due to Breakdowns or Scheduled Maintenance, 2A–21 Preventing Particulate Matter from Becoming Air-Borne, 2A–22 Measurement of Emissions, 2A–23 Restriction of Emission of Odors, 2A–24 Sulfur Compound Emissions, 2A–24.1 Hydrocarbon Emissions; Stationary Sources, 2A–25 Control of Carbon Monoxide Emissions, 2A–26 Control of Nitrogen Oxide Emissions, 2A–26.1 Incinerators, 2A–27 Air Pollution Emergencies—General Provisions, 2A–28 Air Pollution Emergencies—Episode Criteria, 2A–29 Emission Reduction Requirements, 2A–30 Emergency Episode Plans, 2A–31 Penalties for Violation of Chapter or Air Pollution Control Regulations, and 2A–32 Conflict of Ordinances, Effect Partial Invalidity.

2. The following language is added at the end of § 52.873 to read as follows:

§ 52.873 Approval status.

* * * * *

* * * Continued satisfaction of the requirements of Part-D for the ozone and TSP portions of the Kansas SIP depends on the adoption of the regulatory element of the plan as permanent amendments to the Kansas air quality regulations, the adoption of a regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system, the adoption and submission of additional reasonably available control technology (RACT) requirements for any source covered by Control Technology Guidelines issued by EPA in the future, the revision of the new source review permit regulation to comply with Section 173(3) of the CAA, and the submission of the results from additional study of the state's determination that all major sources are controlled to a degree representing RACT and of a compliance schedule for recommended actions to bring these sources to RACT, as needed. No action was taken on the non-Part D requirements of the Act.

3. Section 52.875 is added to read as follows:

§ 52.875 General requirements.

(a) Conditional Approval. The following portions of the Kansas SIP developed pursuant to Part D of the 1977 CAA contain deficiencies which must be corrected within the time limit indicated for EPA to approve the Part D submission:

(1) To satisfy the requirements of Section 172(b)(10).

Enforceability of the Regulations, the state must adopt and submit the volatile organic compounds and the new source permit review regulations as permanent ones by May 1, 1981 and a regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982.

(2) The new source permit review regulation is deficient regarding compliance with the requirements of Section 173(3) of the CAA. The state must pass the necessary legislation to allow the regulation to be revised. By July 1, 1981, the state must file the revised regulation with the Revisor of Statutes; so that, the legislature can consider it for permanent adoption during the 1982 session. The revised regulation must be adopted as a permanent amendment to the Kansas air quality regulations by May 1, 1982.

(3) To comply with Section 172(b)(2), Reasonably Available Control Measures, Kansas must take the following actions:

(i) Adopt and submit a regulation covering leaks from gasoline tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982. EPA requires the state to file the regulation with the Revisor of Statutes by July 1, 1981, so that, the legislature can consider it for permanent adoption by May 1, 1982.

(ii) Submit additional information by September 1, 1981 on the state's determination that the TSP sources without control equipment which are listed in Appendix DK of the Kansas City TSP plan are applying RACT. With this submission, the state must include a compliance schedule for completing the actions necessary to bring the uncontrolled sources to RACT as recommended by the additional RACT determination study. The compliance schedule should facilitate Kansas City attaining the TSP primary standard by the December 31, 1982 deadline.

4. Section 52.879 is amended by revising the Table and the Note to read as follows:

§ 52.879 **Attainment dates for national standards.**

* * * * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Kansas City Interstate	e	a	c	c	c	May 31, 1977.	e.
South Central Kansas Intrastate	a	a	c	c	c	c	a.
Northeast Kansas Intrastate	a	a	c	c	c	c	e.
Southeast Kansas Intrastate	c	c	c	c	c	c	c.
North Central Kansas Intrastate	a	a	c	c	c	c	c.
Northwest Kansas Intrastate	a	a	c	c	c	c	c.
Southwest Kansas Intrastate	a	a	c	c	c	c	c.

Note.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52 (1980) 52.879.

a. July 1975.
b. Five years from plan approval or promulgation.
c. Air quality levels presently below secondary standards.
d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.
e. December 31, 1982.
f. Secondary standard attainment date to be determined by secondary attainment plan.

[FR Doc. 81-10221 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 1788-1]

Approval and Promulgation of Implementation Plans; Kentucky: Clarification of Conditional Approval of 1979 Sulfur Dioxide Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA herein clarifies portions of a notice in the **Federal Register** of October 31, 1980 (45 FR 72153) pertaining to ambient monitoring in the Boyd County, Kentucky sulfur dioxide (SO_2) nonattainment area. In the October 31, 1980 notice, EPA conditionally approved Kentucky's Part D plan revisions for SO_2 in Boyd County. Condition 3 of the approval (45 FR 72153 at 72154) requires ambient monitoring around the Ashland Oil complex, and indicates that the plan must include a starting date, specify the duration of the program and require the use of the Federal equivalent method. Some readers of the October 31, 1980 rulemaking believe that the Federal reference method referred to in that rulemaking is the SO_2 bubbler method; this interpretation is not consistent with the discussions (Comments and Responses) in the October 31, 1980 rulemaking or the November 15, 1979 proposed rule (44 FR 65781). Today's notice makes it clear that continuous monitoring is required and that bubblers will not satisfy the monitoring requirement.

DATE: This action is effective April 3, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky and comments received in response to the proposal notice of November 15, 1979 (44 FR 65781) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365
The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA, Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 15, 1979, (44 FR 65781), EPA proposed to conditionally approve Kentucky's Part D revisions for the Boyd County SO_2 nonattainment area. Condition 3 of the proposal read as follows:

> 3. Continuous ambient monitoring should be conducted in the vicinity of the plant because a history of air quality violations and lack of reliable modeling techniques for this area.

In response to this proposal, several comments were received which contend that the use of continuous ambient SO_2 monitoring is technically impractical. EPA responded in the October 31, 1980 **Federal Register** (45 FR 72153), at page 72156 as follows:

> **Response: Since most State and local air pollution control agencies, many existing industries, and numerous industries desiring** PSD permits have been using continuous SO_2 monitors for several years, EPA believes a source can practicably and reliably monitor continuously for SO_2.

EPA's position regarding this issue has not changed. The Agency offers the following addenda to the October 31, 1980, notice as clarification.

1. Regarding conditions of approval for the SO_2 control strategy for Boyd County, the October 31, 1980 notice at page 72154 lists deficiency number 3 as follows:

> 3. The plan's provisions for ambient monitoring around the Ashland Oil complex must include a starting date, specify the duration of the program and require the use of the Federal equivalent method. EPA considers the monitoring to be an essential feature of the control strategy and thus an enforceable obligation upon the State.

EPA here amends deficiency 3 to read just as it did in the November 15, 1979, proposal notice:

> 3. Continous ambient monitoring should be conducted in the vicinity of the plant because of a history of air quality violations and the lack of reliable modeling techniques for this area.

2. In October 31, 1980, notice at page 72158 under "§ 52.928 Control Strategy: sulfur oxides" subdivision (a)(1)(iii) which reads:

> (iii) A commitment, with regard to ambient monitoring around the Ashland Oil complex, that the monitoring will begin by a certain date, will be conducted for a specific length of time, and will be done with a Federal equivalent method.

is revised today to make it clear that continuous monitoring is required.

This action amending the October 31, 1980 notice makes the notice more compatible with the proposal notice of November 15, 1979 and is effective immediately. EPA feels it is fitting to make this action effective immediately since the effective date of the affected **Federal Register** notice has passed and neither the intent nor substance of that notice is altered by this action.

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

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.

Incorporation by reference of the State Implementation Plan of the State of Kentucky was approved by the Director of the Federal Register on July 1, 1980.

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

Dated: March 23, 1981.

Walter C. Barber,

Acting Administrator.

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

Subpart S—Kentucky

In § 52.928 paragraph (a)(1)(iii) is revised to read as follows:

§ 52.928 Control strategy: Sulfur oxides.

(a) Part D—Conditional approval.

(1) Boyd County nonattainment area. The 1979 revisions for this area are approved on conditions that the following be submitted by July 1, 1981:

* * * * *

(iii) A commitment with regard to continuous ambient monitoring around the Ashland Oil complex, that the monitoring will begin by a certain date, will be conducted for a specific length of time and will utilize Federal continuous monitoring methodology.

* * * * *

[FR Doc. 81-10116 Filed 4-2-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1785-2]

Approval and Promulgation of State Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act, as amended in 1977, requires that states revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). As part of Missouri's control strategy for attainment of the NAAQS for ozone, the state has revised its SIP to require additional control of volatile organic compounds (VOC) in the St. Louis and Kansas City nonattainment areas. The revisions to the State's SIP include both revisions to existing regulations plus additional regulations for control of VOC's emitted from certain industrial sources as covered by EPA's Group II Control Technique Guidelines (CTG).

On December 22, 1980, EPA issued a notice of proposed rulemaking on the Missouri submission. No comments were received as a result of that proposal. Now, EPA is fully approving portions of the SIP revisions and conditionally approving other portions where there are minor deficiencies and the state has provided assurances that it will submit corrections by specified deadlines.

EFFECTIVE DATE: this promulgation is effective May 4, 1981.

ADDRESSES: Copies of the Missouri submission, the record of the state's public hearing, and the EPA prepared technical evaluation document are available for inspection during normal business hours at the following locations: EPA, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106; EPA, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101; Kansas City, Missouri, Health Department, Air Pollution Control, 21st Floor, City Hall, Kansas City, Missouri 64106; Division of Air Pollution Control, 419 City Hall, St. Louis, Missouri 63103; Department of Community Health and Medical Care, 801 South Brentwood Boulevard, Clayton, Missouri 63105. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION: Contact Wayne G. Leidwanger at 816-374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

A. General Discussion

These revisions to the Missouri SIP are required under Sections 172(b)(2) and (3) of the Clean Air Act as amended in 1977. Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable as part of the control strategy within a state for attainment of the NAAQS, in this case, the ozone standard. Section 172(b)(3) requires reasonable further progress toward attainment of the ozone standard including such reduction in emissions from existing sources in nonattainment areas as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT).

The regulations that Missouri submitted to EPA on September 5, 1980, as revisions to the SIP, represent control measures that will be required on certain industries in the Kansas City and St. Louis nonattainment areas. These control measures must represent RACT as recommended in EPA's Group II Control Techniques Guidelines (CTGs). The CTGs provide information on available air pollution control techniques and provide recommendations of what EPA calls the "presumptive norm" for RACT. RACT is required on major (i.e., greater than 100 tons per year) and nonmajor source in St. Louis, but only on major sources in Kansas City.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), and noted in Supplements on July 2 (44 FR 38583) and September 17, 1979 (44 FR 53761), the minimum acceptable level of stationary source control for ozone SIPs includes RACT requirements for VOC sources covered by the CTGs EPA issued by January 1978 and schedules to adopt and submit by each successive January additional RACT requirements for sources covered by CTGs issued the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980, to July 1, 1980, by **Federal Register** notice of August 28, 1979 (44 FR 50371) and to January 1, 1981 by **Federal Register** notice of November 25, 1980 (45 FR 78121). Missouri's submission of additional RACT regulations (for sources covered by CTGs published between January 1978 and January 1979) is intended to comply with the additional regulations due January 1, 1981.

The following regulations and amendments to existing regulations were submitted by the State:

(1) 10 CSR 10-2.230 (Amendment), "Control of Emissions from Industrial Surface Coating Operations," in Kansas City.

(2) 10 CSR 10-2.260 (Amendment), "Control of Petroleum Liquid Storage, Loading, and Transfer", in Kansas City.

(3) 10 CSR 10-2.280 (New regulation), "Control of Emissions from Perchloroethylene Dry Cleaning Installations," in Kansas City.

(4) 10 CSR 10-2.290 (New Regulation), "Control of Emissions from Rotogravure and Flexographic Printing Facilities," in Kansas City.

(5) 10 CSR 10-5.220 (Amendment), "Control of Petroleum Liquid Storage, Loading, and Transfer," in St. Louis.

(6) 10 CSR 10-5.320 (New Regulation), "Control of Emissions from Perchloroethylene Dry Cleaning Installation," in St. Louis.

(7) 10 CSR 10-5.330 (Amendment), "Control of Emissions from Industrial

Surface Coating Operations," in St. Louis.

(8) 10 CSR 10–5.340 (New Regulation), "Control of Emissions from Rotogravure and Flexographic Printing Facilities," in St. Louis.

(9) 10 CSR 10–5.350 (New Regulation), "Control of Emissions from Manufacture of Synthesized Pharmaceutical Products," in St. Louis.

(10) 10 CSR 10–6.020 (Amendment), "Definitions."

(11) 10 CSR 10–6.030 (Amendment), "Sampling Methods for Air Pollution Sources".

(12) 10 CSR 10–6.040 (Amendment), "Reference Methods".

The State has certified that there are no industries in Kansas City or St. Louis that would be covered by the CTGs for "Rubber Tire Manufacturing" or "Factory Surface Coating of Flatwood Paneling". Also, there are no industries in Kansas City that would be covered by the CTG for "Pharmaceutical Manufacturing". Therefore, no regulations are required for the above three source categories. One other regulation for the source category, "Petroleum Refinery Fugitive Emissions (Leaks)," has already been adopted by the State and approved by EPA in an April 9, 1980, notice (45 FR 24140).

EPA has reviewed all of the above regulations. On December 22, 1980, EPA published a notice of proposed rulemaking (45 FR 84099). In that notice, EPA proposed to conditionally approve Rule 10 CSR 10–5.340, solicited comments on the approvability of Rule 10 CSR 10–5.220, and proposed to fully approve the other regulations. No comments were received as a result of the proposed rulemaking. EPA is now taking final action on the Missouri submission. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. Where the State requirement deviates from the information contained in the CTG's and such deviation is adequately justified, EPA is approving the regulation. Those regulations not specifically discussed below are also approved.

One regulation is being conditionally approved today where there are minor deficiencies. The State has provided assurances that it will submit corrections by a specified deadline. There will be no extension of the conditional approval deadline which is being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the condition.

(1) If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice will also announce that the conditional approval is continued pending EPA's final action on the submission.

(2) EPA will evaluate the State's submission to determine if the condition is fully met. After the review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

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

This rulemaking does not affect previous EPA conditional approvals of the Missouri SIP. One condition applicable to the state's VOC regulations and promulgated by EPA in the April 9, 1980, final rulemaking on the Missouri Part D SIP revision, has not been addressed yet by the state. This condition, applicable to Rule 10 CSR 10–5.220 for St. Louis, must be met by March 15, 1981. The condition is described fully in the April 9 rulemaking. EPA is not taking any action in this rulemaking in regard to the condition promulgated on April 9. Until all conditions have been fulfilled, the conditional approval of the Missouri SIP will continue.

B. Discussion of Specific Regulations

(1) Rule 10 CSR 10–5.220. The state submission is a revision to an existing Missouri regulation, "Control of Petroleum Liquid Storage, Loading and Transfer," for the St. Louis Metropolitan Area. The revisions make the rule applicable to stationary tanks or reservoirs of more than 40,000 gallons capacity petroleum liquid, gasoline loading facilities, and gasoline transfer trucks. The regulation outlines controls that must be applied to existing facilities in St. Louis involved in petroleum liquid storage, handling, and transfer. EPA solicited comments in the proposed rulemaking on the changes to the regulation including Section (3)—"Gasoline Loading," which differs from EPA guidance. EPA guidance for control of emissions from gasoline tank trucks as outlined in the respective CTG states that gasoline tank trucks must be certified annually as being leak tight. Missouri has not required such annual testing in its regulation, stating that it has the legal authority in its SIP to require tests at any time it is deemed necessary to adequately enforce the requirements of this rule. A complete discussion of this issue can be found in the proposed rulemaking. In that notice, EPA solicited comments on the approvability of the Missouri regulation. No comments were received.

EPA believes the regulation represents RACT. The state has established the necessary requirements to determine whether a truck is leak tight and will notify the owners or operators of test results. The state has committed to performing at least one leak test per year on gasoline tank trucks for the first several years of implementation. The state reserves the right to alter the frequency of the inspections in later years depending on its experience with the initial years of the program. The state's regulation requires compliance at all times regardless of the frequency of inspections. EPA believes the regulation is enforceable.

Action: EPA approves the amendments to Missouri Rule 10 CSR 10–5.220 as representing RACT for the St. Louis ozone nonattainment area.

(2) Rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, is applicable in the St. Louis area. This rule was approved as RACT on April 9, 1980 (45 FR 24140). The state adopted amendments to this regulation for the purpose of setting emission limitations from the surface coating of miscellaneous metal parts. The emission limits in the Missouri rule are similar to the CTG recommendations except in the case of aerospace assembly and components. The state adopted higher limits for certain coatings and a lower limit for another type of coating. As discussed in the proposed rulemaking, EPA believes the rule is approvable.

Action: EPA approves the amendments to Missouri Rule 10 CSR 10–5.330 as representing RACT for the St. Louis ozone nonattainment area.

(3) Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities, is applicable in the St. Louis area. The rule is intended to restrict the emissions of VOC from rotogravure and flexographic printing processes. The regulation provides that the owner or operator of such facilities must install control equipment or make use of low solvent

technology to achieve the necessary emission reductions. This is consistent with the CTG. The regulation further specifies a final compliance date of December 31, 1985. EPA does not believe this compliance date is acceptable for add-on control equipment. The CTG recommends a one or two year compliance schedule depending on the type of control equipment installed. Only in the case of low solvent technology does EPA believe an extended compliance schedule is acceptable. Further discussion of this issue can be found in the notice of proposed rulemaking. EPA believes the rule must be changed to provide for compliance dates which are as expeditious as practicable. The state has agreed to amend this rule.

Action: EPA conditionally approves Missouri Rule 10 CSR 10–5.340 as representing RACT for the St. Louis ozone nonattainment area provided that by January 1, 1982, the state amends the regulation to require compliance by 1982 for those sources relying on add-on control equipment and to specify an extended compliance schedule involving the use of low solvent inks.

C. Conclusion

The measures approved today are in addition to and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without control, or under less stringent controls, while it is moving toward compliance with the new regulation. Failure of a source to meet applicable preexisting regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Further, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations because of a court order or for any other reason, the preexisting regulation will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it is impossible for sources to comply with the regulations. In these situations, the state may exempt sources from compliance with the preexisting regulations. Any exemption granted will be reviewed and acted on by the EPA either as part of these proposed regulations or as a future SIP revision.

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.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: March 23, 1981.

Walter C. Barber,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart AA—Missouri

1. 40 CFR Part 52 is amended by adding § 52.1320(c)(25) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(25) On September 5, 1980, the State of Missouri submitted new regulations and amendments to existing regulations to control emissions of volatile organic compounds in the St. Louis and Kansas City ozone nonattainment areas. Included in the plan revision are the following approved regulations:

(i) Amendments to Rule 10 CSR 10–2.230 and to Rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, are approved as RACT;

(ii) Amendments to Rule 10 CSR 10–2.260 and to Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer, are approved as RACT;

(iii) Amendments to Rule 10 CSR 10–6.020, Definitions, and to Rule 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, and to Rule 10 CSR 10–6.040, Reference Methods, are approved as RACT;

(iv) Rule 10 CSR 10–2.280 and Rule 10 CSR 10–5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations, are approved as RACT;

(v) Rule 10 CSR 10–2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, is approved as RACT;

(vi) Rule 10 CSR 10–5.350, Control of Emissions from the Manufacture of Synthesized Pharmaceutical Products, is approved as RACT;

(vii) Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities is conditionally approved as RACT.

2. Section 52.1324(c)(4) is added to read as follows:

§ 52.1324 General requirements.

* * * * *

(c) * * *

(4) Approval of Missouri Rule 10 CSR 10–5.340 for St. Louis is subject to the condition that by January 1, 1982, the state amends the regulation to require compliance by 1982 for those sources relying on add-on control equipment and to specify an extended compliance schedule involving the use of low solvent inks.

[FR Doc. 81–10108 Filed 4–2–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6024]

Suspension of Community Eligibility Under the National Flood Insurance Program; Arizona, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective

enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Arizona: Santa Cruz	Nogales, city of	040091B	Apr. 14, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 24, 1974 and Nov. 14, 1975.	Apr. 15, 1981.
Illinois:					
Du Page	Bloomingdale, village of	170201B	June 6, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 1, 1974 and May 21, 1976.	Do.
Cook	Unincorporated areas	170054B	Aug. 9, 1973, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 27, 1977	Do.
Du Page	Dowers Grove, village of	170204B	June 1, 1973, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 15, 1974 and Feb. 27, 1976.	Do.
Louisiana: Jefferson Davis Parish.	Jennings, city of	220098B	Oct. 21, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Feb. 1, 1974 and Mar. 5, 1976	Do.
Minnesota: Hennepin	Greenfield, city of	270673B	Dec. 26, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Dec. 7, 1973 and Apr. 16, 1976.	Do.
Missouri: Barry and Lawrence.	Monett, city of	290023B	Sept. 23, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 24, 1974 and Jan. 9, 1976.	Do.
Montana: Powell	Deer Lodge, city of	300060B	July 2, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Jan. 9, 1974 and Apr. 30, 1976.	Do.
Nebraska: Lancaster	Firth, village of	310135A	July 22, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Nov. 8, 1974	Do.
New Hampshire:					
Rockingham	Brentwood, town of	330125B	June 10, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	June 28, 1974 and Dec. 10, 1976.	Do.
Do	Derry, town of	330128B	May 12, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 4, 1977	Do.
Cheshire	Gilsum, town of	330021B	July 22, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 31, 1974 and Mar. 4, 1977.	Do.
Grafton	Holderness, town of	330059B	July 22, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 22, 1974 and Dec. 10, 1976.	Do.
Cheshire	Walpole, town of	330027A	June 9, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981 suspended.	May 24, 1974	Do.
Rockingham	Plaistow, town of	330138B	May 4, 1976, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Oct. 18, 1974 and Aug. 27, 1976.	Do.
New Jersey: Bergen	Harrington Park, borough of	340040B	Apr. 16, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	June 28, 1974 and Sept. 24, 1976.	Do.
Ohio:					
Clermont	Unincorporated areas	390065B	Apr. 14, 1976, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Dec. 2, 1977	Do.
Preble	Eaton, city of	390462B	Feb.14, 1975, Apr. 15, 1981, April 15, 1981, emergency; regular; suspended.	May 31, 1974 and Dec. 12, 1974.	Do.
Do	New Paris, village of	390463B	Mar. 3, 1975, Apr. 15, 1981, April 15, 1981, emergency; regular; suspended.	Feb. 8, 1974 and May 7, 1976	Do.
Summit	Tallmadge, city of	390533B	June 9, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Aug. 15, 1975	Do.
Warren	Unincorporated areas	390757B	Jan. 3, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Jan. 6, 1978	Do.
Oklahoma: Oklahoma	Choctaw, city of	400357B	Feb. 25, 1976, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Jan. 21, 1977	Do.
Oregon: Jackson	Medford, city of	410096B	June 7, 1974, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	June 21, 1974 and Mar. 12, 1976.	Do.
Pennsylvania:					
Chester	Birmingham, township of	421474A	Nov. 14, 1974, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Nov. 22, 1974	Do.
Lancaster	Christiana, borough of	420542B	July 30, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	June 28, 1974 and July 16, 1976.	Do.
Do	Denver, borough of	420546B	Aug. 22, 1973, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	July 26, 1974 and Apr. 9, 1976.	Do.
Do	Fulton, township of	421774B	July 11, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Sept. 6, 1974 and July 23, 1976.	Do.
Luzerne	Huntington, township of	421832A	July 2, 1974, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Jan. 3, 1975	Do.
Dauphin	Lower Paxton, township of	420384B	Nov. 3, 1972, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Jan. 9, 1974 and Feb. 11, 1977.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Lancaster	Little Britain, township of	421775B	June 16, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Sept. 20, 1974 and July 2, 1976.	Do.
Perry	Miller, township of	421954A	Jan. 17, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Jan. 17, 1975	Do.
Fayette	Newell, borough of	420465B	Feb. 20, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	June 28, 1974 and Apr. 23, 1976.	Do.
Lancaster	Salisbury, township of	421783B	May 20, 1975, Apr. 15, 1981, Apr. 15, 1981, emergency; regular; suspended.	Sept. 20, 1974 and July 16, 1976.	Do.
Lehigh	Washington, township of	421816A	Aug. 21, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Nov. 15, 1974	Do.
Tioga	Wellsboro, borough of	420629C	Dec. 26, 1973, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 22, 1974, Aug. 20, 1976 and Mar. 25, 1977.	Do.
Lancaster	West Cocalico, township of	421787B	Aug. 5, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Sept. 13, 1974 and Aug. 6, 1976.	Do.
Beaver	West Mayfield, borough of	422331A	Dec. 23, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Mar. 28, 1975	Do.
Dauphin	Wiconisco, township of	421030B	Sept. 26, 1973, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Dec. 13, 1974 and Sept. 17, 1976.	Do.
Texas:					
Tarrant	Crowley, city of	480591C	Feb. 20, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	June 28, 1974, July 2, 1976 and May 15, 1979.	Do.
San Patricio	Gregory, city of	480655B	May 16, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 7, 1974 and Dec. 5, 1975	Do.
Washington: Clark	Battle Ground, township of	530025B	June 2, 1975, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	May 24, 1974 and Dec. 26, 1975.	Do.
Wisconsin:					
Milwaukee	West Allis, city of	550285C	Apr. 17, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended.	Apr. 12, 1974, July 23, 1976 and May 20, 1977.	Do.

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

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

Issued: March 25, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–10067 Filed 4–2–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA 6023]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) for acquisition and construction of buildings, and

(2) for buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of

withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et. seq.)

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
44 FR 12421
44 FR 26051
44 FR 31318
44 FR 34120
45 FR 49570
45 FR 52385
46 FR 13695

(b) *Flood Insurance Rate Maps (FIRM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
44 FR 12421
45 FR 49570

2. The following additional entries (which will not apear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name and number	County	Hazard ID date	Rescission date	Reason
Arizona	City of St. Johns, 040010A (E)	Apache	Feb. 13, 1976	Mar. 30, 1981	2
California	City of Monte Sereno, 0603458 (R)	Santa Clara	Jan. 3, 1979	do	2
Do	City of San Bruno, 060326A (E)	San Mateo	June 7, 1974	do	2
Do	City of San Mateo, 060328A (E)	San Mateo	Oct. 17, 1975	do	2
Minnesota	City of Rosenville, 270559B (E)	Ramsey	May 14, 1976	do	2
Missouri	City of Clever, 290600 (E)	Christian	July 18, 1975	do	2
Do	City of Rogersville, 290658A (E)	Webster and Greene	Aug. 29, 1975	do	2
Do	City of Westwood, 290369 (E)	St Louis	May 28, 1976	do	1
Nebraska	City of Howes, 310380 (E)	Colfax	Jan. 17, 1975	do	1
Oklahoma	City of Gage, 400060B (R)	Ellis	June 25, 1976	do	2
Oregon	City of Lowell, 410125A (E)	Lane	Nov. 28, 1975	do	2
Pennsylvania	Borough of Smithfield, 421618 (E)	Fayette	Nov. 8, 1974	do	1
Utah	City of Pleasant View, 490218A (E)	Weber	Sept. 24, 1976	do	2
Washington	City of Walla Walla 530197A (E)	Walla Walla	July 18, 1975	do	2

Key to Symbols:

E The community is participating in the Emergency Program. It will remain in the Emergency Program without an FHBM.
R The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

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

Issued: March 25, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10068 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR PART 67

National Flood Insurance Program; Final Flood Elevation Determinations; California, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period

of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	South San Francisco (City), San Mateo County (FEMA-5955).	Shallow Flooding	Intersection of South Linden Avenue and North Canal Street.	*9
			Intersection of Chestnut Avenue and Mission Road	*34
		Colma Creek	Approximately 400 feet east of intersection of Hickey Boulevard and El Camino Real (State Route 82).	*80
	Maps available for inspection at City Hall, 400 Grand Avenue, South San Francisco, California.			
Connecticut	Ansonia, City, New Haven County (Docket No. FEMA-5893).	Naugatuck River	Upstream side of Division Street	*24
			Upstream side of Maple Street	*32
			Upstream Corporate Limits	*41
		Two Mile Brook	Upstream side of Bartholomew Road (extended)	*240
			Upstream side of dam, 435 feet downstream of State Route 243 (Pulaski Highway).	*265
			Upstream side of dam, 157 feet upstream of State Route 243 (Pulaski Highway).	*286
			Upstream side of dam, 690 feet downstream of Ford Street.	*356
			Upstream side of Milan Street	*366
	Maps available for inspection at the Town Clerk's Office, Town Office Building, 253 Main Street, Ansonia, Connecticut.			
Florida	North Port (City), Sarasota County (FEMA-5955)	Big Slough Canal and Myakkahatchee Creek.	At center of McCarthy Boulevard crossing	*17
		Shallow Flooding	At the intersection of Lacey Street and Hablow Lane	*1
		Charlotte Harbor	At the intersection of West Safford Terrace and Freemont Street.	*8
		Gulf of Mexico	At the intersection of Ainyer Creek and western corporate limit.	*11
	Maps available for inspection at Municipal Building, 311 North Port Boulevard, North Port, Florida.			
Florida	Palmetto (City), Manatee County (FEMA-5886)	Gulf of Mexico (Manatee River)	Intersection of 11th Street West and 20th Avenue West.	*8
	Maps available for inspection at 516 8th Avenue, Palmetto, Florida.			
Georgia	Gwinnett County (unincorporated areas) FEMA-5947	Beaver Ruin Creek	100 feet upstream of intersection of Beaver Ruin Creek and Pleasant Hill Road.	*862
			Intersection of Beaver Ruin Creek and Mitchell Road	*925
		Beaver Ruin Creek Tributary No. 1	300 feet downstream of intersection of Beaver Ruin Creek Tributary No. 1 and Pirkle Road.	*936
		Beaver Ruin Creek Tributary No. 2	1,000 feet downstream of intersection of Beaver Ruin Creek Tributary No. 2 and Norcross Tucker Road.	*952
		Big Haynes Creek	170 feet downstream of intersection of Big Haynes Creek and Snellville-Loganville Road.	*893
		Bromolow Creek	50 feet upstream of intersection of Bromolow Creek and West Liddell Road.	*902
		Bromolow Creek Tributary No. 1	150 feet upstream of intersection of Bromolow Creek Tributary No. 1 and Davidson Industrial Boulevard.	*900
		Bromolow Creek Tributary No. 1.1	130 feet upstream of intersection of Bromolow Creek Tributary No. 1.1 and Bailey Drive.	*960
		Camp Creek	120 feet upstream of intersection of Camp Creek and Harmony Grove Church Road.	*918
		Chattahoochee River	200 feet upstream of intersection of Chattahoochee River and McGinnis Ferry Road.	*911
		Crooked Creek	120 feet upstream of intersection of Crooked Creek and Spalding Drive.	*886
		Crooked Creek Tributary No. 1	200 feet downstream of intersection of Crooked Creek Tributary No. 1 and Holcomb Bridge Road.	*920
		Crooked Creek Tributary No. 2	100 feet downstream of intersection of Crooked Creek Tributary No. 2 and Holcomb Bridge Road.	*925
		Crooked Creek Tributary No. 2.1	40 feet upstream of intersection of Crooked Creek Tributary No. 2.1 and Atlantic Boulevard.	*938
		Crooked Creek Tributary No. 2.1.1	40 feet upstream of confluence with Crooked Creek Tributary No. 2.1.	*942
		Garner Creek	200 feet upstream of intersection of Garner Creek and Five Forks Trickum Road.	*845
			50 feet downstream of intersection of Garner Creek and Garner Drive.	*929
		Garner Creek Tributary	100 feet downstream of intersection of Garner Creek Tributary and Lilbrun Corinth Church Road.	*979
		Hale Creek	120 feet downstream of intersection of Hale Creek and Cole Road.	*890
		Hale Creek Tributary	150 feet upstream of intersection of Hale Creek Tributary and Warrior Trail.	*882
		Ivy Creek	200 feet upstream of intersection of Ivy Creek and Old Suwanee Road.	*956
		Jacks Creek	70 feet upstream of intersection of Jacks Creek and Ross Road.	*792

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Jackson Creek	Intersection of Jackson Creek and center of Lester Road.	*853
			180 feet downstream of intersection of Jackson Creek and Jimmy Carter Boulevard.	*920
		Jackson Creek Tributary No. 1	100 feet downstream of intersection of Jackson Creek Tributary No. 1 and Williams Road.	*903
		Jackson Creek Tributary No. 2	150 feet upstream of intersection of Jackson Creek Tributary No. 2 and Williams Road.	*931
		Lee Daniel Creek	200 feet upstream of intersection of Lee Daniel Creek and Boggs Road.	*877
		Lee Daniel Creek Tributary No. 1	50 feet upstream of intersection of Lee Daniel Creek Tributary No. 1 and State Highway 316.	*901
		Lee Daniel Creek Tributary No. 1.1	50 feet downstream of intersection of Lee Daniel Creek Tributary No. 1.1 and State Highway 120.	*935
		Lee Daniel Creek Tributary No. 2	120 feet downstream of intersection of Lee Daniel Creek Tributary No. 2 and State Highway 316.	*886
		Little Suwanee Creek	150 feet upstream of intersection of Suwanee Creek and Russell Road.	*947
		No Business Creek	100 feet downstream of intersection of No Business Creek and Lake Road.	*740
			50 feet downstream of intersection of No Business Creek and Springdale Drive.	*897
		No Business Creek Tributary No. 1	50 feet downstream of intersection of No Business Creek Tributary No. 1 and Green Valley Road.	*922
		North Fork Peachtree Creek	80 feet upstream of intersection of North Fork Peachtree Creek and Graves Road.	*945
		Pew Creek	120 feet upstream of intersection of Pew Creek and Huston Road.	*900
		Pounds Creek	100 feet upstream of intersection of Pounds Creek and Lake Lucerne Road.	*816
			100 feet upstream of intersection of Pounds Creek and Pounds Drive.	*901
		Redland Creek	200 feet upstream of intersection of Redland Creek and U.S. Highway 29.	*906
		Shetley Creek	420 feet downstream of intersection of Shetley Creek and Old Norcross Lawrenceville Road.	*898
		Shoal Creek	Intersection of Shoal Creek and Paper Mill Road	*931
		Singleton Creek	Intersection of Singleton Creek and center of State Highway 120.	*901
		Suwanee Creek	100 feet upstream of intersection of Suwanee Creek and Old Suwanee Road.	*961
		Suwanee Creek Tributary No. 1	Area adjacent to the City of Buford corporate limits upstream of U.S. Highway 23.	*1003
		Sweetwater Creek	50 feet downstream of intersection of Sweetwater Creek and Cruse Road.	*859
			25 feet upstream of intersection of Sweetwater Creek and McDaniel Road.	*914
		Turkey Creek	50 feet upstream of intersection of Turkey Creek and Oak Road.	*895
		Watson Creek	50 feet upstream of intersection of Watson Creek and Hewett Road.	*900
		Wildcat Creek	20 feet downstream of intersection of Wildcat Creek and Russell Road.	*972
		Wolf Creek	180 feet upstream of intersection of Wolf Creek and State Highway 120.	*908
		Yellow River	200 feet upstream of intersection of Yellow River and U.S. Highway 78.	*813
			100 feet upstream of intersection of Yellow River and Collins Hill Road.	*935
			200 feet downstream of intersection of Yellow River and State Highway 20.	*976
		Yellow River Tributary No. 1	100 feet upstream of intersection of Yellow River Tributary No. 1 and Creekview Drive.	*917
		Yellow River Tributary No. 2	100 feet upstream of intersection of Yellow River Tributary No. 2 and Five Forks Trickum Road.	*879
		Yellow River Tributary No. 3	50 feet upstream of intersection of Yellow River Tributary No. 3 and Five Forks Trickum Road.	*886
Maps available for inspection at Planning Department, County Administration Building, Lawrenceville, Georgia.				
Illinois	(C), Batavia, Kane County (Docket No. FEMA-5955)	Fox River	About 3,000 feet downstream of Fabyan Forest Preserve Island Road.	*659
			Just upstream of North Batavia Dam	*668
			At upstream corporate limits	*670
		Mahoney Creek	Confluence with Fox River	*659
			About 600 feet downstream Illinois Route 25	*660
			About 100 feet upstream Burlington Northern railroad	*675
			About 50 feet upstream Pine Street	*692
			About 50 feet upstream Forest Avenue	*702
			About 750 feet downstream of Radiant Road	*707
			About 100 feet downstream Gabion Spillway	*709
			Upstream end of Gabion Spillway	*715
			About 150 feet upstream Wilson Street	*725
			About 50 feet upstream Burlington Northern railroad	*730
			Just downstream Kirk Road	*738

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the City Comptroller's Office, Municipal Building, 101 North Island Avenue, Batavia, Illinois.				
Illinois	(V), Chatham, Sangamon County (Docket No. FEMA-5955).	Polecat Creek	About 2,600 feet downstream State Route 4	*572
			Approximately 320 feet upstream of State Route 4	*577
			Just upstream of Downing Drive	*585
			About 1,800 feet upstream Downing Drive	*587
Maps available for inspection at the Village Hall, 117 East Mulberry, Chatham, Illinois.				
Illinois	(V), Durand, Winnebago County (Docket No. FEMA-5955).	South Branch Otter Creek	Just downstream Chicago, Milwaukee, St. Paul and Pacific Railroad.	*755
			About 1,300 feet upstream Center Road	*767
		North Branch Otter Creek	About 1,200 feet downstream Mulvain Street	*755
			Just upstream Mulvain Street	*759
			About 1,600 feet upstream Mulvain Street	*759
Maps available for inspection at the Village Hall, 306 West Main Street, Durand, Illinois.				
Illinois	(V), Pleasant Plains, Sangamon County (Docket No. FEMA-5955).	Branch of Richland Creek	At downstream corporate limits	*578
			Just downstream of County Highway 96	*581
			At upstream corporate limits	*588
Maps available for inspection at the Village Hall, Pleasant Plains, Illinois.				
Illinois	(C), St. Charles, Kane and Du Page Counties (Docket No. FEMA-5955).	Fox River	Just downstream of confluence of 7th Avenue Creek	*682
			Just upstream St. Charles Dam	*691
			At the confluence of Ferson Creek	*692
			About 1.3 miles upstream of the confluence with Ferson Creek.	*693
		Ferson Creek	Just upstream State Route 31	*693
			About 1.2 miles upstream of State Route 31	*706
		7th Avenue Creek	Just upstream of Riverside Avenue	*682
			Just upstream 7th Avenue	*710
			Just downsteam Tyler Road	*733
		7th Avenue Creek Tributary	At the confluence with 7th Avenue Creek	*719
			Just downstream of West Main Street	*725
			About 100 feet upstream of State Avenue	*731
		State Street Creek	At confluence with Fox River	*691
			At confluence of State Street Creek Tributary	*723
			Just downstream Chicago and North Western Railroad	*726
		State Street Creek Tributary	About 450 feet downstream 15th Street	*732
			About 225 feet upstream 15th Street	*744
Maps available for inspection at the Engineering Department, Municipal Building, 2 East Main Street, St. Charles, Illinois.				
Indiana	(Unincorporated), Lake County (Docket No. FEMA-5843).	Bailey Ditch	At mouth	*633
			About 3,600 feet upstream of 221st Avenue	*635
			About 4,700 feet downstream of State Route 2	*645
			About 1,950 feet downstream of State Route 2	*655
			Just upstream of State Route 2	*661
			About 2,700 feet upstream of State Route 2	*666
		Main Beaver Dam Ditch	Just upstream of Interstate 65	*678
			Just downstream of State Route 53	*679
			Upstream side of Crown Point corporate limits	*688
			Just upstream of Conrail located 1.3 miles upstream of Crown Point corporate limits.	*690
			Just upstream of Blaine Street	*693
			Just downstream of 101st Avenue	*700
		Main Beaver Dam Ditch Tributary BL.	At mouth	*690
			About 1,700 feet upstream of U.S. Route 231	*693
		Main Beaver Dam Ditch Tributary BN.	At mouth	*691
			Downstream side of 117th Avenue	*693
		Main Beaver Dam Ditch Tributary LP.	At mouth	*688
			Just upstream of Conrail	*691
			Just downstream of Summit Street	*691
		Main Beaver Dam Ditch Tributary BE.	At mouth	*679
			Just upstream 109th Avenue	*684
			Just upstream of 113th Avenue	*690
			Just downstream of U.S. Route 231	*691
			Just upstream of U.S. Route 231	*701
		Main Beaver Dam Ditch Tributary BV.	At mouth	*690
			Just downstream of 113th Avenue	*691
		Bruce Ditch	At mouth	*634
			Just downstream of 219th Avenue	*637
			Just upstream of Conrail	*640
			Just downstream of 205th Avenue	*651
			Just downstream of Belshaw Road	*657
			About 6,000 feet downstream of 181st Avenue	*665
			Just downstream of 181st Avenue	*674
			Just downstream of Parrish Avenue located 2,550 feet upstream of 181st Avenue.	*679
			Just upstream of Parrish Avenue located 5,000 feet upstream of 181st Avenue.	*689
			About 6,850 feet upstream of 181st Avenue	*695
		Bryant Ditch	At mouth	*646
			About 250 feet upstream of 189th Avenue	*651
			Just upstream of State Route 2	*664
			Just downstream of a farm road	*665
			Just upstream of a farm road	*670
			About 1,200 feet downstream of 173rd Avenue	*680
			Just upstream of 173rd Avenue	*683
			About 6,900 feet upstream of 173rd Avenue	*693

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Bull Run	Just upstream of White Oak Avenue	*679
			About 8,050 feet upstream of 101st Avenue	*681
		Bull Run Tributary	At mouth	*681
			Just upstream of 101st Avenue	*682
			About 2,000 feet upstream of 101st Avenue	*683
		Cedar Creek	At mouth	*636
			Just upstream of 211th Avenue	*641
			Just downstream of 205th Avenue	*647
			Just upstream of Belshaw Road	*656
			Just upstream of Louisville and Nashville Railroad	*658
			About 1,300 feet upstream of 176th Avenue	*672
			About 1,800 feet upstream of 171st Avenue	*675
			About 200 feet downstream of 161st Avenue	*681
			Just upstream of 161st Avenue	*688
			About 3,600 feet upstream of 153rd Avenue	*686
		Deep River	About 2,350 feet downstream of Randolph Street	*602
			Downstream Hobart corporate limits	*603
			Upstream Hobart corporate limits	*614
			About 500 feet upstream of Ainsworth Road	*622
			About 400 feet upstream of Grand Trunk Western Railroad.	*630
			Just upstream of Old Lincoln Way	*638
			Just upstream of U.S. Route 30	*643
			About 2.0 miles upstream of U.S. Route 30	*650
			Just upstream of 101st Avenue	*675
		Deer Creek	Merrillville corporate limits	*675
			About 1,500 feet downstream of 109th Avenue	*685
			Just upstream of 109th Avenue	*690
			About 2,450 feet upstream of 109th Avenue	*697
		Dinwiddie Ditch	At mouth	*646
			About 1,800 feet downstream of State Route 2	*655
			Just upstream of State Route 2	*663
			About 2,450 feet upstream of State Route 2	*672
		Foss Ditch	At mouth	*688
			About 3,000 feet downstream of Clark Street	*695
			Just upstream of Clark Street	*702
			About 10,000 feet upstream of Clark Street	*704
		Griesel Ditch	At mouth	*637
			Just upstream of 201st Avenue	*641
			Just upstream of State Route 55	*645
			About 4,300 feet downstream of State Route 2	*655
			Just upstream of State Route 2	*666
			About 3,300 feet upstream of State Route 2	*675
			Just downstream of 173rd Avenue	*681
			About 4,100 feet upstream of 173rd Avenue	*695
			Just downstream of 163rd Avenue	*710
		Kankakee River	Indiana-Illinois State Boundary	*630
			About 2,000 feet upstream of U.S. Route 41	*635
			About 1,000 feet downstream of State Route 55	*640
			About 500 feet upstream of Interstate 65	*645
			At upstream county boundary	*649
			About 4.8 miles upstream of Clay Road	*650
		McConnel Ditch	At mouth	*671
			Upstream Lowell corporate limits	*673
			About 4,300 feet upstream of 171st Street	*675
			Just downstream of Morse Street located 6,250 feet upstream of 171st Street.	*682
		Niles Ditch	At mouth	*676
			Just upstream of Conrail	*679
			About 3,000 feet upstream of 129th Avenue	*679
		Niles Ditch Tributary NT	At mouth	*679
			About 7,600 feet upstream of mouth	*681
		Niles Ditch Tributary NS	At mouth	*679
			About 1,950 feet downstream of 129th Avenue	*685
			Just upstream of 129th Avenue	*694
			Just upstream of Iowa Street	*697
			About 1,200 feet upstream of State Route 53	*703
		Redwing Tributary	At mouth	*648
			Just upstream of Chase Street	*651
			About 2,200 feet upstream of Chase Street	*660
			Just upstream of Belshaw Road	*666
			Just downstream of State Route 2	*676
		Shilling Ditch	At upstream Schererville corporate limits	*651
			About 920 feet upstream of upstream Schererville corporate limits.	*656
			About 980 feet upstream of upstream Schererville corporate limits.	*659
			About 2,060 feet upstream of Schererville corporate limits.	*662
		Singleton Ditch	Just upstream of State Line Road	*630
			Just upstream of U.S. Route 41	*634
			Just downstream of Colfax Street	*636
			Just upstream of Chase Street	*641
			Just upstream of State Route 55	*644
			Just downstream of Interstate 65	*646
			About 3,200 feet downstream of State Route 2	*650
			Just upstream of State Route 2	*654
			Just upstream of 173rd Avenue	*658
		Spring Run	At mouth	*642

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of East West County Road	*647
			About 1,800 feet downstream of Belshaw Road	*655
			Just upstream of Belshaw Road	*664
			Just upstream of State Route 2	*669
			About 3,400 feet downstream of 169th Avenue	*676
			Just upstream of 169th Avenue	*685
			Just upstream of 165th Avenue	*690
			Just upstream of 159th Avenue	*702
			About 2,100 feet upstream of 159th Avenue	*710
			Just upstream of 153rd Avenue	*718
			Just downstream of 145th Avenue	*729
		Sprout Ditch	Upstream Hobart corporate limits	*614
			About 2,750 feet downstream of 69th Avenue	*620
			Just upstream of 69th Avenue	*631
			About 2,000 feet downstream of Colorado Street	*641
			Just upstream of Colorado Street	*652
			Just upstream of Old Lincoln Way	*657
			About 6,000 feet upstream of Old Lincoln Way	*669
		Sprout Ditch Tributary SU	At mouth	*617
			Just downstream of Grand Trunk Western Railroad	*627
			Just upstream of Grand Trunk Western Railroad	*636
			Just upstream of private drive located 400 feet upstream of Old Lincoln Way.	*641
			About 2,000 feet upstream of Old Lincoln Way	*651
		Sprout Ditch Tributary SV	At mouth	*636
			About 850 feet upstream of mouth	*640
			Just upstream of Old Lincoln Way	*646
			About 2,550 feet upstream of Old Lincoln Way	*655
			About 4,800 feet upstream of Old Lincoln Way	*666
		Stony Run	At mouth	*661
			Just upstream of 165th Avenue	*666
			Just upstream of 157th Avenue	*674
			Just upstream of Clay Street	*676
			About 750 feet upstream of 145th Avenue	*681
			Just upstream of Iowa Street	*688
			About 200 feet upstream of Interstate 65	*695
			About 2,900 feet upstream of Interstate 65	*706
			Just upstream of Delaware Street	*709
			Just downstream of 137th Avenue	*709
		Middle Branch Stony Run	At mouth	*669
			Just upstream of Hancock Street	*672
			Just upstream of 145th Avenue	*675
			About 3,200 feet upstream of 145th Avenue	*681
		East Branch Stony Run	At mouth	*669
			About 3,150 feet upstream of 157th Avenue	*675
			Just downstream of U.S. Route 231	*682
			Just upstream of Conrail near U.S. Route 231	*685
			Just downstream of 137th Avenue	*692
			Just upstream of Montgomery Street	*696
			About 2,750 feet downstream of 129th Avenue	*705
			Just upstream of 129th Avenue	*710
			Just upstream of Conrail located about 2,050 feet upstream of 129th Avenue.	*715
			About 1.0 mile upstream of 129th Avenue	*718
		Stony Run Tributary ES	At mouth	*668
			About 3,100 feet upstream of mouth	*689
			About 4,000 feet upstream of mouth	*695
		Stony Run Tributary ET	At mouth	*661
			About 1,050 feet upstream of Randolph Road	*665
		Turkey Creek	At Merrillville corporate limits	*626
			Just upstream of Conrail	*629
			Just upstream of State Route 73	*631
			About 1,300 feet upstream of State Route 73	*632
		New Elliott Tributary	At mouth	*626
			Just upstream of Burr Street	*632
			Just downstream of Conrail	*634
			Just upstream of Conrail	*640
			About 2,100 feet upstream of Conrail	*640
		West Creek	At mouth	*632
			Just upstream of 223rd Avenue	*636
			Just upstream of State Route 2	*647
			Just upstream of 197th Avenue	*655
			Just upstream of 185th Avenue	*660
			Just downstream of 151st Avenue	*666
			Just upstream of 135th Avenue	*670
			Just downstream of 117th Avenue	*673
			About 2,700 feet upstream of 109th Avenue	*674
		West Creek Tributary WJ	At mouth	*674
			Just upstream of Conrail	*677
			Just upstream of U.S. Route 231	*681
			About 3,900 feet upstream of U.S. Route 231	*683
			Just downstream of 117th Avenue	*691
		West Creek Tributary WT	At mouth	*657
			About 2,600 feet upstream of mouth	*663
			Just upstream of 185th Avenue	*668
			About 3,400 feet upstream of 185th Avenue	*680
			Just downstream of private road located 2,900 feet downstream of White Oak Avenue.	*689

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of private road located 2,500 feet downstream of White Oak Avenue.	*695
			Just downstream of White Oak Avenue	*695
		West Creek Tributary WS	At mouth	*663
			Just upstream of 165th Avenue	*674
			About 2,600 feet downstream of White Oak Avenue	*680
			Just upstream of White Oak Avenue	*694
			Just downstream of 157th Street	*703
		West Creek Tributary WX	At mouth	*663
			Just downstream of dam	*669
			Just upstream of dam	*678
			Just upstream of Sheffield Road	*684
			About 2,000 feet upstream of Sheffield Road	*692
			At Indiana-Illinois State Boundary	*701
		West Creek Tributary WY	At mouth	*667
			About 1,800 feet upstream of mouth	*671
			About 1,100 feet downstream of Calumet Road	*681
			Just downstream of Calument Road	*686
		West Creek Tributary WZ	At mouth	*670
			Just downstream of Brunswick Dam	*676
			Just upstream of Brunswick Dam	*689
			About 1,700 feet downstream of Calumet Road	*695
			Just downstream of Calumet Road	*700
Maps available for inspection at the County Commissioner's Office, Lake County Government Complex, 2293 North Main Street, Crown Point, Indiana 46307.				
Louisiana	Unincorporated areas of Ascension Parish (FEMA-5886).	Mississippi River	Just upstream of Ascension/St. James Parish Line	*33
			Just downstream of Ascension/Iberville Parish Line	*36
		Bayou Francois	Just upstream of State Highway 22	*5
			Just upstream of State Highway 431	*6
			Just upstream of U.S. Highway 61	*7
			Just downstream of State Highway 939	*11
		Bayou Conway	Just downstream of State Highway 22	*6
			Just downstream of State Highway 941	*8
			Just upstream of State Highway 932	*10
		New River	Just upstream of State Highway 935	*6
			Just upstream of State Highway 431	*8
			Just downstream of U.S. Highway 61	*10
			Just downstream of State Highway 73	*16
		North Branch of Grand Goudine	Just downstream of State Highway 74	*13
		Middle Branch of Grand Goudine	Just downstream of State Highway 74 (near its intersection with State Highway 73).	*13
		Southern Branch of Grand Goudine.	Just upstream of State Highway 73	*14
		Bayou Narcisse	Just downstream of State Highway 938	*8
			Just downstream of State Highway 44	*9
			Just upstream of U.S. Highway 61	*11
		Black Bayou	Just upstream of State Highway 431	*8
			Just downstream of State Highway 934	*9
		Smith Bayou	Just downstream of State Highway 940	*11
Maps available for inspection at Ascension Parish Courthouse, Donaldsonville, Louisiana 70346.				
Maine	Windham, Town, Cumberland County (Docket No. FEMA-5955).	Presumpscot River	Downstream Corporate Limits	*77
			South Windham Dam (Downstream)	*82
			Mallison Street (Upstream)	*95
			Little Falls Dam (Downstream)	*97
			State Route 202 (Upstream)	*115
			Newhall Dam (Downstream)	*118
			Gambo Road (Downstream)	*140
			Dundee Dam (Downstream)	*144
			Dundee Dam (Upstream)	*190
			Great Falls Bridge (Downstream)	*193
			Gorham Dam (Upstream)	*225
			240' downstream of Eel Weir Power Station	*226
		Ditch Brook	Varney's Mill Dam (Upstream)	*231
			Gravel Pit Road (Upstream)	*245
			1,150' upstream of Gravel Pit Road	*255
			Collins Pond Dam (Upstream)	*273
			Mill Pond Dam (Downstream)	*280
		Sebago Lake	Entire Shoreline within community	*268
		Little Sebago Lake	Entire Shoreline within community	*268
		Mill Pond	Entire Shoreline within community	*285
		Collins Pond	Entire Shoreline within community	*273
Maps available for inspection at the Office of the Code Enforcer, Windham Town Offices, South Windham, Maine.				
Massachusetts	Belchertown, Town, Hampshire County (Docket No. FEMA-5853).	Swift River	Downstream Corporate Limits	*310
			Downstream side of Central Vermont Railroad	*314
			Upstream side of River Street	*331
			Upstream side of dam upstream of River Street	*343
			Upstream side of Boston and Maine Railroad	*351
			Approximately 0.38 mile upstream of Boston and Maine Railroad.	*366
		Bachelor Brook	Downstream Corporate Limits	*273
			Upstream 1st Private Road	*284
			Beaver Dam approximately 2.2 miles upstream of Corporate Limits.	*299
			Upstream side of Bay Road	*309
			Approximately 0.48 mile upstream of Bay Road	*309
		Jabish Brook	Confluence with Swift River	*317

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream Bradwell Street	*330
			Downstream side of Boston and Maine Railroad	*360
			Downstream side of Private Drive	*380
			Downstream side of Dam	*414
			Upstream side of Aldrich Street	*420
			Upstream side of Jabish Street	*438
			Upstream Sargent Street	*460
			Approximately 100 feet upstream of Allen Street	*531
	Maps available for inspection at the Office of the Town Clerk, Belchertown, Massachusetts.			
Massachusetts	(T), Reading, Middlesex County (Docket No. FI-5665)	Ipswich River	Downstream corporate limit	*71
			Just downstream Mill Street	*72
			Upsream corporate limit	*76
		Bear Meadow Brook	About 500 feet downstream of Haverhill Street	*
			About 1.0 mile upstream of Haverhill Street	*76
		Aberjona River	Downstream corporate limit	*67
			Just downstream of West Street culvert	*82
			Divergence with North Spur Aberjona River	*85
		North Spur Aberjona River	Downstream corporate limit	*75
			Just upstream of West Street	*81
			Just upstream of Willow Street	*85
		Walkers Brook	Downstream corporate limit	*79
			Just downstream of Harvest Road	*84
			Just downstream of Ash Street	*87
	Maps available for inspection at the Town Hall, Town Clerk's Office, 16 Lowell Street, Reading, Massachusetts 01867			
Michigan	(Twp.), Canton, Wayne County (Docket No. FEMA-5955).	Fellows Creek	At Palmer Road	*659
			About 400 feet upstream Cherry Hill Road	*670
			Just downstream Elmhurst Road	*682
			About 700 feet upstream Ford Road	*667
		Green Meadows Drain	At mouth at Tonquish Creek	*684
			About 2,100 feet upstream Fleet Road	*688
		Tonquish Creek	About 2,700 feet downstream Lilley Road	*675
			Just downstream Joy Road	*692
		Willow Creek	At downstream corporate limits	*667
			Just upstream Warren Road	*689
			Just downstream Canton Center Road	*707
	Maps available for inspection at the Office of the Clerk, Canton Township Hall, 1150 South Canton, Canton, Michigan.			
Minnesota	(C), Brainerd, Crow Wing County (Docket No. FEMA-5955).	Mississippi River	At the downstream corporate limit	*1,163
			Just downstream of the Northwest Paper Company's dam.	*1,167
			Just upstream of the Northwest Paper Company's dam.	*1,177
			At the upstream corporate limit	*1,178
		Rice Lake	Shoreline	*1,178
	Maps available for inspection at the City Hall, Brainerd, Minnesota.			
Minnesota	(C), Crosby, Crow Wing County (Docket No. FEMA-5955).	Serpent Creek	About 100 feet downstream of the Soo Line railroad	*1,237
			Just upstream of the Soo Line railroad	*1,240
			Just downstream of Main Street	*1,242
			Just upstream of First Street South	*1,246
			Just downstream of Fourth Street South	*1,247
		Serpent Lake	At the shoreline	*1,249
	Maps available for inspection at the City Hall, Crosby, Minnesota.			
Minnesota	(C), Lanesboro, Fillmore County (Docket No. FEMA-5955).	South Branch Root River	At downstream corporate limits	*810
			About 50 feet upstream of State Highway 250	*825
			About 140 feet upstream Chicago, Milwaukee, St. Paul and Pacific Railroad (near West Elmwood Street).	*838
			About 120 feet downstream of dam	*843
			Just upstream of dam	*860
			At upstream corporate limit	*861
	Maps available for inspection at the City Hall, P.O. Box 333, Lanesboro, Minnesota.			
Minnesota	(C), Medford, Steele County (Docket No. FEMA-5955).	Straight River	Downstream corporate limit	*1,077
			About 0.5 mile upstream from North Main Street	*1,081
	Maps available for inspection at the City Hall, 101 North Main Street, Medford, Minnesota.			
Minnesota	Norman County (unincorporated areas) (FEMA-5955)	Red River of the North	Intersection of County Road 102 and County State Aid Highway 17.	*865
			Intersection of County Road 106 and County Road 195.	*877
		Wild Rice River	Intersection of County Road 108 and County State Aid Highway 25.	*869
			Intersection of County State Aid Highway 25 and County State Aid Highway 20.	*896
	Maps available for inspection at Norman County Courthouse, Ada, Minnesota.			
Minnesota	(C), Riverton, Crow Wing County (Docket No. FEMA-5955).	Little Rabbit Lake	Shoreline	*1,181
	Maps available for inspection at the City Hall, P.O. Riverton Road, Riverton, Minnesota.			
Minnesota	(C), Shelly, Norman County (Docket No. FEMA-5955)	Marsh River	Within the corporate limits	*861

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the City Hall, Shelly, Minnesota.				
Minnesota	(C), Spring Valley, Fillmore County (Docket No. FEMA-5955).	Spring Valley Creek	Eastern corporate limits	*1,259
			Just downstream of U.S. Highway 16	1,267
			About 160 feet upstream of U.S. Highway 16	*1,272
			Just upstream of West Park Street	*1,279
			About 180 feet downstream of an abandoned railroad	*1,280
			Just upstream of an abandoned railroad	*1,283
			Western corporate limits	*1,285
		Eastern Tributary	Just downstream of Main Street	*1,272
			Just upstream of Unnamed Road	*1,280
			About 150 feet upstream of Territorial Road	*1,285
			Southern corporate limits	*1,306
		Western Tributary	About 30 feet downstream of West High Street	*1,278
			About 30 feet downstream of Territorial Road (second crossing).	*1,281
			About 110 feet downstream of County Highway 12	*1,310
			Southern corporate limits	*1,313
Maps available for inspection at the Municipal Building, 112 West Courtland, Spring Valley, Minnesota.				
Montana	Big Horn County (unincorporated areas) (FEMA-5955).	Tongue River Below Dam	Confluence with Anderson Creek	*3,342
			Confluence with Coal Creek	*3,356
		Tongue River Above Dam	Confluence with Badger Creek	*3,433
Maps available for inspection at Big Horn County Courthouse, 121 West 3rd, Hardin, Montana.				
Montana	Lodge Grass (Town), Big Horn County (FEMA-5955)	Lodge Grass Creek Overflow Down Main Street.	Intersection of Main Street and Taft Street	*3,366
			Intersection of Main Street and 3rd Avenue	*3,359
		Lodge Grass Creek Overflow Onto Harding Avenue.	South end of the intersection of Harding Avenue and George Street.	*3,376
Maps available for inspection at City Hall, 12 Hester Avenue, Lodge Grass, Montana.				
New Jersey	Ramsey (Borough), Bergen County (FEMA-5955)	Ramsey Brook	100 feet upstream from center of Lakeside Drive	*353
			75 feet upstream from center of County Route 17	*388
		Valentine Brook	100 feet upstream from center of East Oak Street	*332
		Valentine Brook Tributary No. 1	100 feet upstream from center of Blauvelt Avenue	*345
		Valentine Brook Tributary No. 2	100 feet upstream from center of Conrail Bridge	*339
		Masonicus Brook	75 feet upstream from center of Grant Street	*341
		Darlington Brook Tributary	100 feet upstream from center of Darlington Avenue	*340
Maps available for inspection at Clerk's Office, City Hall, 33 N. Central Avenue, Ramsey, New Jersey.				
New Jersey	Roseland (Borough), Essex County (FEMA-5841)	Passaic River	Intersection of Passaic River and center of Morristown and Erie Railroad.	*174
		Foulertons Brook	Confluence of Foulertons Brook and North Branch Foulertons Brook.	*173
			20 feet upstream from center of Locust Avenue	*250
		North Branch Foulertons Brook	160 feet upstream from center of Eisenhower Parkway	*186
			70 feet upstream from center of Morristown and Erie Railroad.	*241
			115 feet upstream from center of ADP Boulevard	*282
		Canoe Brook	Intersection of Canoe Brook and center of Thackeray Drive.	*450
			Intersection of Canoe Brook and center of Evelyn Road.	*468
Maps available for inspection at 140 Eagle Rock Avenue, Roseland, New Jersey.				
New Jersey	Woodcliff Lake (Borough), Bergen County (FEMA-5825).	Pascack Brook	Intersection of Pascack Brook and center of Woodcliff Avenue.	*100
		Musquapsink Brook	80 feet upstream from center of Wierimus Lane	*159
			120 feet downstream from center of Saddle River Road.	*227
		Hillsdale Brook	50 feet upstream from center of Prospect Avenue	*78
		Bear Brook	40 feet upstream from center of Pascack Road	*109
			200 feet northeast of intersection of Rose Avenue and Glen Road.	*183
			85 feet upstream from center of Spring Valley Road	*270
		Reservoir Brook	Intersection of Reservoir Brook and center of Woodcliff Avenue.	*154
Maps available for inspection at 188 Pascack Road, Woodcliff Lake, New Jersey.				
New York	Haverstraw, Village, Rockland County (Docket No. FEMA-5947).	Hudson River	Entire shoreline within community	*8
		Minisceongo Creek	Approximately 600' downstream of first downstream crossing of Corporate Limits.	*11
			Upstream of Samsondale Avenue	*19
			Approximately 1,250' upstream of Samsondale Avenue	*30
			Upstream of Conrail	*42
			Approximately 300' downstream of U.S. Routes 9W and 202.	*49
			Upstream Corporate Limits	*62
Maps available for inspection at the Village Hall, Fairmont Avenue, Haverstraw, New York.				
New York	Huron, Town, Wayne County (Docket No. FEMA-5947).	Lake Ontario	Entire shoreline within community	*249
			At Sodus Bay shoreline within community	*249
			At East Bay shoreline within community	*249
			At Port Bay shoreline within community	*249

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Huron Town Hall, 10680 Lummisville Road, Wolcott, New York.				
New York	Lockport, Town, Niagara County (Docket No. FEMA-5947).	Donner Creek	Upstream Transit Road	*606
			Upstream Robinson Road	*606
			Upstream Locust Street	*613
			Upstream Hamm Road	*616
			Downstream Beattie Road	*617
		Mud Creek	Upstream Transit Road	*582
			Downstream Minnick Road	*585
			Upstream Rapids Road	*588
			Upstream Wisterman Road	*590
			At Upstream Corporate Limits	*591
Maps available for inspection at the Town Hall, 6560 Dysinger Road, Lockport.				
New York	Poestenkill (Town), Rensselaer County (FEMA-5955)	Poesten Kill	Upstream side of Garfield Road over channel	*430
			Intersection of channel and County Highway 77	*479
		Quaken Kill	Approximately 70 feet upstream of Garfield Road over channel.	*430
		Newfoundland Creek	North side of intersection of Garfield Road and State Highway 154.	*438
			Approximately 100 feet upstream of intersection of channel and Snyders Corner Road.	*458
		Wynants Kill	Upstream side of Pine Bowl Road over channel	*421
Maps available for inspection at Town Hall, White Church Road, Poestenkill, New York.				
Pennsylvania	Abbottstown, Borough, Adams County (Docket No. FEMA-5847).	Beaver Creek	Downstream Corporate Limits	*487
			Upstream side U.S. Route 30	*495
			Confluence of Spring Run	*498
			410 feet below upstream corporate limits	*508
			Upstream corporate limits	*514
		Spring Run	Confluence with Beaver Creek	*498
			Upstream side State Route 194 (S. Queen St.)	*507
			Upstream Corporate Limits	*509
Maps available for inspection at the Municipal Building, Abbottstown, Pennsylvania.				
Pennsylvania	Fallston, Borough, Beaver County (Docket No. FEMA-5886).	Beaver River	Downstream Corporate Limits	*705
			Station Street (Downstream side)	*706
			Upstream Dam at upstream Corporate Limits	*719
		Brady Run	Confluence with Beaver River	*705
			Approximately 60 feet upstream Fallston Street	*713
			Pittsburgh and Lake Erie Railroad (Downstream)	*721
			Approximately 2,050 feet upstream of Pittsburgh and Lake Erie Railroad.	*733
Maps available for inspection at the residence of Ms. Linda Emert, Fallston Borough Secretary, 196 Beaver Street, New Brighton, Pennsylvania.				
Pennsylvania	Green Lane, Borough, Montgomery County (Docket No. FEMA-5883).	Perkiomen Creek	Downstream Corporate Limits	*218
			Confluence of Macoby Creek	*223
			Upstream side of Conrail Bridge	*224
			Upstream side of Park Road	*226
			Upstream Corporate Limits	227
		Macoby Creek	Confluence with Perkiomen Creek	*223
			Upstream side of State Route 29 Bridge	*228
			Upstream side of Conrail bridge	*235
Maps available for inspection at the residence of the Borough Secretary, Ms. Barbara Turansky, 500 Main Street, Green Lane, Pennsylvania.				
Pennsylvania	Marlborough, Borough, Montgomery County (Docket No. FEMA-5955).	Perkiomen Creek	Approximately 500 feet downstream of downstream corporate limits.	*186
			Confluence of Unami Creek	*191
			Downstream side of Dam	*194
			Upstream side of Snyder Road	*207
			Upstream side of Knights Lake Dam	*218
			Downstream side of Green Lane Dam	*230
			Upstream side of Green Lane Dam	*290
		Macoby Creek	Downstream corporate limits	*229
			Upstream side of Conrail	*235
			Upstream side of Reiman Road	*240
			Approximately 3,000 feet upstream of Reiman Road	*253
			Upstream side of Conrail	*266
			Approximately 1,300 feet downstream of McLeans Station Road.	*275
			Upstream side of McLeans Station Road	*281
			Approximately 75 feet downstream of upstream corporate limits.	*292
		Unami Creek	Confluence with Perkiomen Creek	*191
			Upstream side of Crusher Road	*196
			Upstream side of first dam	*210
			Upstream side of second dam	*218
			Upstream side of third dam	*224
			Approximately 2,200 feet upstream of third dam	*234
			Downstream side of fourth dam	*249
			Upstream side of fourth dam	*262
			Delmont Camp Dam	*268
			Upstream side of Hart Camp Dam	*328
			Approximately 60 feet upstream of Hart Lake Dam	*333
			Approximately 640 feet upstream of Hart Lake Dam	*351
			Approximately 1,320 feet upstream of Hart Lake Dam	*370
			Approximately 2,200 feet upstream of Hart Lake Dam	*391

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 920 feet downstream of County Boundary	*410
			County Boundary	*415
Maps available for inspection at the Marlborough Township Municipal Building, Upper Ridge Road, Green Lane, Pennsylvania.				
Pennsylvania	Milford, Township, Juniata County (Docket No. FEMA-5955).	Juniata River	Downstream Corporate Limits	*438
			Confluence of Tributary A	*444
			Upstream Corporate Limits	*464
		Tuscarora Creek	Downstream Corporate Limits	*438
			Legislative Route 34006 (upstream side)	*443
			Upstream Corporate Limits	*462
		East Licking Creek	Confluence with Tuscarora Creek	*438
			Legislative Route 34024 (upstream side)	*449
			State Route 35 (upstream side)	*459
			Legislative Route 34056 (upstream side)	*470
			Hammer Hollow Road (upstream side)	*484
			Private Drive approximately 5,400 feet upstream of Hammer Hollow Road (downstream side).	*489
			Access Road extended	*500
			Township Route 381 (upstream side)	*509
			Township Route 360 (upstream side)	*531
			Township Route 357 extended	*550
			Dam (upstream side)	*561
			Factory Road (downstream side)	*574
			Factory Road (upstream side)	*581
			Approximately 670 feet downstream of Clearview Dam	*597
		Tributary A	Downstream Corporate Limits	*445
			Upstream Corporate Limits	*450
			Approximately 2,500 feet upstream of confluence with Juniata River.	*469
Maps available for inspection at the Juniata County Planning Office, Mifflintown, Pennsylvania.				
Pennsylvania	North Lebanon, Township, Lebanon County (Docket No. FEMA-5955).	Tulpehocken Creek	Downstream Corporate Limits	*485
			Township Route 546 (upstream side)	*495
			Private Drive (upstream side) approximately 1,380 feet upstream of Legislative Route 38002.	*518
			Approximately 3,600 feet upstream of Legislative Route 38002.	*529
			Township Route 489 (downstream side)	*550
Maps available for inspection at the North Lebanon Township Building, 725 Kimmerlings Road, Lebanon, Pennsylvania.				
Pennsylvania	Paradise, Township, York County (Docket No. FEMA-5947).	Conewago Creek	Downstream Corporate Limits	*389
			Downstream Eisenhower Dam	*397
			Confluence of Beaver Creek	*400
		Beaver Creek	Confluence with Conewago Creek	*400
			Downstream side of downstream crossing of Beaver Creek Road.	*413
			Upstream Jacobs Mill Road	*424
			Confluence of Tributary A	*434
			Downstream Home Road	*447
			Downstream Protectory Road	*461
			Downstream First footbridge	*478
			Upstream U.S. Route 30	*496
			Downstream crossing Country Club Road	*519
			Footbridge approximately 3,150 feet upstream of the downstream crossing of Country Club Road.	*551
			Upstream crossing Country Club Road	*568
			Downstream Maple Grove Road	*613
		Tributary A	Confluence with Beaver Creek	*434
			Upstream Canal Road	*456
			Upstream side of Dam approximately 1,000 feet upstream of Canal Road.	*467
			Downstream Protectory Road	*486
			Downstream U.S. Route 30	*511
			Upstream U.S. Route 30	*519
			Downstream Private Drive approximately 2,500 feet upstream of U.S. Route 30.	*541
			Approximately 580 feet downstream of Maple Grove Road.	*583
			Downstream Maple Grove Road	*597
			Downstream Dam approximately 80 feet upstream of Maple Grove Road.	*605
Maps available for inspection at the Paradise Township Building, Beaver Creek Road.				
Pennsylvania	Penn, Township, Lancaster County (Docket No. FEMA-5886).	Chickies Creek	Power Road	*397
			Downstream of State Route 772	*399
			Downstream of Doe Run Road	*401
Maps available for inspection at the Penn Township Building.				
Pennsylvania	Township of Scott, Columbia County (Docket No. FEMA-5726).	Susquehanna River	Downstream Corporate Limits	*480
			Upstream Corporate Limits	*483
		Fishing Creek	Conrail (Upstream)	*520
			Legislative Route 19026 (Upstream)	*535
		Appleman's Run	Corporate Limits—Downstream	*516
			Township Route 488 (Upstream)	*517
			Old State Route 487 (Upstream)	*539
			State Route 487 (Downstream)	*548

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			State Route 487 (Upstream)	*558
			Conrail (Downstream)	*591
			Conrail (Upstream)	*613
		Kinney Run	Downstream Corporate Limits	*480
			Central Road (Upstream)	*482
		Tributary No. 1 to Kinney Run	Conrail (Downstream)	*487
			U.S. Route 11	*491
			Fifth Street (Upstream)	*514
		Tributary No. 2 to Kinney Run	Confluence with Kinney Run	*481
		Tributary No. 10 to Susquehanna River.	Legislative Route 19117 (Upstream)	*483
			Conrail (Upstream)	*492
			U.S. Route 11 (Upstream)	*494
Maps available for inspection at the Township Building, Market Street, Scott, Pennsylvania.				
South Carolina	City of Columbia, Richland County (FEMA-5955)	Congaree River	Just upstream of Blossom Street	*156
			Just upstream of Gervais Street	*157
		Saluda River	Just downstream of Interstate 26	*180
		Broad River	Just upstream of Elmwood Avenue (U.S. Highway 76 and Interstate Highway 126).	*159
			Just downstream of U.S. Highway 176	*167
		Gills Creek	Just upstream of Woodlake Drive	*161
			Just upstream of Quail Lane	*164
		Tributary G-1	Just upstream of Seaboard Coast Line Railroad	*172
		Wildcat Creek	Just upstream of Fort Jackson Boulevard	*161
		Pen Branch	Just downstream of Trenholm Road	*167
			Just upstream of Trenholm road	*172
			Just upstream of Parkman Drive	*186
		Eightmile Branch	Just upstream of Foxhall Road	*215
		Tributary E-1	Just upstream of Barnes Spring Road	*217
			Just downstream and upstream of Pine Belt Road	*240
		Rocky Branch	Just upstream of Whaley Street	*184
			Just upstream of Wheat Street	*203
		Smith Branch	Just downstream of Sunset Drive	*196
			Just upstream of Sunset Drive	*207
			Just upstream of Northeastern Expressway	*222
		Bay Branch	Just upstream of Lorick Avenue	*236
			Just upstream of Colonial Drive	*240
			Just upstream of Water Street	*244
		Tributary C-2	Approximately 50 feet upstream of Pinner Road	*236
			Just downstream of Fairfield Road	*260
Maps available for inspection at City Hall, 1737 Main Street, Columbia, South Carolina 29217.				
South Dakota	Spearfish (City), Lawrence County (FEMA-5780)	Spearfish Creek	Intersection of Rushmore Street and Third Street	*3,590
			Intersection of Lincoln Street and Third Street	*3,621
			Cul-de-sac at the south end of Third Street	*3,654
		Hungry Hollow Gulch	Intersection of Iris Street and St. Joe Avenue	*3,658
Maps available at City Hall, 722 Main Street, Spearfish, South Dakota.				
Texas	City of Brookshire, Waller County (FEMA-5938)	West Fork of Brookshire Creek	Approximately 200 feet downstream of Eleventh Street	*158
		Tributary to Kellner Creek	Just downstream of F.M. 362 and 559 (Baines Street)	*164
		Brookshire Creek	Just downstream of U.S. Highway 90	*157
			Just downstream of Steller Road	*162
		Brookshire Creek Drainage Ditch	Just upstream of the downstream most crossing of Hereford Drive.	*156
Maps available for inspection at City Hall, 814 Velasco Street, Brookshire, Texas 77423.				
Texas	Jacinto City, City, Harris County (Docket No. FEMA-5955).	Hunting Bayou	Downstream Corporate Limits	*17
			Upstream Market Road	*20
			Upstream Corporate Limits	*23
		Tributary 5.05	Mercury Drive and Kilroy Drive intersection	*31
Maps available for inspection at the Jacinto City Hall, 10301 Market Street, Houston, Texas.				
Texas	Unincorporated areas of McLennan County (FEMA-5713).	Brazos River	At the confluence of Flat Creek	*380
			Approximately 140 feet downstream of the confluence of Cottonwood creek.	*383
		West Fork of Deer Creek	Just downstream of County Road 149	*688
			Just upstream of Farm-to-Market 107	*760
		Harris Creek, Lower Stream	Just upstream of St. Louis Southwestern Railroad	*532
			Just downstream of the West bound lane of U.S. Highway 84.	*551
		Harris Creek, Upper Stream	Just upstream of U.S. Highway 84	*726
		Tributary to Harris Creek, Upper Stream.	Just downstream of North Harrison Road	*706
			Just downstream of St. Louis Southwestern Railroad	*731
		North Cow Bayou	Just downstream of County Road 147	*473
			At the confluence of Tributary 4 to North Cow Bayou	*565
		Tributary 2 to North Cow Bayou	Just downstream of the western corporate limits of Lorena.	*570
		Tributary 3 to North Cow Bayou	Just downstream of County Road 120A	*584
		Tributary 4 to North Cow Bayou	Just upstream of County Road 120A	*580
		Shaw Creek	Just upstream of Old Marlin Road	*394
			Just upstream of Harrison Road	*425
			Just upstream of Halisburg Road	*481
		Tributary 1 to Shaw Creek	Just upstream of Farm-to-Market 1860	*395
		Tributary 2 to Shaw Creek	Just upstream of Farm-to-Market 1860	*403
		Branch of Tehuacana Creek	Just downstream of County Road 209	*399
		Tributary through Elk, Texas	Just upstream of County Road 236	*511
		Tributary to White Rock Creek	Just upstream of Audrey Road	*463

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Farm-to-Market 933	*502
		Tributary to Middle Bosque River	Just downstream of County Road 426	*540
		Tributary to South Bosque River	Just upstream of County Road 469	*600
		Speegleville Creek	Just upstream of Highway 6	*518
			Just upstream of County Road 439B	*554
			Just downstream of Western Drive	*557
		Tributary to Speegleville Creek	Just upstream of County Road 420	*529
			Just upstream of County Road 439B	*551
		West Fork of Williams Creek	Just downstream of Highway 84	*444
			Approximately 150 feet downstream of County Road 209.	*484
		Bullhide Creek	Just upstream of County Road 2837	*508
			Approximately 170 feet upstream of Farm-to-Market 2113.	*616
		Tributary to Bullhide Creek	Approximately 300 feet downstream of County Road 105.	*647
		Big Creek	Just upstream of the confluence of Tributary 1 to Big Creek.	*471
			Approximately 100 feet downstream of County Road 225.	*488
		Tributary 1 to Big Creek	Approximately 100 feet downstream of County Road 246.	*476
			Approximately 100 feet upstream of County Road 246	*485
			Just upstream of County Road 229A	*494
		Tributary 2 to Big Creek	Approximately 80 feet downstream of State Highway 164.	*502
			Just upstream of County Road 246A	*516
		Flat Creek	Just upstream of Farm-to-Market 434	*395
			Approximately 100 feet downstream of County Road 102.	*422
		Willow Creek	Just upstream of Farm-to-Market 2416	*681
			Just downstream of Atchison Topeka and Santa Fe Railroad.	*697
		Tributary O to North Bosque River	Northern corporate limits of McLennan County, Texas	*622
		Tributary I to North Bosque River	Northern corporate limits of McLennan County, Texas	*589
		Rice Creek	Just downstream of Farm-to-Market 308	*472
			Just upstream of County Road 317	*487
		Lucky Branch	Just downstream of Concord Road	*451
			Just downstream of Myers Lane	*457
		Marlin Branch	Just upstream of the Missouri Pacific Railroad (Spur Line).	*413
Maps available for inspection at County Engineer's Office, McLennan County Courthouse, Waco, Texas 76703.				
Virginia	Colonial Heights, City (Docket No. FEMA-5955)	Appomatox River	Confluence of Swift Creek	*8
			Approximately 2 miles upstream of confluence of Swift Creek.	*9
			Confluence of Old Town Creek	*11
			Approximately 1 mile upstream of confluence of Old Town Creek.	*13
			Interstate Route 95	*17
			Approximately 0.22 mile upstream of Vepco Harvell Dam.	*23
		Swift Creek	Confluence with Appomatox River (corporate limits)	*8
			Interstate Route 95	*13
			Approximately 3,700 feet downstream of Seaboard Coast Line Railroad.	*16
			Seaboard Coast Line Railroad	*26
			Boulevard	*37
			Filtration Plant Dam (downstream)	*42
			Filtration Plant Dam (upstream)	*65
			Branders Bridge Road	*68
		Old Town Creek	Confluence with Appomatox River	*11
			Conduit Road	*22
			Interstate Route 95	*27
			Seaboard Coast Line Railroad (downstream)	*35
			Seaboard Coast Line Railroad (upstream)	*39
			Boulevard	*49
			(Upstream crossing) Seaboard Coast Line Railroad (downstream).	*55
			(Upstream crossing) Seaboard Coast Line Railroad	*68
			Corporate Limits	*70
Maps available for inspection at the Colonial Heights Municipal Building.				
Virginia	Luray, Town, Page County (Docket No. FEMA-5955)	Hawksbill Creek	Downstream Corporate Limits	*777
			Upstream side of U.S. Route 211 Bypass Bridge	*782
			Upstream side of U.S. Route 211 Bridge	*791
			Upstream side of U.S. Route 340 Bridge	*796
			Approximately 1,000' upstream of State Route 602 Bridge.	*802
Maps available for inspection at the Municipal Building, 45 East Main Street, Luray, Virginia.				
Virginia	Salem, City (Docket No. FEMA-5780)	Roanoke River	Downstream Corporate Limits	*983
			Norfolk and Western Railway (Upstream)	*990
			U.S. Route 11 (Apperson Drive) Upstream	*993
			State Route 419 (Cave Spring Road) Upstream	*997
			Upstream Crossing of U.S. Route 11 (Apperson Drive) Upstream side.	*999
			Colorado Street (Upstream)	*1,006

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Eddy Avenue (upstream)	*1,012
			Mill Lane (Upstream)	*1,029
			Hammit Lane (extended)	*1,044
			Diuguids Lane (Upstream)	*1,052
			Confluence of Butt Hollow	*1,055
		Mason Creek	Confluence with Roanoke River	*987
			Norfolk and Western Railway	*987
			Roanoke Boulevard (Upstream)	*996
			Lynchburg Turnpike (Upstream)	*1,013
			State Route 419 (Electric Road) Upstream	*1,016
			U.S. Route 460 (East Main Street) Upstream	*1,026
			Confluence of Gish Branch	*1,026
			Reece Road (Extended)	*1,036
			Garst Street (Upstream)	*1,047
			Dam 1, 950 feet upstream of Garst Street (Upstream)	*1,061
			Dam 2, 1,700 feet upstream of Garst Street	*1,063
			Dam 3, 3,200 feet upstream of Garst Street (Upstream).	*1,071
			Private Drive approximately 1,300 feet upstream of Dam 3 (Downstream).	*1,080
			Upstream Corporate Limits	*1,087
		Gish Branch	Confluence with Mason Creek	*1,028
			Malone Hyde Building culvert outlet	*1,030
			Malone Hyde Building culvert inlet	*1,034
			Chamberlain Lane (Upstream)	*1,045
			Parksdale Drive (Upstream)	*1,050
			Stoutamire Drive (Extended)	*1,061
			State Route 631 (North Mill Road) (Upstream)	*1,099
		Williams Branch	Confluence with Roanoke River	*1,008
			Norfolk and Western Railway (most upstream crossing) Upstream side.	*1,012
			7th Street (Upstream)	*1,012
			6th Street (Upstream)	*1,014
			4th Street (Upstream)	*1,026
			2nd Street (Upstream)	*1,032
			Burwell Street culvert outlet	*1,043
			East Main Street culvert outlet (Downstream Side)	*1,049
			Clay Street culvert inlet	*1,052
			Market Street (Upstream)	*1,064
			Private Road (840 feet upstream of Market Street) Upstream Side.	*1,075
			Hawthorne Road (Upstream)	*1,091
			Base of Private Pond Dam	*1,096
		Snyder Branch	Confluence with Williams Branch	*1,035
			Alabama Street culvert inlet	*1,042
			Roanoke Boulevard culvert inlet	*1,043
			College Avenue	*1,050
			Calhoun Street culvert inlet	*1,054
			East Main Street culvert inlet (Upstream)	*1,057
			Clay Street culvert inlet	*1,063
		High School Branch	Confluence with Roanoke River	*1,027
			Mill Lane (Upstream)	*1,027
			Norfolk and Western Railway (Downstream Crossing) Downstream Side.	*1,028
			Norfolk and Western Railway (Upstream crossing) Upstream.	*1,035
			Culvert outlet 120 feet upstream from Norfolk and Western Railroad.	*1,035
			Culvert inlet 1,040 feet upstream from Norfolk and Western Railroad.	*1,041
			60 feet upstream of culvert inlet	*1,042
		Dry Branch	Confluence with Roanoke River	*1,014
			Norfolk and Western Railway Downstream Crossing (Upstream).	*1,015
			Norfolk and Western Railway Upstream Crossing (Upstream).	*1,022
			Fourth Street (Upstream)	*1,022
			First Street (Extended)	*1,032
			Burwell Street (Upstream)	*1,039
			U.S. Route 460 (East Main Street) culvert inlet	*1,047
			James Street (Extended)	*1,064
			Marshall Street (Extended)	*1,072
			Field Drive (Extended)	*1,085
			Carrolton Avenue (Upstream)	*1,098
			Private Drive (1,290 feet upstream of Carrolton Avenue) Upstream.	*1,121
			Upstream Corporate Limits	*1,141
		Cole Hollow Brook	Confluence with Roanoke River	*1,031
			Hurt Lane Downstream	*1,034
			Norfolk and Western Railway (Upstream Crossing) Upstream.	*1,036
			Confluence of Paint Bank Branch	*1,040
			U.S. Routes 11 and 460 (Downstream)	*1,044
			Horner Lane (Upstream)	*1,046
			Windsor Drive (Downstream)	*1,071
			Downstream Interstate 81 Off Ramp (Downstream)	*1,074
			Upstream Interstate 81 Off Ramp (Downstream)	*1,083
			Litchell Road Upstream	*1,092
			Upstream Corporate Limits	*1,096

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Paint Bank Branch	Confluence with Cole Hollow Brook	*1,040
			Culvert outlet 2,340 feet upstream of confluence with Cole Hollow Brook Upstream.	*1,045
			U.S. Routes 11 and 460 (West Main Street) Upstream	*1,054
			Rolling Wood Drive (Extended)	*1,071
			Valleydale Road (Upstream)	*1,108
			Jackson Drive (Extended)	*1,115
			Texas Hollow Road (Upstream)	*1,126
			Upstream Corporate Limits	*1,134
		Butt Hollow	Confluence with Roanoke River	*1,055
			Downstream Corporate Limits	*1,057
			Norfolk and Western Railway Downstream Crossing (Upstream).	*1,059
			Norfolk and Western Railway Upstream Crossing (Upstream).	*1,063
			U.S. Routes 11 and 460 (Upstream)	*1,073
			Howard Drive (Extended)	*1,102
			Butt Hollow Road (Upstream)	*1,106
			Upstream Corporate Limits	*1,137
		Bowman Hollow	Confluence with Roanoke River	*1,002
			U.S. Route 11 (Apperson Drive) Downstream	*1,006
			Brook Avenue (Upstream)	*1,012
			Kimball Avenue (Upstream)	*1,020
			Private Drive 2,630 feet upstream of Kimball Drive (Upstream).	*1,059
			Franklin Street (Downstream)	*1,066
			Second Private Drive—220 feet upstream from Franklin Street (Upstream).	*1,073
			Third Private Drive 1,400 feet upstream from Franklin Street (Upstream).	*1,092
			Point 3,150 feet upstream from Franklin Street	*1,129
		Barnhardt Creek	Confluence with Roanoke River	*984
			Upstream Corporate Limits	*984
	Maps available for inspection at the Salem Municipal Building, Salem, Virginia 24153.			
Washington	Bucoda (Town), Thurston County (FEMA-5955)	Skookumchuck River	Southwest corner of the intersection of Eighth Street and Nenant Street.	*247
			Intersection of Second Street and Nenant Street	*252
	Maps available for inspection at Town Hall, 7th & Nenant, Bucoda, Washington.			
Washington	Gig Harbor (Town), Pierce County (FEMA-5955)	Puget Sound	North end of Dorotich Street at Gig Harbor shoreline	*9
			North end of Soundview Drive at Gig Harbor shoreline	*9
		North Creek	70 feet downstream from the center of Harborview Drive.	*23
			70 feet upstream from the center of Harborview Drive	*24
	Maps available for inspection at City Hall, 3105 Judson Street, Gig Harbor, Washington.			

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

Issued: March 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10069 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	Northfield (City), Rice County, FEMA-5895	Cannon River	100 feet upstream from center of Second Street Bridge.	*904
			100 feet upstream from center of Fifth Street	*913
			50 feet upstream from center of State Trunk Highway 3.	*916
	Maps available for inspection at 801 Washington Street, Northfield, Minnesota.			
Texas	City of Austin, Travis County (FEMA-5947)	Boggy Creek (South)	Just downstream of Circles Drive	*617
			Just upstream of West Boggy Creek Rd	*635
		Bull Creek	Approximately 300 feet downstream of Loop 360	*551
		Bull Creek Tributary 1	Just upstream of Farm-to-Market Rd	*505
		Carson Creek	Approximately 300 feet downstream of Dalton Lane	*440
			Just upstream of East Bound Highway 71	*478
		Colorado River	Just downstream of Pleasant Valley Rd	*439
			Just upstream of the confluence of Bull Creek	*495
			Just upstream of the confluence of Bear Creek	*512
		Dry Creek	Just downstream of Walsh Tarleton Drive	*640
		Dry Creek North	Just upstream of Mt. Bonnell Road	*517
			Just upstream of Farm-to-Market 2222	*586
		Onion Creek	Just upstream of Knockles Crossing	*534
		Little Walnut Creek	Just downstream of U.S. Highway 183	*471
			Just upstream of Layola Lane	*515
			Just upstream of Cameron Road	*602
			Just downstream of Rutland Drive	*681
			Just upstream of Golden Meadow Dr	*722
		Little Walnut Creek Tributary 1	Just downstream of Cameron Road	*590
			Just upstream of Cameron Road	*600
			Just upstream of Bennett Street	*653
		Little Walnut Creek Tributary 2	Just upstream of Fiskville Cemetery Road	*638
			Just upstream of Rundberg Lane	*663
		Little Walnut Creek Tributary 3	Just upstream of Collin Field St	*674
			Just downstream of Hunters Trace St	*696
		Walnut Creek	Just upstream of Webberville Road	*456
			Just downstream of Interstate 35	*602
			Just upstream of Burnet Road	*693
		Walnut Creek Tributary 1, Lower	Just upstream of Nixon Drive	*448
		Walnut Creek Tributary 1, Upper	Approximately 200 feet upstream of Southern Pacific Railroad.	*465
		Walnut Creek Tributary 2	Approximately 400 feet upstream of Missouri-Kansas-Texas Railroad.	*445
			Just upstream of Tracor Lane	*460
		Walnut Creek Tributary 4	Just downstream of Interstate 35	*651
			Just upstream of Interstate 35	*656
		Walnut Creek Tributary 5	Approximately 1500 feet upstream of confluence with Walnut Creek.	*669
		Walnut Creek Tributary 7	Just upstream of Mustang Chase	*817
			Just downstream of Bull Run	*823
		Walnut Creek Tributary 8	Approximately 800 feet upstream of confluence with Walnut Creek.	*704
		Walnut Creek Tributary 9	Just upstream of Oak Creek Drive	*735
		Wells Branch	Approximately 900 feet upstream of confluence with Walnut Creek.	*629
		Williamson Creek	Approximately 320 feet downstream of South Pleasant Valley Road.	*540
			Just downstream of South Congress Avenue	*593
			Just downstream of Jones Road	*649
			Approximately 400 feet downstream of Beckett Road extended.	*779
		Dry Branch	Approximately 190 feet downstream of William Cannon Blvd.	*704
			Just upstream of Latta Drive	*748
		Williamson Creek Tributary 2	Approximately 200 feet downstream of Nuckles Crossing Road.	*578
		Williamson Creek Tributary 3	Just upstream of South Pleasant Valley Road	*542
			Just upstream of Pilo Lane	*568
		Williamson Creek Tributary 4	Just downstream of South Congress Ave	*597
			Just upstream of South Congress Ave	*605
			Just upstream of Mockingbird Lane	*621
	Maps available for inspection at City Hall, 124 West 8th Street, Austin, Texas 78767.			
Virginia	Hanover County (Docket No. FEMA-5734)	Chickahominy River	State Route 615	*78
			Upstream U.S. Route 360	*92
			Upstream Chessie System	*97
			Upstream State Route 301	*105
			Upstream Interstate 95 (2nd crossing)	*120
			Upstream U.S. Route 1	*133
			Upstream State Route 713	*160
			Upstream Chickahominy Dam	*172
			Upstream U.S. Route 33	*186
			Downstream State Route 624	*208
		Beaverdam Creek	Confluence with Chickahominy River	*81
			Upstream State Route 156	*96
			Upstream State Route 360	*105
			Upstream State Route 643	*124

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream Woodbridge Road	*130
			Approximately 3,000' upstream of Woodbridge Road	*141
			Approximately 6,500' upstream of Woodbridge Road	*152
		Stony Run	Upstream State Route 656	*125
			Upstream State Route 661	*145
			Upstream U.S. Route 1	*153
			Upstream U.S. Route 660	*176
			Downstream Railroad Grade	*195
			State Route 626	*208
		North Anna River	Confluence with South Anna and Pamunkey River	*60
			Upstream State Route 30	*66
			Upstream Interstate 95	*81
			Upstream Route 1	*83
			Approximately 2.0 miles upstream of U.S. Route 1	*92
			Approximately 3.4 miles upstream of U.S. Route 1	*103
		Totopotomoy Creek	Upstream State Route 615	*77
			Upstream State Route 643	*92
			Downstream State Route 606	*104
			Upstream State Route 606	*113
			Upstream U.S. Route 301	*134
			Upstream Chessie System	*149
			Downstream State Route 656	*169
		Mechumps Creek	Confluence with Pamunkey River	*46
			Upstream U.S. Route 301	*60
			Upstream Chessie System	*78
			Upstream State Route 798	*115
			Upstream State Route 656	*178
			Downstream Interstate 95	*191
		South Anna River	Confluence with North Anna and Pamunkey Rivers	*60
			Upstream Interstate 95	*70
			Confluence of Newfound River	*81
			Confluence of Stagg Creek	*90
			State Route 686	*104
			Downstream State Route 54	*110
		Little River	Confluence with North Anna River	*64
			Upstream State Route 689	*71
			Upstream U.S. Route 1	*80
			Downstream State Route 688	*95

Maps available for inspection at the Hanover County Planning Office, Hanover County Courthouse, Hanover, Virginia.

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

Issued: March 24, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10064 Filed 4-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

However, we have received comment from the Corps of Engineers pursuant to publication of the proposed base flood elevation determination in the **Federal Register.** They have requested that the final rule be amended to indicate that the elevations are the result of an administrative law judgement and are for regulatory purposes. Technical studies do show the base (100-year) flood to be 2 to 5 feet higher. In addition, floods of a recurrence interval greater than the base flood do occur. Local officials and the public should be prepared for such events.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Cape Coral (City), Lee County, FEMA-5379.	Gulf of Mexico	Intersection of Durden Parkway West and Northwest 34th Avenue	*9
			Intersection of Pine Island Road and Santa Barbara Boulevard	*7
			Intersection of Chiquita Boulevard and Miracle Parkway	*7
			Intersection of Country Club Boulevard and Retunda Parkway	*7
			Intersection of Pelican Boulevard and Gleason Parkway	*7
			Intersection of Tropicana Parkway and Northwest 36th Avenue	*7
			Intersection of Diplomat Parkway and Chiquita Boulevard	*7
			Intersection of Pine Island Road and Nicholas Parkway	*7
			Intersection of Hancock Bridge Parkway and Del Prado Parkway	*7
			Intersection of Cape Coral Parkway West and South Chiquita Boulevard	*8
			Intersection of Sands Boulevard and El Dorado Parkway West	*8
			Intersection of Cape Coral Parkway and Coronado Parkway	*8

Maps available for inspection at City Hall, 815 Nicholas Parkway, Cape Coral, Florida.

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

Issued: March 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10063 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Huntsville, Alabama; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755–6570.

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

The map amendments listed below are in accordance with S 70.7(b): Map Number H and I 010153, Panel 0040B, published on October 6, 1980 in 45 FR 66057, indicates that the structures in the subdivision known as Cumberland Trace Estates, Third Edition, in Huntsville, Alabama, as recorded in Volume 476, Pages 695 through 702, in the Office of Probate Records of Madison County, Alabama, are within the Special Flood Hazard Area.

Map Number H and I 010153, Panel 0040B, is hereby corrected to reflect that the above-mentioned structures in Cumberland Trace Estates, Third Edition, are not within the Special Flood Hazard Area identified on November 1, 1979. The structures are in Zone C.

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

Issued: March 20, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10065 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

National Flood Insurance Program; Letter of Map Amendment for the City of Thousand Oaks, California

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

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

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

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

Map No. H & I 060422 Panel 0015A, published on October 6, 1980, in 45 FR 66119, indicates that Lots 3 through 8, 11 through 13, 101 through 113, and 130, Tract No., 2798; Lots 1 through 35, 48 through 66, and 69 through 91, Tract No. 2790–1; and Tract No. 2790–2, Thousand Oaks, California, recorded as Document No. 50552 in Book 64 of Miscellaneous Records, Pages 81 through 87; Document No. 59328 in Book 77 of Miscellaneous Records, Pages 58 through 62; and Document No. 112173 in Book 84 of Miscellaneous Records, Pages 54 through 56, respectively, in the Office of the Recorder, Ventura County, California, are within the Special Flood Hazard Area.

Map No. H & I 060422 Panel 0015A is hereby corrected to reflect that the existing structures for Lots 1 through 9, 24 through 34, 48 through 66, 69 through 72, 74, and 75 through 91, Tract No. 2790–1; and Lots 92 through 145, Tract No. 2790–2, are not within the Special Flood Hazard Area identified on September 29, 1978. These structures are in Zone B.

Map No. H & I 060422 Panel 0015A is hereby corrected to reflect that the existing structures for Lots 10 through 23, 35, and 73, Tract No. 2790–1, are not within the Special Flood Hazard Area identified on September 29, 1978. These structures are in Zone C.

Map No. H & I 060422 Panel 0015A is hereby corrected to reflect that Lots 3 through 8, 11 through 13, 101 through 113, and 130, Tract No. 2298, are not within the Special Flood Hazard Area identified on September 29, 1978. These lots are in Zone C.

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

Issued: March 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–10058 Filed 4–2–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Dunedin, Florida; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

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

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

Map Number H & I 125103B, Panel 08 published on October 23, 1979 in 44 FR 61014, indicates that Lot 132, Dunedin's Lakewood Estates Subdivision, Dunedin, Florida, as recorded in Plat Book 41, Page 32, in the Office of the Clerk of Pinellas County, Florida is within the Special Flood Hazard Area.

Map Number H & I 125103B, Panel 08 is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on October 22, 1976. This lot is in Zone C.

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

Issued: March 20, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–10066 Filed 4–2–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Gladstone, Michigan; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

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

The Map amendments listed below are in accordance with S70.7(b):

Map No. 260267, Panel No. 0001B, published on October 6, 1980, in 45 F.R. 66079, indicates that Lots Nos. 30 through 38, Bay Park Addition, City of Gladstone, Delta County, Michigan, as recorded in Liber B of Plats, Page 103, in the Office of the Register of Deeds of Delta County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260267, Panel No. 0001B, is hereby corrected to reflect that the above-mentioned lots are not located within the Special Flood Hazard Area identified on September 15, 1977. The lots are in Zones B and C.

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

Issued: March 20, 1981.

Robert G. Chappell,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10053 Filed 4-2-81; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Borough of Pine Beach, New Jersey; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 43294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

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

Map Number H & I 340385B, Panel 01, published on October 23, 1979 in 44 FR 61030, indicates that 204 Radnor Avenue, Borough of Pine Beach, New Jersey, also known as Lots 2, 3, 4, 6, 8 and 22 of Tax Block 97 and Lots 7A and 7R of Tax Block 101 as shown on the "plan of Pine Beach", prepared by Arthur E. King, C.E. and filed in the Ocean County Clerk's Office, April 7, 1925, as Map Number A–300, is within the Special Flood Hazard Area.

Map No. H & I 340385B, Panel 01, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on August 11, 1978. This lot is in Zone C.

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

Issued: March 20, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10054 Filed 4-2-81; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Unincorporated Areas of Beaufort County, South Carolina; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

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

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

Map No. H & I 450025, Panel 08 published on October 23, 1979 in 44 FR 61016 indicates that Units 2, 3, 4, 6, 9, 14 and 15 of South Beach Townhouse Site Subdivision, Beaufort County, South Carolina, as shown on the Plat, recorded in Book 25, Page 98 in the Office of the Clerk of Court of Beaufort County, South Carolina, is located within the Special Flood Hazard Area.

Map No. H & I 450025, Panel 08 is hereby corrected to reflect that the above mentioned units are not within the Special Flood Hazard Area identified on September 30, 1977. These units are in Zone B.

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

Issued: March 20, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10055 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Houston, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

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

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

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

Map No. H & I 480296 Panel 0115B, published on October 6, 1980, in 45 FR 66098, indicates that Alief Village Patio Homes, Houston, Texas, as recorded in Volume 209, Page 54, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0115B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on December 11, 1979. This property is in Zone C.

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

Issued: March 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10062 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to

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

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

Map No. H & I 480194 Panels 0015B and 0025B, published on October 6, 1980, in 45 FR 66097, indicates that Oak Meadows, Denton, Texas, as recorded in Volume B, Page 125, in the Office of the Recorder, Denton County, Texas, is partially within the Special Flood Hazard Area.

Map No. H & I 480194 Panels 0015B and 0025B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on August 1, 1979. These structures are in Zone C.

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

Issued: March 20, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10056 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 521

[General Order 17, Amdt. 2, Docket No. 80-59]

Time for Filing and Commenting on Certain Agreements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: These final rules amend existing regulations governing the time within which certain modifications of agreements approved pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) should be filed with the Commission. In the case of (a) an application for extension of an approved agreement due to terminate or (b) a modification of an approved agreement, these rules enlarge the time for filing the application or modification from not less than 60 days to not less than 120 days prior to the date the approved agreement would otherwise terminate or when it is intended that action will begin, change or cease as a result of the modification. These rule changes are deemed necessary to accommodate agreement processing delays, including those imposed by the Government in the Sunshine Act (5 U.S.C. 552b) and the National Environmental Policy Act of 1969 (42 U.S.C. 5321 *et seq.*). The enlargement of time coupled with shortened internal deadlines for the processing of agreements should ensure that agreements are processed within the 120 days notice period.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission previously gave notice (45 FR 58923-4) that it proposed to amend 46 CFR 521 to enlarge the time period within which certain modifications of agreements approved pursuant to section 15 of the Shipping Act, 1916 should be filed with the Commission. The rule changes are necessary to allow the staff sufficient processing time to accommodate delays imposed on the processing of certain agreements by legislation and to ensure that all affected agreements are processed within the 120 days notice period. Experience has also shown that under present time constraints, even where applications for agreement extension or modification are timely filed under the 60 days advance notice standard, there is often insufficient time to permit a detailed analysis of the need for the agreement's continuation.

Comments from the public were invited with respect to the proposed rules and four responses were filed on behalf of 22 representative commentators. Comments from the North European Conferences (NEC) represent the views of 12 conferences and rate agreements and 9 out of a total of 10 [1] member lines, while the Far East Conference (FEC) expressed the views of its 11 member lines. Pacific America Container Express (PACE Line) and Delta Steamship Lines, Inc. (Delta) each commented on their own behalf.[2]

Positions of the Commentators

The NEC group expresses support for and urges adoption of the proposed rule change provided the Commission reaffirms its policy expressed in General Order 17 to afford filing parties flexibility to meet extraordinary, unforeseen or special circumstances as they pertain to specific filing deadlines. By substituting the word "should" for "must" in the rule as adopted in 1965, the Commission recognized that situations may arise where it is not possible to file a timely application. Therefore, the referenced flexibility was incorporated into the rule.

The Commission hereby reaffirms that the policy regarding flexibility in filing modifications that applied to the 60 day filing provisions of this rule shall also apply to the 120 day provisions.

NEC's support for the rule change is also contingent upon the inclusion of the following sentence at the end of § 521.2(a):

> In the event such a duly filed application is not acted upon by the Commission prior to said termination date, the agreement shall remain in full force and effect at least until the subsequent date of receipt of service of a Commission order declaring the agreement to have terminated.

Implementation of this proposal for automatic interim approval of timely filed extension amendments would be unlawful and inappropriate. An agreement may not be extended, or otherwise modified, even for a temporary period, unless the Commission makes an affirmative finding that the additional period of implementation meets the requirements of section 15. *United States Lines, Inc. v. Federal Maritime Commission (Combi)*, 584 F.2d 543 (D.C. Cir. 1978); *Seatrain International, S.A. v. Federal Maritime Commission (I)*, 584 F.2d 546 (D.C. Cir. 1978). In situations where an agreement's anticompetitive aspects require its proponents to submit a justification statement or when substantial protests have been lodged against an agreement, that agreement may not be approved unless and until the initial arguments raised in opposition to approval are overcome. If the proponents fail to establish a sound basis for approval within § 521.2(a)'s 120-day time period, a further evidentiary hearing is ordinarily necessary.

[1] United States Lines chose not to participate in NEC's comments.

[2] PACE, however, merely joined in those comments submitted by the FEC.

It would turn the intended purpose of section 15 on its head if agreements originally approved with a specific expiration date could be extended indefinitely merely by filing an extension application and electing to participate in an administrative hearing. *See Canadian-American Working Arrangement*, 16 S.R.R. 733 (1976), review petition dismissed *sub nom.*, 15 S.R.R. 76 (D.D.C. 1976).

The Far East Conference (FEC) opposes the rule changes and believes that the Commission's policy of granting approvals for limited time periods is a major factor contributing to delay in section 15 procedures. It also believes that an extra 60 days could result in certain trade data submitted in support of a filing being at least six months old at the time of its review by the Commission.

It suggests that those who fail to supply adequate justification with sufficient promptness should suffer the consequences of their delinquency. In conclusion, the FEC opines that environmental considerations should rarely, if ever, be involved in agreement approvals.

Delta Steamship Lines, Inc. joins FEC in its general opposition to the rules changes citing the difficulty and hardship in preparing justification four months prior to the effective date of the action to be taken. Delta is concerned primarily with the hardship placed on pooling agreement members and suggests a compromise expansion of time to 90 days with waivers for minor modifications and for major modifications for good cause shown. Relative to the filing of modifications to existing pooling agreements, Delta submits that:

"Often the need arises for minor modifications to a pooling agreement. For instance, a party may join or withdraw from a trade, without affecting the overall structure of the agreement. In the event that a party wishes to join a pool, that party in the absence of protest should not have to wait four months to participate in the trade. On the other hand the need for a prompt and substantial modification can arise unexpectedly. For instance, the parties may be notified that an approved agreement does not comport with an inter-governmental understanding. In such circumstances the parties must act quickly to avoid disruption of international trade. A four month delay can exacerbate international tension."

There seems to be some confusion here. The rule changes do not mean that a modification *must* be filed with the Commission 120 days prior to the date it is intended that action will begin, else it cannot be processed timely. The Commission's affirmation *infra* and the previous substitution of the phrase "should be filed" as contained in § 521.2(a) and (b) in lieu of "must be filed" should serve to alleviate Delta's concern.

While the Commission is aware of the potential difficulty faced by certain commentators in meeting the 120 day advance filing requirements, it must also consider the mandated and administrative constraints that the processing of agreement matters places on its staff. The Commission has, therefore, determined it appropriate to adopt the rule as proposed and enlarge the existing 60 days advance notice filing period set forth in General Order 17, to 120 days.

Therefore, it is ordered, that pursuant to 5 U.S.C. 533 and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814 and 841a), 46 CFR Part 521 is amended as follows:

§§ 521.2, 521.3 [Amended]

Remove the words "sixty (60) days" from §§ 521.2(a), (b) and 521.3 of 46 CFR Part 521 and substitute the words "one hundred twenty (120) days" therefor.

By the Commission.[3]

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-10200 Filed 4-2-81; 8:45 am]

BILLING CODE 6730-01-M

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46 FR CFR Part 549

[Docket 81-9; General Order 29; Amendment 4]

Military Rates; Temporary Suspension of Requirements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This Rule suspends regulations governing rates quoted for the transportation of U.S. Department of Defense cargoes pursuant to Military Sealift Command requests for proposals RFP-1600, First Cycle commencing on October 1, 1981, and RFP-1600, Second Cycle commencing on April 1, 1982. This action is taken in light of the determination that military rates are no longer so low as to be detrimental to the commerce of the United States, and with a view toward lessening the regulatory burden on U.S. flag operators.

EFFECTIVE DATE: This Rule shall be in effect during the period October 1, 1981 through September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is suspending its regulations governing the level of military rates established in Part 549 of Title 46 of the Code of Federal Regulations, Federal Maritime Commission General Order 29.

The Commission's General Order 29 (46 CFR 549) governing the level of military rates was published in the **Federal Register** on December 2, 1972 (37 FR 25720). The Commission's proposed temporary suspension of General Order 29, and the reasons therefor, were published in the Federal Register on February 4, 1981 (46 FR 10767). Comments on the proposed rules were due on March 6, 1981. The only comments received were submitted by the Commander, Military Sealift Command (MSC) on behalf of the Department of Defense. MSC stated that it strongly supported the proposed temporary suspension and, furthermore, urged that the suspension be made permanent.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841(a)), the Commission amends Part 549 of Title 46 CFR by the addition of a new section as follows:

§ 549.9 Temporary Suspension.

The provisions of this Part are suspended during the period October 1, 1981 through September 30, 1982.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-10199 Filed 4-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 80-9; RM-2314; RM-2357; RM-3094]

Low Power Radio Transmitters by Police Radio Service Licensees on Public Safety Radio Service Frequencies Above 30 MHz, Authorization of Use; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects editorial errors which were made in Appendix C of the Report and Order regarding the use of low power radio transmitters, PR Docket 80-9. The erroneous document was published in

[3] Commissioner Teige not participating.

the Federal Register on February 12, 1981 (46 FR 11974).

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

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554, (202) 653-8164—Room 7310.

SUPPLEMENTARY INFORMATION:

In the matter of an amendment of Parts 2 and 90 of the Commission's Rules to authorize the use of low power radio transmitters by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz; PR DOCKET NO. 80-9, RM-2314, 2357, 3094; *erratum;* Released: March 26, 1981.

Appendix C to the Commission's Report and Order in Docket 80-9, FCC 81-1 (46 FR 11974) released January 30, 1981, is corrected as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. On 46 FR 11977-11982, § 2.106 is corrected by removing the footnote designator "NG * * *" wherever it occurs and inserting in its place the designator "NG124" (except as provided in paragraph 2 below).

2. Section 2.106 is further corrected by removing altogether the footnote designator "NG * * *" from the bands 35-36 MHz (column 6), 157.1875-162.0125 MHz (column 5), and 173.2-173.4 MHz (column 8) (Pages 11978 and 11981 respectively of the **Federal Register**).

3. Section 2.106 is further corrected by adding "NG124" in column 6 to the band 157.1875-162.0125 (page 11981 of the **Federal Register**).

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

4. Section 90.19(f)(5)(ii) is corrected by changing the frequency band 47.00-47.71 MHz to read 47.00-47.41 MHz (Page 11976 of the **Federal Register**).

(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.

[FR Doc. 81-10203 Filed 4-2-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-240; RM 3432]

Radio Broadcast Services; FM Broadcast Station in Grover City, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends the Commission's rules, the FM Table of Assignments, by assigning Channel 296A to Grover City, California, as that community's first FM assignment. This action is taken in response to a petition.

EFFECTIVE DATE: May 15, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Grover City, California).

Report and Order

Proceeding Terminated

Adopted: March 16, 1981.

Released: March 24, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 37868, published June 5, 1980, which invited comments on alternative proposals to assign either Class B Channel 289 or Channel 232A to Grover City, California. The proceeding was instituted on the basis of a petition filed by Four Dimension Radio Company ("petitioner"). Petitioner has filed comments stating its intent to apply for either channel, if assigned. Comments were also filed by KPGA, Inc. ("KPGA"), licensee of radio Station KPFA(FM), Pismo Beach, California, to which petitioner replied.[1]

2. Grover City (pop. 5,939),[2] in San Luis Obispo County (pop. 105,690), is located approximately 240 kilometers (150 miles) northwest of Los Angeles, California, and approximately 21 kilometers (13 miles) south of San Luis Obispo. Grover City presently has no local aural broadcast service.

3. In comments, KPGA takes no position on the need for a Class B channel, but points out that the assignment of Channel 232A would conflict with its pending proposal to substitute Channel 234 for Channel 237A in Arroyo Grande, California (RM-3743). The distance between the two communities is approximately 4 kilometers (2.5 miles), whereas 64 kilometers (40 miles) is required. KPGA suggests that Channel 296A be assigned instead if it is determined that assignment of a Class A channel to Grover City is preferable to a Class B channel. A staff study has confirmed that Channel 296A could be assigned to Grover City. Petitioner opposes KPGA's suggestion, but only if consideration of the alternative would extend the processing time involved in assigning a channel to Grover City. To avoid conflict with the pending proposal in RM-3743, and since no processing delay will result, Channel 296A has been substituted for Channel 232A for consideration herein.

4. In the *Notice* we stated that nine communiites with populations greater than 1,000 would be precluded on one or more of Channels 288, 289, 291 and 292A if Channel 289 were assigned to Grover City. While petitioner indicated that Class B Channel 293 is available to the two communities with no AM or FM assignments (Guadalupe and Cambria), it was requested in the *Notice* to state whether a Class A channel is available for the communities. Thus petitioner has failed to provide this information.

5. In the *Notice* we explained that wide area Class B channels are not usually assigned to communities the size of Grover City (see § 73.206(b)(2) of the Commission's Rules), but we nevertheless proposed the assignment of Channel 289 to give the petitioner the opportunity to demonstrate the need for a high-powered facility. Petitioner, in its comments, emphasized that the population of Grover City is now estimated to be 8,350, a 29 percent increase over the 1970 Census figure. At this rate of growth, petitioner claims, Grover City will have a population of 10,771 in ten years. Petitioner also argues that Grover City should not be considered alone, but as part of a homogeneous area called "Five Cities."

[1] Numerous letters in support of a Class B assignment were received from citizens residing in the Grover City area. Virtually all the letters, however, focused specifically on the desriability of a wide-area station bradcasting Christian programming (a format petitioner has apparently indicated he will follow if granted a license) rather than the need for the Class B channel itself.

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

comprised of Grover City, Arroyo Grande, Pismo Beach, Shell Beach, and Oceano. According to petitioner the five communities have a combined population of 27,776 and could be considered as one community, since they have much in common. For these reasons petitioner argues that Grover City should be assigned a Class B channel.

6. Due to the number of AM and FM assignments in close proximity to Grover City, assignment of a Class B facility to that community will not provide any first or second FM or aural service. While Grover City's rapid growth certainly indicates that it is deserving of a first FM assignment, we do not believe that petitioner's projection of 10,771 population in ten years is sufficient basis on which to assign a Class B facility to a community the size of Grover City. See *Cabool, Missouri*, 52 FCC 2d 246 (1975); *Solvang, California*, 43 FR 49002, published October 20, 1978. There has been no showing that the "Five Cities" area is lacking in service, and due to its proximity to San Luis Obispo, a Class B channel may tend to seek advertising from and direct its programming to the larger community of San Luis Obispo.

7. In view of the foregoing, the Commission finds it to be in the public interest to assign Channel 296A to Grover City.

8. Accordingly, it is ordered, that effective May 15, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Grover City, Calif	296A

9. The action taken herein is pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-10066 Filed 4-3-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Corrected Seventeenth Revised Service Order No. 1473]

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

AGENY: Interstate Commerce Commission.

ACTION: Corrected Seventeenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation. This order is corrected to provide Chicago, Milwaukee, St. Paul and Pacific Railroad Company with authority to serve Davenport, IA, which was inadvertently left with the Davenport, Rock Island and North Western Railway Company upon last revision of this order.

EFFECTIVE DATE: 11:59 p.m., March 31, 1981, and continuing in effect until 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Decided: March 31, 1981.

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

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby admonishes any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

The Trustee will be requested to furnish the RSB with a status report, prior to expiration of this order, which will be given due consideration with respect to any extension of this order.

Appendix A, to the previous order, is revised by adding at Item 8., D., the authority for Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to operate at Davenport, Iowa, and from Davenport to Iowa City, Iowa, previously operated by the Davenport, Rock Island and North Western Railway Company (DIR). Appendix A is revised further by deleting the authority for Burlington Northern Inc. (BN), Item 5, which will be placed under separate order, and for the DRI, Item 9, F., at the carriers request.

Finally, Service Order No. 1473 is extended, in this revision, until June 30, 1981.

All items are renumbered accordingly.

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

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

It is ordered,

§ 1033.1473 Service Order No. 1473.

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

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

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or

upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

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

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

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

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

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

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

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

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

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

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

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

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

(m) *Effective date.* This order shall become effective at 11:59 p.m., March 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

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

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

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

3. *Union Pacific Railroad Company (UP):*
   - A. Beatrice, Nebraska.
   - B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.
   - C. Limon, Colorado.

4. *Toledo, Peoria, and Western Railroad Company (TP&W):*
   - A. Keokuk, Iowa.
   - B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

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

6. *Chicago and North Western Transportation Company (C&NW):*
   - A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.
   - B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).
   - C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.
   - D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).
   - E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).
   - F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).
   - G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).
   - H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).
   - I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).
   - J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).
   - K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).
   - L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).
N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.
O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)
P. Sibley, Iowa.
Q. Worthington, Minnesota.
R. Altoona to Pella, Iowa.
S. Carlisle, Indianola, Iowa.
T. Omaha, Nebraska, (between milepost 502 to milepost 504).
U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

7. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*
A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.
B. Washington, Iowa.
C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.
†D. From Davenport to Iowa City, Iowa.
*†E. At Davenport, Iowa.

8. *Davenport, Rock Island and North Western Railway Company (DRI):*
A. Moline, Illinois.
B. Rock Island, Illinois, including 26th Street yard.
C. From Rock Island through Milan, Illinois, to point west of Milan sufficient to include service to the Rock Island Industrial complex.
D. From East Moline to Silvis, Illinois.
F. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

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

10. *St. Louis Southwestern Railroad Company (SSW):*
A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.
B. At North Topeka and Topeka, Kansas.

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

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

13. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*
A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.
B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.
C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.
D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks) Kansas.
E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.
F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.
G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.
H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.
I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.
J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

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

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

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

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

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

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

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

21. *The La Salle and Bureau County Railroad Company:*
A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.
B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

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

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

† Added.
*Corrected.

[FR Doc. 81-10206 Filed 4-2-81; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1100

[Ex Parte 55 (Sub-45)]

Appellate Procedures for Rail and Non-Rail Matters

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting new appellate procedures applicable to both rail and non-rail matters. Generally, the procedures provide for one level of mandatory review and a discretionary appeal, except where the Commission or a division of the Commission has entered an administratively final initial disposition which voided the requirement for an initial decision. The rules are expected to expedite the appellate process.

EFFECTIVE DATE: These rules become effective April 3, 1981.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Decided: March 25, 1981.

By notice of interim rules and request for comments served July 9, 1980 [1] and published at 45 FR 48792, (July 21, 1980), we instituted this proceeding to bring our appellate rules of procedure into conformity with section 25 of the Motor Carrier Act of 1980 (the Act) (49 U.S.C. 10322). In promulgating this section of the Act, Congress was concerned with the Commission's enormous motor carrier caseload and growing backlog of unfinished cases. As a result of its liberalization of entry requirements, Congress anticipates that the number of applications for motor carrier operating authority may grow. Although it acknowledged the Commission's efforts to reduce its backlog, Congress recognized that this effort was often frustrated by the statute under which it functioned.

Congress identified two particular aspects of the administrative appeals process which it saw as contributing significantly to the present backlog, and if not changed, as aggravating the problem in the future. The first was the perception that the existing statute permitted too many levels of appeal as a matter of right. All initial actions were subject to an appeal. If the decision was modified on appeal, the matter would be subject to another appeal as to the change or changes made. As long as petitions were filed, a proceeding would not become administratively final until the Commission had rendered two substantially similar opinions in the given proceeding. A discretionary appeal was also allowed, limited to issues of general transportation importance. If testimony were taken at a public hearing, an initial decision would become an action of the Commission only if exceptions to the initial decision were not filed. If exceptions were filed, two levels of appeal were statutorily permitted. The second factor which Congress viewed as contributing to unnecessary delays was the statutory requirement that a Commission decision could not take effect for 30 days. H. R. Rep. No. 96–1069, 96th Cong., 2d Sess., 37 (1980).

To expedite the handling of motor carrier proceedings, Congress modified the existing statute by (1) eliminating the multiple mandatory levels of appeal, (2) making decisions effective the date served, and (3) establishing statutory deadlines for Commission decisions in entry cases. H. R. Rep. No. 96–1069, *supra*, at 38.

In our notice instituting this proceeding, we proposed to streamline and simplify our appellate rules of procedure by merging the present rail rules (49 CFR 1100.98) and the non-rail rules (49 CFR 1100.97) into a single Rule 98 covering both types of proceedings. The notice also announced interim rules pending adoption of the final rules. The new statutory provisions for non-rail matters (49 U.S.C. 10322) address Congressional concerns similar to those previously considered in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), and in large part the non-rail language closely follows the rail statutory language. Accordingly, we believed that we could best accomplish our objectives by patterning the new rules after the rail rules adopted in *Rail Appellate Procedures—Revision of Rule 98*, 361 I.C.C. 591 (1979). We have considered the comments we have received on our proposal and have decided to adopt the interim rules under which we are now operating, with several minor modifications.

The present Rule 98 is explained fully for rail practitioners in *Rail Appellate Procedures, supra*. Much of the following material will cover areas already discussed there, and may be somewhat redundant; nevertheless, we feel that a full section-by-section treatment of the new Rule 98 will be instructive to rail and non-rail practitioners alike and will answer various questions concerning its application and impact.

1. Section (a)—Scope of the Rule

Rule 98 applies only to proceedings in which a hearing (oral or under modified procedure) is required by law or Commission action. As noted in the interim rules, they do not apply to informal matters such as car service, suspension, or special permission actions. They also do not apply to purely procedural matters which are covered by 49 CFR 1011.7 or interlocutory matters. Only decisions on the substantive merits of the case or decisions which in some other fashion end the proceeding (e.g., actions on motions to dismiss) come within the ambit of the rules.

The recently enacted Staggers Rail Act of 1980 amended 49 U.S.C. 10903–10905 relating to abandonment and freight discontinuance of railroad lines. The amendments necessitated changes in the procedures for handling abandonment applications. Accordingly, the Commission is currently preparing interim and proposed final rules revising the current abandonment regulations set forth at 49 CFR 1121 et seq. Appellate procedures in abandonment and freight discontinuance proceedings will be embraced in those rules, and Rule 98 will not apply.

49 U.S.C. 10322(a) specifically provides that, "The deadlines set forth in this section do not apply to the following sections of this subtitle: 10525(c) [exempt motor transportation entirely within one State], 10708(b) [investigation and suspension of non-rail carrier rates], 10922(h)(2) [restriction removals], 10928 [temporary authorities for motor and water carriers], 11345(a) [consolidation, merger, acquisition of control: expedited rail carrier procedure], and 11701(c) [formal investigation proceedings begun by the Commission on its own initiative or on complaint]. On the other hand, the legislative history indicates that the statutory deadlines promulgated in 49 U.S.C. 10322 are intended to apply primarily to entry cases. H.R. Rep. No. 96–1069, *supra*, at 38 and 39. For example, Congress realized that it would be impractical to expect the Commission to issue a final decision on appeal in a complex rates proceeding within 50 days from the filing of the appeal. Even though § 10322 is usually inapplicable to motor proceedings other

[1] A subsequent corrected notice was served July 18, 1980. The purpose of this notice was to indicate, (1) page limitations on petitions and replies, and (2) the fact that Ex Parte No. 55 (Sub-No. 41), *Administrative Stays in Non-Rail and Rail Proceedings*, is embraced within the instant proceeding.

than entry applications, we will endeavor, to the extent consistent with other statutory deadline proceedings, to issue decisions at all stages as quickly as possible.

2. Section (b)—Initial decisions

Pursuant to 49 U.S.C. 10322(e), an initial decision becomes a final decision of the Commission on the 20th day after it is served unless (1) an appeal is filed during the 20-day period, or (2) the Commission, on its own, stays or postpones the initial decision. The Commission may extend the 20-day period for up to, but not exceeding another 20 days. Parties have one appeal of right from an initial decision, and a timely appeal stays the effect of the decision pending action on the appeal. The proceeding becomes a final action of the Commission when this appeal of right is decided, regardless of whether the previous decision is modified in any manner.

Initial decisions include those of administrative law judges, individual commissioners, employee boards, divisions of the Commission or panels of the Commission. A significant change under the Act (and from Rule 97) is the effect of initial decisions of administrative law judges, joint boards, or individual commissioners after public hearing. These decisions are no longer in the nature of recommendations; instead, they are actions of the Commission and subject to the same 20-day appeal period as employee board decisions under the modified procedure. In short, the exceptions level of administrative appeal has been eliminated. Parties disagreeing with one of these initial decisions have one appeal of right. The appellate decision is administratively final.

Section (b)(2) of Rule 98 describes the grounds upon which the appeal of right to an initial decision can be based. They should be familiar to practitioners of non-rail matters, as they are the same as previously required for exceptions under existing Rule 97. Although Rule 97 does not specify these criteria as applicable to petitions for administrative review, as a practical matter, they have been the criteria employed by the Commission and practitioners as well. Accordingly, these grounds for appeal should pose no problems of interpretation.

Section 98(b)(4) requires that the appeals and replies must not be longer than 30 pages, including indices, argument, and attachments. One party filing comments believes that attachments should not be included in this 30-page limitation. It is urged that copies of transcript pages, copies of certificates, and similar items are often necessary to complement a legal argument, and that their inclusion would not overburden the Commission.

The 30-page limitation as worded in Rule 98 has been a part of the exceptions procedure under Rule 97. It has also been a requirement for petitions for administrative review under Rule 97, with the limited exception that the required preface to the petition was not counted as part of the 30 pages. In practice we have found these page limitations to be fair, reasonable, and of considerable assistance in sharpening the practice and helping us to consider appeals in an expeditious manner. A practitioner wishing to bring a matter of record to the Commission's attention may do so by complying with section (b)(3) of the rule and citing to the specific portion of the record. If a strong showing of unusual circumstances is made, the Commission will entertain a request to waive the page limitation.

3. Filing Dates

Rule 98 provides for a 20-day filing period for both appeals of right and discretionary appeals. As noted above, this period may be extended for up to but not more than an additional 20-day period. This time frame paraphrases statutory rail and non-rail provisions for initial decisions. The interim rule provides for a 20-day reply period in rail proceedings and a 15-day period in non-rail proceedings. There is no mention of reply dates in the statute.

Several parties assert that the 20-day period is too short because of the slowness of the mails, and because it puts practitioners outside the Washington, D.C. area at a disadvantage. They suggest that the Commission use part of the additional 20 days allowed under the statute, and provide for a 30-day filing period. We also received a number of comments regarding the shortness of the 15-day reply period, and the disparate treatment of rail and non-rail replies.

We recognize the burdens placed upon Commission practitioners by our shortening of the more familiar 30- and 20-day filing periods. Nevertheless, Congress has clearly indicated an intention to reduce the time consumed in the administrative process by establishing a 20-day filing period which may be extended. We believe that it would undermine that Congressional intent to extend the period to 30 days in the usual case. The 20-day period has been a part of the rail procedure for some time now and has not proven to be unduly burdensome. Therefore, it will stand and become a part of the permanent rules. A practitioner who feels a need for a short extension of time in a particular proceeding may request one indicating the reasons for the requested extension.

As to the shorter 15-day reply period, we have only a maximum of 50 calendar days from the filing day of the appeal (not the reply) in which to reach a final decision in a matter involving an application for motor common carrier operating authority. For the Commission to make a fair and reasoned decision within the statutory time constraints, we need some time of our own to consider the merits of the issues raised and physically to process the appeal. We believe that the 15-day reply period constitutes a reasonable compromise between the legitimate needs of the replying parties and those of the Commission. In fact, since the reply period runs from the date the appeal is *due*, rather than the date the appeal is filed, the reply period may in some cases be longer than 15 days. Although the statutory time period for handling discretionary appeals under the Act is considerably longer than the 50-day period allowed for mandatory appeals, the Congressional desire to expedite handling convinces us that the time frames should be the same for both types of appeals. Again, in genuinely unusual circumstances, the Commission may entertain a request for extension. We have decided to retain the 20-day reply period in all other cases. This constitutes a minor change from the interim rule which made the 15-day reply period applicable to all non-rail cases.

4. Section (c) Discretionary Appeals

Rule 98(c) involves actions from which there is no automatic right of appeal. The types of actions covered are: decisions of an employee board or a division in their appellate capacities, under section (b) of the rule; a decision of a division in the first instance where the requirement for an initial decision was "voided" [for rail proceedings pursuant to 49 U.S.C. 10327(c)] or "waived" [for non-rail proceedings pursuant to 49 U.S.C. 10322(c)]; or an action of the entire Commission in the first instance. At this juncture we note that we are modifying the interim rule to reflect the difference in statutory language cited above. The modified rule will refer to situations where the requirement for an initial decision has been "voided or waived".

49 U.S.C. 10322(g)(2) confers discretion upon the Commission to consider appeals to actions taken by a division of the Commission or an employee review board under limited

circumstances. For the Commission to accept such an appeal, the appealing party must make a threshold showing either that the action involves a matter of general transportation importance, or that clear and convincing new evidence or changed circumstances would materially affect the situation. Section 10322(g)(1) confers the same discretion where action was taken by the entire Commission. The threshold showing is new evidence, changed circumstances, or material error. If, upon occasion, initial decisions are reviewed by the full Commission rather than a division, section 10322(g)(1) would apply to any further appeals. That provision applies once the full Commission has rendered a decision.

In summary, an appellant may use a showing of new evidence or changed circumstances to meet its threshold burden in all instances where a discretionary appeal lies. If it cannot meet that burden, the appellant may nevertheless make an alternative showing. If it demonstrates that the proceeding involves an issue of general transportation importance, the alternative threshold will have been satisfied where the prior action either (1) was taken by a division or employee board in an appellate capacity under Rule 98(b), or (2) was taken by a division in the first instance where an initial decision was voided or waived. If appellant demonstrates that a material error was made, the alternative threshold will have been satisfied where the prior action was taken by the entire Commission in the first instance.

Several parties have questioned why section (c)(2) of Rule 98 does not provide for discretionary review of decisions by divisions under circumstances in which the requirement for an initial decision has been waived under 49 U.S.C. 10322(c). They assert that there is equal potential for the division to make material error in issuing a decision in the first instance, as there is for the entire Commission under the same circumstances. The answer to this point resides in the statutory language of sections (g)(1) and (g)(2). The former speaks in terms of "the Commission" when it refers to appeals based on material error, while the latter specifically refers to "division" and "employee board". We interpret the Act to provide for appeals based on material error only when an action of the entire Commission is involved. However, we note that the issue of GTI may properly raise issues similar to material error. In addition, petitions to reopen (see (7), *infra*) may be filed at any time in other than operating authority proceedings. Because reduction in the number of administrative appeals is an underlying theme of the appellate procedures section of the Act, we believe that this interpretation is in accord with Congressional intent.

Except for matters of general transportation importance, the concept of discretionary appeals is a new one in the area of motor carrier procedure. Formerly, if an employee board or a division on petition modified a prior decision, the party or parties adversely affected by the modification were afforded an automatic right of appeal with respect to the modification. This automatic right of appeal under those circumstances no longer exists. Under the new Rule 98(b), a party has one right of appeal from an initial decision. The consideration of all other appeals is a matter of discretion for the Commission, and no appeal will be entertained unless the conditions of Rule 98(c) are met.

Subsection (c)(3) describes the necessary content of pleadings filed under section (c) and continues the language now present in Rule 98 for rail matters. Although the language is somewhat different from that employed in Rule 97 under section (d) for petitions for administrative review of non-rail matters, for practical purposes the requirements are virtually the same and should cause no potential problems for practitioners accustomed to handling motor carrier matters.

We direct the attention of motor carrier practitioners, however, to the page limitations set forth in subsection (c)(4). Although the language is carried forward directly from present Rule 98, the requirements are a significant change from those found in Rule 97 and motor carrier practitioners should take note.

5. Stays

As discussed above, the filing of an appeal of right under Rule 98(b) automatically stays the terms of a substantive decision under appeal. This in not true for discretionary appeals filed under Rule 98(c). 49 U.S.C. 10322(g) specifically provides that the Commission may stay an action filed under the discretionary appeals provisions. Subsection (c)(6) of the new Rule 98 provides that the Commission may stay an action either on its own motion, or in response to a petition for stay. The petition for stay must be filed within 10 days of the service date of the prior decision. Any reply must be filed within 16 days of the service date of the prior decision. We emphasize that the reply date relates back to the service date of the decision, not the filing date of the stay petition.

The language of subsection (c)(6) has been carried forward intact from the present Rule 98, with one minor exception. Stay petitions and replies may not without our approval be longer than 10 pages. No page limitations previously existed.

6. Effectiveness

By statute, the effective date of Commission decisions differs between rail and non-rail matters. Pursuant to 49 U.S.C. 10327(h) an action with respect to a rail matter becomes effective on the 30th day following service on the parties, unless the Commission provides specifically for an earlier effective date. On the other hand, the Motor Carrier Act of 1980 at 49 U.S.C. 10322(h) provides that in a non-rail matter, the effective date of the action is the date of service. Rule 98(c)(7) reflects this statutory dichotomy.

We believe, however, that the wording of subsection (c)(7)(ii) in the interim rules involving the effective date of non-rail actions is somewhat awkward and unclear. The interim rules provide as follows:

> (ii) In a non-rail proceeding, the action, if not stayed, shall be effective on the date it is served, unless otherwise provided.

The Act does not give the Commission discretion to modify the effective date of its decisions. Some parties have expressed concern that a decision which is effective immediately upon service can cause their clients to be in technical violation of the decision's order, either before they actually receive notice of the decision by mail, or before they have an opportunity to request a stay of the decision pending appeal.

Confusion has arisen because of misunderstanding and lack of precision regarding the use of the word "effective". The effective date of a decision now is, as the Act provides for non-rail matters, the date that the decision is served. That is the date on which the decision becomes a final action of the Commission, and therefore, binding on the parties. It is also the date after which an adversely affected party may exercise the right to seek judicial review.[2]

Contrasted to this is the date on which the terms or conditions of the decision "take effect." While the "effective"date of the Commission is now the date the decision is served, 49 U.S.C. 10324(a) still provides as follows:

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[2] In a rail proceeding, however, by virtue of 49 U.S.C. 10327(i), a court action may be instituted after the date the final decision is served, although it is not "effective" under subsection 10327(h) until 30 days after service.

Unless otherwise provided in this subtitle, the Interstate Commerce Commission may determine, within a reasonable time, when its actions * * * take effect.

Congress recognized the distinction between the two concepts, and has continued the Commission's authorization to postpone for a reasonable period the date on which the provisions of its decisions shall become operative.

Parties need have no apprehension that they may violate the law before they receive notice of a decision or have to comply with terms or conditions of a Commission order before they have the opportunity to request delay of the compliance time. Our decisions will provide, when necessary, appropriate delays between the effective dates and the dates provisions take effect. In all other circumstances, the "effective" date and the "take effect" date will be the same.

To avoid any confusion, we will amend interim Rule 98(c)(7)(ii) by removing the words "unless otherwise provided," and adding a new subsection (iii). The final Rule 98(c)(7) (ii) and (iii) will read as follows:

(ii) In a non-rail proceeding, the action, if not stayed, shall be effective on the date it is served * * *

(iii) In all final actions, the provisions of the action shall take effect on the date of service, unless otherwise provided * * *

7. Section (d)—Petitions to Reopen Administratively Final Action

The present permanent Rule 98(h), applicable only to rail matters, permits any person at any time to petition for leave to file a petition to reopen any administratively final action of the Commission pursuant to certain procedural requirements. From comments we have received, there seems to be some confusion regarding the scope of the relief provided by our proposed modification of this section [which will be redesignated as Rule 98(d)]. The coverage of this section is more limited than several commenting parties believe.

In our notice of interim rules we proposed to modify the existing provision in two respects. First, we indicated that for procedural simplicity the language "petition for leave to file" should be eliminated. This obviates the necessity of obtaining permission just to file a second petition on the merits to reopen. Second, we proposed that the new Rule 98(d) governing reopening of proceedings would not be applicable to operating rights application proceedings. The notice explained our belief that the remedy is not suitable for operating rights application proceedings because of the large volume of cases, the limited nature of the issues involved, and the ease in filing new applications.

Opposition to the exclusion of operating rights applications from the scope of the rule was received from a number of commenting parties. They content that there is no rational basis for exclusion, and that 49 U.S.C. 10322(g) expressly permits such a petition. Although we affirm our original intention to modify the rule in the manner proposed, some additional explanation may be helpful and answer opposing arguments.

All appeals under the provisions of 49 U.S.C. 10322(g) are covered completely in part (c) of Rule 98. Under new Rule 98(b), parties may appeal once of right. Under Rule 98(c), parties may also request further review at the Commission's discretion. Both requests must be made under time limits established in the rules. As we have already noted an intent of Congress in enacting section 25 of the Motor Carrier Act (49 U.S.C. 10322) was to reduce the lengths of time consumed for appeals, particularly in operating rights cases. In accordance with that policy, it established several deadlines for handling such cases. Section 10322(g), however, gives the Commission discretion "at any time on its own initiative" to reopen proceedings or change its actions. It also provides that interested parties may file petitions under that section under regulations established by the Commission.

We believe that the regulation in question is a proper exercise of that delegation of authority and is reasonable in light of Congressional intent and practical considerations relating to the issuance of certificates. Congress' use of the language "at any time" means only that the Commission, itself, is not precluded from acting should one of the conditions specified in section (g) come to its attention. Section (g) should not be read as giving parties the unfettered right to petition at any time they desire. To do so would encourage dilatory appeals and ultimately frustrate efforts for timely issuance of certificates. Rule 98(c) paraphrases much of the statutory language; and, for an appeal to lie under section (g) of the Act, the requirements of Rule 98(c) must be met.

The nature of operating rights applications does not lend them to reopening at late dates. The object of these applications is the issuance of a certificate or permit authorizing motor carrier operations. Once a certificate or permit is issued, the normal way to rescind the authority conferred (except in the case of ministerial error) is through a revocation proceeding conducted in accordance with 49 U.S.C. 10925 and section 558 of the Administrative Procedure Act (5 U.S.C. 558). As a stated purpose of the 1980 Act is to reduce regulatory lag, we anticipate that certificates and permits will be issued soon after a grant of authority becomes administratively final. We do not believe that another layer of administrative review and the attendant delay would be in keeping with that objective. Because of the limited nature of the issues involved in a typical case, we believe that the interests of the parties and administrative due process are adequately served in operating rights application proceedings under parts (b) and (c) of the new rule.

We are persuaded, however, that one limited exception to this general exclusion of operating rights applications has merit. Subsequent to the expiration of the 20-day filing period, fraud or ministerial error could come to the attention of one of the parties. We believe that matters of this nature should always be a proper subject of our consideration, whenever they might arise. Accordingly, we will modify the interim Rule 98(d) to permit a petition to reopen an operating rights application after the normal 20-day discretionary appeal period upon a showing by the petitioning party establishing either fraud or ministerial mistake in the earlier decision.

8. Section (e)—Petitions for Other Relief

This section of the rule involves postponements of the "take effect" date of Commission actions. Because problems similar to those discussed above with respect to effective dates exist in this section as well, we are modifying this section also. As pertinent, part (e) will read:

(1) A party may petition * * * for modification of the date the terms of the decision take effect. The reasons for the desired relief shall be stated in the petition, and the petition shall be filed not less than 10 days prior to the date the terms of the action take effect * * *

(2) When the terms of a Commission action take effect * * *

9. Judicial Review

Decisions appealable of right must be appealed prior to seeking judicial review. This applies to all initial decisions. It does not apply to proceedings in which the division or Commission has voided the requirement for an initial decision. The 4R Act and the Motor Carrier Act of 1980 provide for only one mandatory right of appeal from an initial decision. Following a

decision on appeal, a party has exhausted its administrative remedies, and the proceeding is ripe for judicial review pursuant to 28 U.S.C. 2344. However, 49 U.S.C. 10327(g) and 49 U.S.C. 10322(g) also provide a discretionary appeal in certain circumstances which may be available for those parties preferring one final opportunity to convince the Commission of the merits of their positions.

As we explained in *Rail Appellate Procedures, supra*, the filing of a discretionary appeal must toll the 60-day limitation period prescribed in 25 U.S.C. 2344. Otherwise a party would have to institute a *pro forma* court action to protect its court appeal in the event its administrative appeal is denied after expiration of the 60-day period.

After a case is administratively final, if one party goes to court and the other chooses to seek discretionary Commission review, the Commission will advise the court of the pendency of the administrative appeal, and then act on the appeal subject to direction from the court.

Where a division voids or waives the requirement of an initial decision, its decision is administratively final. A decision of the entire Commission in the first instance which is not designated as interim or tentative may only be reopened pursuant to Rule 98(c)(2) (i) or (iii) when an operating rights application proceeding is involved. In other types of proceedings, a party may petition to reopen an administratively final action of the Commission at any time under Rule 98(d). However, is such a petition is filed outside the 20-day filing period of rule 98(c), that is, pursuant to Rule 98(d), the 60-day period for seeking judicial review is not tolled while the petition is pending. We determined in *Rail Appellate Procedures, supra*, that a petition filed under Rule 98(d) is an entirely new phase of an already administratively final proceeding, and thus will not toll the period for instituting court action.

10. Conclusion

We find that the final rules, as modified in the appendix to this decision, are in accord with 49 U.S.C. 10327 and 49 U.S.C. 10322 and are in the public interest. They provide for a fair and expeditious procedure for the review of Commission rail and non-rail decisions. We find further that this decision affects neither the quality of the human environment nor conservation of energy resources.

It is ordered

Part 1100.98 of Title 49 of the Code of Federal Regulations (Rule 98 of the Commission's General Rules of Practice) is amended by adopting the rules set forth in the appendix to this decision.

Part 1100.97 of Title 49 of the Code of Federal Regulations (Rule 97 of the Commission's General Rules of Practice) is rescinded and reserved. However, former Rule 97 shall apply to decisions served before July 1, 1980.

The rules shall become effective April 3, 1981.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

§ 1100.97 Administrative appeals—non-rail proceedings. [Removed]

Section 1100.97 is removed and reserved.

Title 49 CFR 1100 is amended by revising § 1100.98 to read as follows:

§ 1100.98 Appellate procedures.

(a) *Scope of rule.* These appellate procedures apply in cases where a hearing is required by law or Commission action. They do not apply to informal matters such as car service, temporary authority suspension, special permission actions, or purely procedural matters covered by 49 CFR 1011.7, or to other matters of an interlocutory nature except as specifically provided below. Abandonment and discontinuance proceedings instituted under 49 U.S.C. 10903 are governed by separate appellate procedures exclusive to those proceedings. Requests for appellate relief may relate either to initial decisions or to Commission actions other than initial decisions. For each category, this rule describes the types of appeal permitted, the requirements to be observed in filing an appeal, provisions for stay of the action, and the status of the action in the absence of a stay.

(b) *Initial decisions.* This category includes the initial decision of an administrative law judge, individual Commissioner, employee board, joint board, division, or panel of the Commission.

(1) An appeal of right is permitted.

(2) Appeals shall be based on one or more of the following grounds:

(i) That a necessary finding of fact is omitted, erroneous, or unsupported by substantial evidence of record;

(ii) That a necessary legal conclusion, or finding is contrary to law, Commission precedent, or policy;

(iii) That an important question of law, policy, or discretion is involved which is without governing precedent;

(iv) That prejudicial procedural error has occurred.

(3) Appeals shall detail the assailed findings with supporting citations to the record and authorities.

(4) Appeals and replies shall not exceed 30 pages in length, including the index of subject matter, argument, and appendices or other attachments.

(5) Appeals must be filed within 20 days after the service date of the decision or within any further period (not to exceed 20 days) as a division or the Commission may authorize. In proceedings seeking motor carrier operating authority replies must be filed within 15 days of the date the appeal is due. In all other proceedings covered by these rules, replies must be filed within 20 days of the date the appeal is due.

(6) The timely filing of an appeal to an initial decision shall stay the effect of the action pending determination of the appeal.

(7) If an appeal of an initial decision is not timely filed or the Commission does not stay the effectiveness on its own motion, the order set forth in the initial decision shall become the action of the Commission and shall be effective at the expiration of the time for filing, unless otherwise provided.

(c) *Commission actions other than initial decisions.* This category includes: a decision of a division in the first instance, where the requirement for an initial decision was voided [for rail proceedings pursuant to 49 U.S.C. 10327(c)] or waived [for non-rail proceedings pursuant to 49 U.S.C. 10322(c)]; an action of the entire Commission in the first instance; and an action taken by a review board or division on an appeal filed under paragraph (b) of this rule.

(1) A discretionary appeal is permitted. It shall be designated a "petition for administrative review," except that, when it is related to an action of the entire Commission in the first instance, it shall be designated a "petition to reopen."

(2) The petition will be granted only upon a showing of one or more of the following points:

(i) The prior action (all categories) will be affected materially because of new evidence or changed circumstances.

(ii) The prior action was taken by a division in the first instance or by a review board or division in an appellate capacity, and involves a matter of general transportation importance.

(iii) The prior action was taken by the entire Commission in the first instance, and involves material error.

(3) To the extent the petition requests further hearing, rehearing, reargument, or reconsideration, the petition shall state in detail the nature of and reasons for the relief requested. When in a petition filed under this section, a party seeks an opportunity to introduce evidence, the evidence must be stated briefly, must not appear to be cumulative, and explanation must be given why it was not previously adduced.

(4) The petition and any reply shall not exceed 20 pages in length. A separate preface and summary of argument, not exceeding 3 pages, may accompany petitions and replies and shall accompany those that exceed 10 pages in length.

(5) Petitions must be filed within 20 days after the service of the action or within any further period (not to exceed 20 days) as a division or the Commission may authorize. In proceedings seeking motor carrier authority replies must be filed within 15 days of the date the appeal is due. In all other proceedings covered by these rules, replies must be filed within 20 days of the date the appeal is due.

(6) The filing of a petition shall not automatically stay the effect of a prior action, but the Commission may stay the effect of the action on its own motion or on petition. A petition to stay may be filed in advance of the petition for administrative review or petition to reopen and shall be filed within 10 days of service of the action. No reply need be filed. However, if a party elects to file a reply, it must reach the Commission no later than 16 days after service of the action.

(7)(i) In a rail proceeding, the action, if not stayed, shall become effective 30 days after its is served, unless the acting body provides for the action to become effective at an earlier date. On the day after the date the action is served parties may initiate judicial review.

(ii) In a non-rail proceeding, the action, if not stayed, shall be effective on the date it is served, and parties may initiate judicial review.

(iii) In all final actions, the provisions of the action shall take effect on the date of service, unless otherwise provided. On this date parties must comply with the terms, conditions, or orders of the effective decision.

(d) *Petitions to reopen administratively final actions.* A person at any time may file a petition to reopen any administratively final action of the Commission pursuant to the requirements of paragraphs (c)(3) and (c)(4) of this rule. A petition to reopen an operating rights application proceeding must state in detail information sufficient to establish either fraud or ministerial mistake in the earlier decision. A petition to reopen all other proceedings shall state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances and shall include a request that the Commission make such a determination.

(e) *Petitions for other relief.* (1) A party may petition for a stay of an action pending a request for judicial review, for extension of the compliance date, or for modification of the date the terms of the decision take effect. The reasons for the desired relief shall be stated in the petition, and the petition shall be filed not less than 10 days prior to the date the terms of the action take effect. No reply need be filed. If a party elects to file a reply, the reply must reach the Commission no later than 5 days after the petition is filed.

(2) When the terms of a Commission action take effect on less than 15 days' notice, a petition for stay pending a request for judicial review shall be filed prior to the institution of court action and as close to the service date as practicable. No reply need be filed. Where time permits, a party may elect to file a reply.

(3) A petition or reply shall not exceed 10 pages in length.

(f) *Exhaustion of remedies and judicial review.* These rules do not relieve the requirement that a party exhaust its administrative remedies before going to court. Any action appealable as of right must be timely appealed. If an appeal, discretionary appeal, or petition seeking reopening is filed under paragraph (b) or (c) of this rule, before or after a petition seeking judicial review is filed with the courts, the Commission will act upon the appeal or petition after advising the court of its pendency unless action might interfere with the court's jurisdiction.

(49 U.S.C. 10321 and 5 U.S.C. 553)

[FR Doc. 81-10110 Filed 4-2-81; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1201

[No. 37281]

Railroads Performing Depreciation Studies

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This rule revises the regulation pertaining to developing depreciation rates for railroad road and equipment property. In the past the Commission has prepared depreciation studies and provided railroads with composite depreciation rates. The new rule requires that individual railroads perform depreciation studies and develop depreciation rates for Commission review and approval every three years for equipment property and every six years for road property. The objective of this proceeding is to allow railroads more autonomy in determining annual composite depreciation rates.

EFFECTIVE DATE: This rule is effective for January 1, 1981.

ADDRESSES: An original and 15 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: On March 24, 1980, we issued a Notice of Proposed Rulemaking (45 FR 19588, March 26, 1980) which proposed that railroads begin to perform depreciation studies. In the past, the Commission has prepared the depreciation studies and issued the composite depreciation rates to each railroad. Now it is apparent that many railroads can calculate their own depreciation rates because they have more computer capability and software packages. Moreover, each railroad can factor internal policies such as rebuilding, car maintenance, and operational plans that impact on property uses and replacements into its studies to produce more accurate depreciation rates. For these reasons we believe it is now appropriate for individual railroads to perform their own depreciation studies and develop depreciation rates for Commission review and approval.

Depreciation is a systematic method of allocating the economic use of capital investment.

Generally, a depreciation study should consist of the following components:

(1) Actuarial or semiactuarial methods for determining service lives for road and equipment properties;

(2) Salvage value calculations for road and equipment properties;

(3) Reserve calculations for each account or subaccount as appropriate; and

(4) A commentary on adjustments and judgmental factors used in the study.

Railroads shall periodically submit study results to the Commission for review and approval. Depreciation studies shall be submitted to the Commission on a three-year cycle for

equipment property and a six-year cycle for road property. For example, for equipment property, a railroad which had rates prescribed in calendar year 1978 will be scheduled to submit depreciation studies for the Commission's review in 1981. For those which had rates prescribed in 1979, the submission year would be 1982, and so on. The cycle can be interrupted if a railroad submits a study prior to its scheduled year, in which case a new cycle will begin.

Representations and Discussion

Seven parties responded to the Notice of Proposed Rulemaking (FR 19588). Although the proposed policy was generally favorably received, several major concerns expressed by the respondents warrant discussion.

Lack of technical expertise. Several of the smaller Class I railroads responded that limited technical resources will prevent them from conducting acceptable depreciation studies. We recommend that these carriers with limited in-house resources seek the aid of professional consultants in developing acceptable depreciation studies.

Study cycle too short. Some respondents contended that the three-year cycle for road and equipment property could possibly be too short for significant variances to develop in the rates then in use. We have reconsidered this provision and found that a three-year cycle for equipment property and a six-year cycle for road property would be the optimal review periods. We believe that the longer review period for road property is in line with the relatively constant state of this asset group.

Alternative depreciation methodologies should be permitted. Some respondents recommended that individual roads be allowed the flexibility of selecting the appropriate depreciation methodology, and not be restricted to calculating composite depreciation rates for car types. Alternative depreciation methods mentioned were the unit method, units of production method, "vintage year" composite depreciation method, and other acceptable methods. Also, these respondents believe railroads should determine how scrap residual should be calculated. With the railroads' increased computer capabilities, we believe implementation of other depreciation methodologies and assessment of residual values are valid issues. However, research in these areas is targeted for subsequent consideration under separate proceedings.

Concerning the railroads' cost of performing depreciation studies, the Association of American Railroads stated that not all of its respondents replied to this question. Those that did estimated that the cost would vary from $15,000 to $100,000, and one estimated a start-up cost of $55,000. The one railroad responding to the Commission on this issue estimated the cost of performing the study at about $15,000, which we consider to be average and not material.

It is important to note that railroad managements will individually determine the degree of research needed to derive justifiable and accurate depreciation rates. Our approval generally will be based on the impact that changes in the depreciation expenses and accumulated depreciation accounts have on the financial statements, rather than on research methods employed by railroads. It is possible that in some cases only limited research would be necessary. The increase in autonomy in determining depreciation rates could therefore reduce cost in some instances. In addition, the Commission will provide technical assistance and software packages when requested to aid in implementing the depreciation study process. This also will significantly reduce start-up costs.

For unique problems railroads will encounter during the transition period, we recommend that the Commission be consulted for assistance. Examples of special transactions are: (1) the acquisition of assets within a "fully depreciated" group when the composite depreciation rate is zero, and (2) the assignment of accumulated depreciation by car types from the aggregate pool. The Commission is developing a total system concept package to handle these and other special occurrences. This program will provide insight into the depreciation process and how these special problems can be alleviated. Information on this program, which is soon to be finalized, and other software packages can be obtained by contacting the Commission's Bureau of Accounts, Depreciation Branch, Mr. E. C. Hostettler, on (202) 275-7367.

The Commission will assist railroads in implementing the policy. The Bureau of Accounts will issue Accounting Series Circulars (ASC) to provide guidelines for depreciation studies when necessary. These guidelines will be general and not so rigid as to restrict the decision making processes of individual railroads. The Bureau will also make available to railroads computer software packages containing detailed documentation of data requirements and programs used by the Commission in depreciation analyses. Requesting railroads can obtain the packages on either magnetic tapes or hard copy publications. The Commission, however, will not be responsible for the conversion of the programs to specific computer systems.

Class II railroads are exempt from the three-year and six-year cyclical reviews, but depreciation studies must be submitted when requested by the Commission.

The computer software packages are available to Class III railroads; however, they are not required to submit depreciation studies.

Class I and Class II railroads are still required to submit annual data by June 30 of each year on Form ACV-159, "Service Life Data."

The effective date for this policy is January 1, 1981.

Instructions 4-2 and 4-3 of Part 1201 are therefore adopted as set forth in the Appendix to this rule.

This rule does not appear to significantly affect the quality of the human environment or the consumption of energy.

In this proceeding, only Class I railroads are subject to the cyclical depreciation studies. Therefore, we anticipate no adverse economic impact on small businesses or organizations. We do, however, invite comments on this issue.

This rule is under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

Title 49 CFR, Chapter X, Part 1201, Railroad Companies, is amended by the following revisions:

Revise Instruction 4-2, "Rates of depreciation," and Instruction 4-3, "Depreciation records to be kept," paragraph (a), to read as follows:

4-2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each depreciable property account, or a subgroup in that account, shall be used in computing annual depreciation expenses and accumulated depreciation. The composite rates shall be based on the results of a depreciation study performed by each railroad. A depreciation study shall, in general, contain the following components:

(i) Actuarial or semiactuarial methods for determining service lives for road and equipment properties;

(ii) Salvage value calculations for road and equipment properties;

(iii) Accumulated depreciation for each account or subaccount as appropriate;

(iv) Other factors and related calculations involving the depreciation process; and

(v) A commentary on any adjustments and judgmental factors used in the study.

(b) Railroads shall submit to the Commission for review and approval a report on depreciation studies and proposed depreciation rates every three years for equipment property, and ever six years for road property. Railroads can, however, submit depreciation studies prior to its scheduled year, in which case a new cycle will begin.

(c) In computing monthly depreciation charges, the annual percentage rates shall be applied to the depreciation base as of the first of each month and the results shall be divided by twelve.

(d) Class II railroads are exempt from the three-year and six-year cyclical reviews, but shall submit depreciation studies when requested by the Commission. Class III railroads are not required to submit depreciation studies.

4–3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives.

* * * * *

(49 U.S.C. 10321 and 5 U.S.C. 553)

[FR Doc. 81-10109 Filed 4-2-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 716 and 785

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM); Interior.

ACTION: Cancellation of Prior Notice and Deferral of Effective Dates for Final Rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is further postponing the effective dates of three final rules which were previously postponed until March 30, 1981 in accordance with the President's memorandum of January 29, 1981. These rules were the subject of a notice published on March 23, 1981 (46 FR 18023), which is cancelled and superseded by this notice. Public comment is solicited as to whether the rules should be suspended indefinitely pending the outcome of rulemaking to consider modifications of those rules. This action is being taken as a result of preliminary review of the rules under Executive Order 12291. The specific regulations affected by this action are listed below.

DATES: This document is effective on March 30, 1981. The effective date of § 716.7 (a) and (b) as published on January 22, 1981, and the effective dates of § 785.17(a) and § 700.11(b) as published on January 23, 1981 is May 4, 1981. The effective date of § 716.7(a)(2) as published on January 23, 1981 is May 5, 1981. Comments must be received on or before 5 p.m., April 20, 1981, at the address listed below.

ADDRESS: Comments may be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 153, 1951 Constitution Avenue, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Andrew V. Bailey, Principal Deputy Director, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–4006.

SUPPLEMENTARY INFORMATION: On February 4, 1981, the Department of the Interior, in accordance with the President's memorandum of January 29, 1981, extended until March 30, 1981, the effective dates of three rules which had not yet become effective.

The Office of Surface Mining (OSM) published amendments to § 716.7 (a) and (b), prime farmland exemptions, in the **Federal Register** on January 22, 1981, which were effective on February 23, 1981. In the January 23, 1981, **Federal Register**, § 716.7(a)(2) was revised, effective February 23, 1981. The effective date of the January 23, 1981, amendments was incorrect and should have been February 24, 1981. Therefore, in this document, the effective date of § 716.7(a)(2) (as published on January 23, 1981) has been postponed one day after § 716.7 (a) and (b), (as published January 22, 1981).

The three rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less. Thts notice supersedes the notice published on March 23, 1981 (46 FR 18023) concerning these three rules. As a result of a preliminary review of these rules undertaken pursuant to Executive Order No. 12291, 46 FR 13193, OSM has determined that it is in the public interest to consider modifications of these rules. The effective dates of the rules are therefore postponed pending the receipt of comments on the issue of whether these rules should be suspended pending the outcome of further rulemaking which OSM will initiate in the near future. All appropriate procedures under Executive Order 12291, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the Administrative Procedure Act (APA), and other applicable laws and regulations will be followed.

As a result of this notice, these rules will not become effective on March 30, 1981, as was stated in the notice published in the **Federal Register** on February 4, 1981, 46 FR 10707. Because none of the rules has ever been in effect, this postponement and possible later suspension would allow the prior versions of each rule to remain in effect until the completion of new rulemaking proceedings.

Justification for Postponement Followed by Suspension

Many states have recently received outright or conditional approval of their regulatory programs and are beginning the difficult task of implementing those programs. If these rules were allowed to become effective on March 30, 1981, those states would be required to begin the process of amending their state programs to meet the new federal rules. State resources would be needlessly expended in this effort, however, if the result of OSM's planned future rulemaking differs from the postponed rules. Imposition of such an unnecessary burden on States which are currently facing the difficult task of implementing their regulatory programs is not justifiable. Postponement of the effective dates of these rules, followed by suspension of these rules, will prevent such a wasteful exercise and allow a careful reevaluation and revision of the prime farmland and two acre exemption rules. Because the prior rules will remain in effect, postponement of these versions of the rules will have no adverse effect upon achieving the purposes of SMCRA pending completion of the rulemaking process.

Notice of suspended regulations: The effective dates of the following regulations are suspended as follows:

A. 30 CFR 716.7 (a) and (b). Prime Farmland Exemption

The effective date of this regulation as published on January 22, 1981 (46 FR 7212) is postponed until May 4, 1981. The regulation which was in effect prior to January 22, 1981, remains in effect.

B. 30 CFR 716.7(a)(2). Prime Farmlands Exemption

The effective date of this regulation as published on January 23, 1981 (46 FR 7900) and corrected in this document, is postponed until May 5, 1982. The regulation which was in effect prior to January 22, 1981 remains in effect.

C. 30 CFR 785.17(a). Prime Farmland Exemption

The effective date of this regulation as published on January 23, 1981 (46 FR 7900) is postponed until May 4, 1981. The regulation which was revised by that notice remains in effect.

D. 30 CFR 700.11(b). Extraction of Coal: Two acres or less

The effective date of this regulation as published on January 23, 1981 (46 FR 7904) is postponed until May 4, 1981. The regulation which was revised by that notice remains in effect.

Dated: March 30, 1981.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-10153 Filed 4-2-81; 9:42 am]

BILLING CODE 4310-05-M

Proposed Rules

Federal Register
Vol. 46, No. 64
Friday, April 3, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to revise excepted service regulations which authorize appointments of disadvantaged youth under the Summer Aid Program to permit the appointment of mentally retarded or severly physically handicapped youths, regardless of financial need. This revision will provide these youths with increased employment opportunities.

DATE: Comments will be considered if received on or before May 4, 1981.

ADDRESS: Send or deliver written comments to Associate Director, Staffing Services, U.S. Office of Personnel Management, 1900 E Street NW., Room 6F08, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:
James R. Poole, 202–632–5677.

SUPPLEMENTARY INFORMATION: Appointments of Summer Aids are similar in nature to appointments of students under Schedule A authority 213.3102(w) known as the Stay-in-School Program. Both are intended to provide employment opportunities to economically disadvantaged youths. In October 1978, Stay-in-School Program regulations were amended to permit the appointment of mentally retarded and severely physically handicapped students, regardless of financial need. Since many youths find employment as Summer Aids before they are appointed as Stay-in-Schoolers in the fall, the basic eligibility criteria for both programs should be similar. The above cited revision will also increase employment opportunities for handicapped youngsters who are at least 16 years of age.

To eliminate confusion about the time period during which Summer Aid appointments can be made, the revised authority will cite the dates of the Federal Government's summer employment period (May 13 through September 30).

The comment period has been shortened to 30 days in order that these regulations may benefit handicapped youths during the summer of 1981.

E.O. 12291, Federal Regulation

OPN has determined that this is not a major rule for the purposes of E. O. 12291 Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the U.S. Office of Personnel Management proposes to revise § 312.3102(v) to read as follows:

§ 213.3102 Entire executive service.

* * * * *

(v) Between May 13 and September 30, temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, appointed either a) under economic or educational needs standards prescribed by the Office of Personnel Management or b) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday and may not be employed for more than 700 hours. This paragraph shall apply only to positions whose pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

* * * * *

(5 U.S.C. 3301, 3302, E. O. 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 81–10052 Filed 4–2–81; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 330

Recruitment, Selection, and Placement (General): Displaced Employee Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This amendment would revise and update civil service regulations on the Displaced Employee Program to make them more responsive to current agency staffing needs and practices.

COMMENT DATE: Written comments will be considered if received no later than June 2, 1981.

ADDRESS: Send or deliver written comments to William Bohling, Chief, Noncompetitive Staffing and College Relations Branch, Room 6A12, Office of Personnel Management, Washington, D.C. 20415

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: At 35 FR 413 dated January 13, 1970, the Office of Personnel Management (formerly the Civil Service Commission) published regulations establishing the Displaced Employee Program. The Displaced Employee Program helps place present and former career or career-conditional employees who have been displaced or are scheduled to be displacd from their positions. This amendment to the regulations will revise and update the basic provisions of the Displaced Employee Program to make them more responsive to current agency staffing needs and practices. The changes to these regulations are: (1) inclusion, for publicity purposes only, of Federal employees whose federally employed spouses make Government-requested, work-related geographic moves as

eligible for assistance under the Displaced Employee Program, along with delegation of authority to agencies to nonselect employees referred under this category;

(2) reaffirmation of agency responsibility to provide primary assistance in placing its own displaced employees, and specification of five elements every agency's placement program should include;

(3) removal of the requirement that recovered disability annuitants be under the age of 60 in order to receive assistance under the Displaced Employee Program;

(4) clarification of the fact that Schedule C employees are not entitled to placement assistance under the Displaced Employee Program;

(5) modification of conditions under which an employee's eligibility for placement assistance may be terminated, to include acceptance of a nontemporary appointment in the excepted service *or* declination of employment in either the competitive or excepted service under conditions (i.e., at any grade, salary level, in any geographic location, or with any work schedule) which the employee previously indicated as acceptable; and, finally;

(6) recognition of the existence of agency delegated examining units responsible for handling various aspects of the Displaced Employee Program.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

According, OPM proposes to revise 5 CFR Part 330, Subpart C to read as follows:

Subpart C—Displaced employee Program

§ 330.301 Definition.

In this subpart, "displaced employee" means a present or former career or career-conditional employee, or excepted employee with competitive status and in tenure group I or II (except an employee occupying a Schedule C position as defined in Part 213 of this chapter—Schedule C employees are not entitled to placement assistance under the Displaced Employee Program) as defined in Part 351 of this chapter, who—

(a) Has received a reduction-in-force notice and whose employing agency has determined that he/she cannot be placed in another position in his/her competitive area;

(b) Has declined to transfer with his/her function, or to accept a new assignment to another commuting area and whose employing agency has determined that he/she will not be placed in another position in his/her competitive area;

(c) Was separated or furloughed because of a compensable injury sustained under the provisions of subchapter I of chapter 81 of title 5, United States Code;

(d) Has been retired under section 8337 of title 5, United States Code, and is subsequently found by OPM to have recovered from his/her disability or to have been restored to earning capacity; or,

(e) Has had to resign or be placed in a leave without pay (LWOP) status because his/her federally employed spouse has been relocated to another commuting area at Government request. An employee registered under this category (and who is not entitled to assistance under any of the other preceding categories) is included in the Displaced Employee Program solely for the purpose of giving him/her visibility to agencies with installations in the geographic area to which the spouse is being transferred. Agencies may, therefore, at their discretion, choose not to appoint an employee registered under this category. Such action does not require prior OPM approval.

§ 330.302 Agency programs.

(a) Each agency has a primary obligation to assist, to the maximum extent practicable and in keeping with requirements set forth in (b) below, in the placement of its displaced employees. OPM's Displaced Employee Program acts only to supplement these efforts and is not intended to replace an agency's program or to relieve an agency of its responsibility to provide the maximum placement assistance possible.

(b) Each agency shall operate a positive placement program for its own displaced employees. The program shall, as minimum, provide for establishment and maintenance of a reemployment priority list for the commuting area, as provided for in Subpart B of Part 330 and Subpart J of Part 351 of this chapter. Additionally, each agency is encouraged to supplement this basic requirement with other forms of appropriate assistance including, but not limited to, the following elements: (1) eligibility for assistance, (2) duration of eligibility, (3) types of assistance provided, including counseling, job referral, and training, (4) referral procedures, including interagency referrals, and (5) consideration of the appropriateness of placing restrictions on filling vacancies by any means when qualified displaced persons are available.

§ 330.303 OPM program.

Subject to the time limits and other conditions published by OPM in the Federal Personnel Manual, a displaced employee is eligible for placement assistance under OPM's Displaced Employee Program.

§ 330.304. Priority referral.

(a) *When made.* OPM and agencies with delegated examining authority refer displaced employees for consideration in filling positions at GS–15 and below, or the equivalent, which (1) are expected to last more than 1 year, (2) are at or below the grade of the positions from which the employees were or will be displaced, and (3) are either vacant or filled by tenure group III employees as defined in part 351 of this chapter other than status quo or Schedule C employees. Referrals are based on the qualifications of displaced employees and on the duties of the positions.

(b) *Order of referral.* Displaced employees are referred in the descending order of their retention standing by groups and subgroups under Part 351 of the chapter.

(c) *Selections.* When an agency selects a referred displaced employee, it employs him/her by reinstatement, transfer, position change, or new appointment as appropriate.

§ 330.305 Restrictions.

(a) When a displaced employee receives priority referral under § 330.304(a) to a position for which he/she is qualified and available, the agency shall give him/her bona fide consideration for placement in the position. If there is no vacancy, but there is a position occupied by a tenure group III employee, other than a status quo or Schedule C employee, the agency shall establish a vacancy by separating a tenure group III employee under § 316.801 of this part. The agency may, however, without prior OPM approval, choose not to appoint displaced employees referred under § 330.301(e) of this subpart since these employees are included in the program for visibility purposes only.

(b) OPM or agencies with delegated examining authority will neither certify from a register of eligibles nor authorize appointment outside the register in the absence of eligibles to fill any position expected to last more than 1 year for which a displaced employee is eligible and available for priority referral.

§ 330.306 Duration of eligibility.

A tenure group I displaced employee is eligible for placement assistance under the Displaced Employee Program for 2 years, and a tenure group II employee for 1 year, from the date he/she was separated or from the date he/she entered the program, whichever is later. Eligibility is terminated earlier, however, (a) at the employee's written request; (b) upon his/her acceptance of a nontemporary appointment in either the competitive or excepted service; or, (c) upon his/her declination of employment in the competitive or excepted service under conditions (i.e., at any grade, salary level, in any geographic location, or with any work schedule) which he/she previously indicated as acceptable, unless OPM determines that in the interest of equity an exception is warranted.

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

[FR Doc. 81-10225 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Immediate Effectiveness Rule; Commission Review Procedures for Power Reactor Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Following the accident at Three Mile Island, the Nuclear Regulatory Commission's staff devoted the bulk of its attention to investigating that accident and determining what remedial actions were required at operating reactors. As a consequence, the staff was unable to process applications for operating licenses at the normal pace. It now appears that the construction of a number of nuclear plants will be completed before operating licenses can be issued. In an effort to reduce or eliminate the delay between completion of construction and issuance of an operating license, the Commission is considering modifying Appendix B to Part 2 of its regulations to either (a) reduce the length of time between a Licensing Board decision permitting fuel loading and low power testing or full power operation and the Commission's decision to permit the Licensing Board's decision to become effective, or (b) allow a Licensing Board decision permitting fuel loading, low power testing or full power operations to become immediately effective.

DATES: Comment period expires May 4, 1981. Comments received after May 4, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: All interested persons who desire to submit comments in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Esq., Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202–634–1465).

SUPPLEMENTARY INFORMATION: Appendix B to Part 2 was adopted as an interim response to the Three Mile Island (TMI) accident in order to increase Commission supervision of adjudicatory licensing decisions involving power reactors. Under Appendix B, an initial decision by an Atomic Safety and Licensing Board to grant a nuclear power reactor construction permit or to authorize issuance of an operating license does not become effective until both the Atomic Safety and Licensing Appeal Board and the Commission have reviewed that decision and decided that it should become effective. The review process contained in Appendix B nominally postpones the issuance of operating licenses for close to three months beyond a favorable Licensing Board decision.

Following the Three Mile Island accident, the Commission reassigned most of its staff who had been reviewing applications seeking authorization to construct or operate nuclear power reactors to other tasks, such as investigating the cause of the accident and developing new regulations based on the lessons learned. As a direct result of these reassignments, construction of a number of plants will be finished prior to the issuance of an operating license. By reducing the length of time taken to determine whether a Licensing Board decision should become effective or by allowing a Licensing Board decision to become immediately effective, the Commission hopes to reduce or eliminate the delay between completion of construction and issuance of an operating license.

The Commission has now determined that substantive licensing requirements are sufficiently settled in light of the numerous studies of TMI and regulatory actions taken in response thereto that the full Appendix B reviews of operating license decisions may no longer be necessary.[1] Therefore, in an effort to avoid unwarranted and expensive delays, the Commission hereby proposes to adopt one of two alternative modifications to Appendix B as it applies to operating license decisions.

Summary of Appendix B Procedures

As it presently operates, Appendix B provides for both Appeal Board and Commission review of Licensing Board decisions in favor of granting operating licenses. According to the Appendix B schedule, issuance of such licenses will be thereby postponed for a period of about 60 days for Appeal Board review and a further period of about 20 days for the Commission review. The Commission and Appeal Board reviews focus on possible reasons for delaying the effectiveness of the Licensing Board decision pending a further, more detailed review of the record. In instances where a further delay is not inposed, the license will issue ordinarily within 80 days of the Licensing Board decision. The time periods available to the Appeal Board and the commission can be extended as necessary. Prior to the TMI accident, Licensing Board decisions permitting low or full power

[1] The continued application of Appendix B to construction permit decisions will be considered by the Commission in a separate rule-making proceeding. *See* 45 FR 34279 (May 22, 1980).

operations generally became effective 10 days after they were issued.

Options for Changing Appendix B

The two options which are being considered for changing the present system are as follows:

Option A—Expedited Commission Review

This option would entail expedited Commission review of Licensing Board decisions in order to determine whether the decisions should become effective or whether a further delay should be imposed pending a more thorough review of the Licensing Board's decision. The Commission intends to complete its review within 10 days of a fuel loading/low power testing decision and within 30 days of a full power operating license decision and would be performed regardless of whether any party requested a stay. In the event that time limits are not met by the Commission, the Commission would state the reasons for its further consideration and the time required for a stay decision, and the Licensing Board's initial decision would be considered stayed pending the Commission's ruling. The Appeal Board would not become involved in this expedited review and the matter would ordinarily be decided by the Commission without the need for filings from the parties.

It is intended that Appeal Board review of any stay applications filed pursuant to 10 CFR 2.788 will begin concurrently with this Commission review. However, as noted, issuance of a license will no longer await an Appeal Board decision. An Appeal Board could stay issuance of a license approved by the Commission in which case operation of the plant, permitted by the Commission, would cease pending resolution of the issue that prompted the stay. This scenario is made possible by the fact that Appeal Board review would have the benefit of filings from the parties and would proceed under the traditional stay criteria contained in 10 CFR 2.788, while the Commission's stay review would focus narrowly on significant issues identified by the Commission from its own review of the case.

Depending upon the type of license being reviewed, Option A could provide a time savings of 50 or 70 days over Appendix B in the normal case where a stay is not granted. Of course, decision times will vary under either system depending upon the complexity of the case.

Option B—Granting Immediate Effectiveness Concurrent with Appeal Board and Commission Review

This option would allow favorable Licensing Board decisions to become immediately effective. The license would then issue, pursuant to 10 CFR 2.764, within 10 days of the initial decision. Appeal Board and Commission stay review would follow under current Appendix B procedures.

The potential time savings under this option would be at least the 70-day difference between Appendix B procedures and immediate effectiveness (license issued within 10 days of favorable decision). Again, this period could vary depending upon the complexity of the case at issue.

Under either option, the standard Appeal Board review of the merits of Licensing Board decisions, as opposed to the stay determinations at issue here, would continue as before. The Commission wishes to emphasize that the proposed modifications of Appendix B are not intended to allow any reduction in the overall quality of NRC adjudicatory proceedings. The changes, if adopted, would be applicable to ongoing NRC operating license adjudications.

Regulatory Flexibility Act:

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects the Commission's Rules of Practice and Procedures by permitting expedition of the licensing process.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 are contemplated.

Option A

1. The Appendix B to Part 2 is amended by revising the first paragraph in Section 1 and the entire text of Section 2 and Section 3 to read as follows:

Appendix B—Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings

1. Atomic Safety and Licensing Boards

Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. The Boards' decisions concerning construction permits shall not become effective until the Appeal Board and Commission actions outlined below in sections 2 and 3 have taken place. The Board's decisions concerning fuel loading and low-power testing operating licenses or full-power operating licenses shall not become effective until the Commission actions outlined below in section 3 have taken place.

* * * * *

2. Atomic Safety and Licensing Appeal Boards

Within sixty days of the service of any Licensing Board decision that would otherwise authorize issuance of a construction permit, the Appeal Board shall decide any stay motions that are timely filed.[1] For the purpose of this policy, a "stay" motion is one that seeks to defer the effectiveness of a Licensing Board decision beyond the period necessary for the Appeal Board and Commission action described herein. If no stay papers are filed, the Appeal Board shall, within the same time period (or earlier if possible), analyze the record and construction permit decision below on its own motion and decide whether a stay is warranted. It shall not, however, decide that a stay is warranted without giving the affected parties an opportunity to be heard.

In deciding these stay questions, the Appeal Board shall employ the procedures set out in 10 CFR 2.788. However, in addition to the factors set out in 10 CFR 2.788(e), the Board will give particular attention to whether issuance of the permit prior to full administrative review may: (1) Create novel safety and environmental issues in light of the Three Mile Island accident; or (2) prejudice review of significant safety or environmental issues. In addition to deciding the stay issue, the Appeal Board will inform the Commission if it believes that the case raises issues on which prompt Commission policy guidance, particularly guidance on possible changes to present Commission regulations and policies, would advance the Board's appellate review. If the Appeal Baord is unable to issue a decision within the sixty-day period, it should explain the cause of the delay to the Commission. The Commission shall thereupon either allow the Appeal Board the additional time necessary to complete its task or take other appropriate action, including taking the matter over itself. The running of the sixty-day period shall not operate to make the Licensing Board decision effective. Unless otherwise ordered by the Commission, the Appeal Board will conduct its normal appellate review of the Licensing Board decision after it has issued its decision on any stay request.

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[1] Such motions shall be filed as provided by 10 CFR 2.788. No request need be filed with the Licensing Board prior to filing with the Appeal Board. Cf. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-338, 4 NRC 10 (1976).

The sixty-day period has been selected in recognition of two facts: First, allowing time for service by mail, close to thirty days may elapse before the Appeal Board has all the stay papers before it; second, the Appeal Board may find it necessary to hold oral argument.

3. Commission

Construction Permits

Reserving to itself the right to step in at any earlier stage of the proceeding, the Commission will, upon receipt of the Appeal Board decision on whether the effectiveness of a Licensing Board construction permit decision should be further delayed, review the matter on its own motion, applying the same criteria. The parties shall have no right to file pleadings with the Commission with regard to the Appeal Board's stay decision unless requested to do so.

The Commission will seek to issue a decision in each construction permit case within 20 days of receipt of the Appeal Board's stay decision. If the Commission does not act finally within that time, it will state the reason for its further consideration and indicate that time it anticipates will be required to reach its decision. In such an event, if the Appeal Board has not stayed the Licensing Board's decision, the initial decision will be considered stayed pending the Commission's decision.

In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

Operating Licenses

Reserving the right to step in at an earlier time, the Commission will, upon receipt of the Licensing Board decision authorizing issuance of an operating license, review the matter on its own motion to determine whether to stay the effectiveness of the decision. An operating license decision will be stayed by the Commission if it determines that operation would prejudice correct resolution of serious safety issues.

The parties shall have no right to file pleadings with the Commission with regard to this Commission review unless requested to do so by the Commission, except that no extensive stay shall be issued without giving the affected parties an opportunity to be heard.

The Commission intends to issue a decision regarding each fuel loading and low power testing license within 10 days of receipt of the Licensing Board's decision and regarding each full power operating license within 30 days of receipt of the Licensing Board's decision.

In announcing a stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

In operating license cases, the Commission's review under this Appendix is without prejudice to Appeal Board decisions or to stay requests filed under 10 CFR 2.788.

B. Option B

1. The footnote to 10 CFR 2.764 is revised to read as follows:

[1] The temporary suspension of this rule for construction permit proceedings and special review procedures for operating license proceedings are addressed in Appendix B to this part.

2. The Appendix B to Part 2 is amended by revising Sections 1, 2 and 3 as follows:

Appendix B—Suspension of 10 CFR 2.764 With Respect to Construction Permits and Special Review Procedures for Operating Licenses

1. Atomic Safety and Licensing Boards

Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would otherwise authorize.

Construction Permits

The Board's decision concerning construction permits shall not become effective until the appropriate Appeal Board and Commission actions outlined below have taken place.

Operating Licenses

The Board's decisions concerning fuel loading and low-power testing licenses and full power operating licenses shall become effective immediately pursuant to 10 CFR 2.764, subject to possible stays issued by the Commission or Appeal Board. The operating license decisions will be effective pending the stay decisions.

2. Atomic Safety and Licensing Appeal Boards

Construction Permits

Within sixty days of the service of any Licensing Board decision that would authorize a construction permit, the Appeal Board shall decide any stay motions that are timely filed.[1] For the purpose of the application of this policy to construction permit decisions, a "stay" motion is one that seeks to defer the effectiveness of a Licensing Board decision beyond the period necessary for the Appeal Board and Commission action described herein. If no stay papers are filed, the Appeal Board shall, within the same time period (or earlier if possible), analyze the record and decision below on its own motion and decide whether a stay is warranted. It shall not, however, decide that a stay is warranted without giving the affected parties an opportunity to be heard.

In deciding these stay questions, the Appeal Board shall employ the procedures set out in 10 CFR 2.788. However, in addition to the factors set out in 10 CFR 2.788(e), the Board will give particular attention to whether issuance of the license or permit prior to full administrative review may prejudice review of significant safety or environmental issues. In addition to deciding the stay issue, the Appeal Board will inform the Commission if it believes that the case raises issues on which prompt Commission policy guidance, particularly guidance on possible changes to present Commission regulations and policies, would advance the Board's appellate review. If the Appeal Board is unable to issue a decision within the sixty-day period, it should explain the cause of the delay to the Commission. The Commission shall thereupon either allow the Appeal Board the additional time necessary to complete its task or take other appropriate action, including taking the matter over itself. The running of the sixty-day period shall not operate to make the Licensing Board's construction permit decision effective. Unless otherwise ordered by the Commission, the Appeal Board will conduct its normal appellate review of the Licensing Board decision after it has issued its decision on any stay request.

Operating Licenses

Within sixty days of the service of any Licensing Board decision that would otherwise authorize a licensing action, the Appeal Board shall decide any stay motions that are timely filed. If no stay papers are filed, the Appeal Board shall, within the same time period (or earlier if possible), analyze the record and decision below on its own motion and decide whether a stay is warranted. It shall not, however, decide that a stay is warranted without giving the affected parties an opportunity to be heard. Unless otherwise ordered by the Commission, the Appeal Board will conduct its normal appellate review of the Licensing Board decision after it has issued its decision on any stay request.

3. Commission

Construction Permits

Reserving to itself the right to step in at any earlier stage of the proceeding, including the

[1] Such motions shall be filed as provided by 10 CFR 2.788. No request need be filed with the Licensing Board prior to filing with the Appeal Board. Cf. Public Service Company of New Hampshire, (Seabrook Station, Units 1 and 2), ALAB-338, 4 NRC 10 (1976).

The sixty-day period has been selected in recognition of two facts: first, allowing time for service by mail, close to thirty days may elapse before the Appeal Board has all the stay papers before it; second, the Appeal Board may find it necessary to hold oral argument.

period prior to issuance of the Licensing Board's initial decision, the Commission shall, promptly upon receipt of the Appeal Board decision on whether the effectiveness of a Licensing Board construction permit decision should be further delayed, review the matter on its own motion. The parties shall have no right to file pleadings with the Commission with regard to the Appeal Board's stay decision unless requested to do so.

The Commission will seek to issue a decision in each case within 20 days of receipt of the Appeal Board's decisions. If it does not act finally within that time, it will state the reason for its further consideration and indicate that time it anticipates will be required to reach its decision. In such an event, if the Appeal Board has not stayed the Licensing Board's decision, initial construction permit decisions will be considered stayed pending the Commission's decision.

In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

Operating Licenses

Promptly upon receipt of the Appeal Board decision on whether the effectiveness of a Licensing Board operating license decision should be stayed, the Commission shall review the matter on its own motion. The parties shall have no right to file pleadings with the Commission with regard to the Appeal Board's stay decision unless requested to do so.

The Commission will seek to issue a decision in each case within 20 days of receipt of the Appeal Board's decisions.

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 [42 U.S.C. 2201]; sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 [42 U.S.C. 5841])

Dated at Washington, D.C., this 31st day of March, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-10251 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17557; File No. S7-873]

Customer Complaint Registries

AGENCY: Securities and Exchange Commission.

ACTION: Regulatory Flexibility Act certification.

SUMMARY: Acting Chairman Loomis certifies for purposes of compliance with the Regulatory Flexibility Act that proposed Rule 17a-24 concerning the establishment of customer complaint registries, which was published for public comment in 46 FR 14132 (February 26, 1981), would not have a significant impact on a substantial number of small entities.

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 release publishing the proposed rule for comment inadvertently omitted a certification signed by the Chairman pursuant to Section 605(b) of the Regulatory Flexibility Act that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.[2] In light of the above, Acting Chairman Loomis has determined to so certify the proposed rule.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 30, 1981.

Certification

I, Phillip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that Rule 17a-24, concerning the establishment of customer complaint registries, which was published for public comment in Securities Exchange Act Release No. 17557 (February 19, 1981), 46 FR 14132 (February 26, 1981) will not have a significant economic impact on a substantial number of small entities.[3] The reasons for this certification are that: the costs to broker-dealers and certain self-regulatory organizations ("SROs") of complying with the proposed rule will be the costs associated with the forwarding of each customer complaint they receive or data concerning such complaint, as well as advice of the subsequent disposition of such complaint, to an appropriate complaint registry. Even assuming the number of written customer complaints received by a broker-dealer or SRO on an annual basis were sizeable, it does not appear that these costs would be significant for any broker-dealers or for any SROs, regardless of size, and therefore the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Furthermore, because the number of written customer complaints received by broker-dealers to some extent is a function of the number of customer accounts and transactions in those accounts, the costs associated with compliance under the rule will not have a significant disproportionate economic or competitive impact on those broker-dealers that are small entities.

Dated: March 30, 1981.

Phillip A. Loomis.

[FR Doc. 81-10057 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[1] Securities Exchange Act Release No. 17557 (February 19, 1981), 46 FR 14132 (February 26, 1981). Pursuant to Securities Exchange Act Release No. 17644 (March 21, 1981) the comment period with respect to proposed rule 17a-24 has been extended until May 1, 1981.

[2] Section 605(b) provides that an agency need not propose an initial regulatory flexibility analysis nor a final regulatory flexibility analysis "if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."

[3] This certification was inadvertently omitted from Securities Exchange Act Release No. 17557.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (New Mexico-4)]

High-Cost Gas Produced from Tight Formations, Fruitland Formation, N. Mex.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for

designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico Oil Conservation Division that a portion of the Fruitland Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 27, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: March 27, 1981.

I. Background

On March 23, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that a portion of the Fruitland Formation located in San Juan and Rio Arriba Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that a portion of the Fruitland Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The formation is located in San Juan and Rio Arriba Counties, New Mexico, approximately 18 miles east of the city of Aztec, New Mexico. The recommended area is the Northeast Blanco Unit, which comprises 33,500 acres on the northeast flank of the San Juan Basin. The Fruitland Formation is of upper Cretaceous Age and consists primarily of coal and shale with some tight sandstone stringers. Within the Northeast Blanco Unit, the formation averages 300 feet in thickness and is found at an average depth of 2800 feet.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in New Mexico Case No. 7087 convened by New Mexico on this matter demonstrates that:

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

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

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

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

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

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 27, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (New Mexico–4), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 confirmed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 13, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (45) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(2) through (44) [Reserved]

(45) *Fruitland Formation in New Mexico.* RM79–76 (New Mexico–4)

(i) *Delineation of formation.* The Fruitland Formation consists of the Northeast Blanco Unit, found in San Juan and Rio Arriba Counties, New Mexico, approximately 18 miles east of the city of Aztec, New Mexico, on the Northeast flank of the San Juan Basin.

(ii) *Depth.* The Fruitland Formation is overlain by the Kirtland Shale and Farmington Sandstone and underlain by the Pictured Cliffs Formation. The average depth to the top of the Fruitland Formation underlying the Northeast Blanco Unit is 2800 feet.

[FR Doc. 81–9994 Filed 4–2–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 271

[Docket No. RM79–76 (New Mexico–3)]

High-Cost Gas Produced from Tight Formations Abo Formation, N. Mex.

AGENCY: Federal Energy Regulatory Commission

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico Oil Conservation Division that the Abo Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 27, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: March 27, 1981.

I. Background

On March 23, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that portions of the Abo Formation located in Chaves and DeBaca Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Abo Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in DeBaca County, New Mexico in Township 2 South, Ranges 22 thru 27 East and Township 3 South, Ranges 22 thru 26 East and in Chaves County, New Mexico in Township 3 South, Range 27 East, Townships 4, 5, 9 and 10 South, Ranges 22 thru 27 East, Townships 6 thru 8 South, Ranges 22 thru 28 East, Township 11 South, Ranges 22 thru 25 East, Township 12 South, Ranges 22 thru 24 East, Township 13 South, Ranges 22 and 23 East, Township 9½ South, Range 24 East and Township 14 South, Range 22 East. The proposed area underlies approximately 1,536,000 acres and encompasses Roswell, New Mexico, which is located in the southern part of the area. The Abo Formation consists of very fine-grained sandstone ranging from 535 to 818 feet in thickness, averaging about 677 feet. The average depth to the top of the formation is 3650 feet.

III. Discussion of recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in New Mexico Case No. 7093 convened by New Mexico on this matter demonstrates that:

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

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

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

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

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

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, on or before April 27, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico-3), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D. C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 13, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (44) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(22) through (43) [Reserved]

(44) *Abo Formation in New Mexico.* RM79-76 (New Mexico-3)

(i) *Delineation of formation.* The Abo Formation is located in DeBaca County, New Mexico, Township 2 South, Ranges 22 thru 27 East and Township 3 South, Ranges 22 thru 26 East and in Chaves County, New Mexico, Township 3 South, Range 27 East, Townships 4, 5, 9 and 10 South, Ranges 22 thru 27 East, Townships 6 thru 8 South, Ranges 22 thru 28 East, Township 11 South, Ranges 22 thru 25 East, Township 12 South, Ranges 22 thru 24 East, Township 13 South, Ranges 22 and 23 East, Township 9½ South, Range 24 East and Township 14 South, Range 22 East.

(ii) *Depth.* The Abo Formation averages about 677 feet in thickness and the depth to the top of the formation averages 3650 feet.

* * * * *

[FR Doc. 81-9965 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 78-1835]

Medical Devices; Classification of Dye Powder Stains; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of September 11, 1979, that would have classified dye powder stains into class I (general controls). The agency has determined that this device is identified in another device, dye and chemical solution stains, which the agency already has classified into class I as part of the proceeding to classify hematology and pathology devices. Because the two regulations concern the same generic type of device, the agency is withdrawing this proposal of September 11, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulation classifying dye and chemical solution stains into class I.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 1979 (44 FR 52959), FDA proposed that dye powder stains be classified into class I (general controls). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device or similar types of devices may be identified in different proposed regulations, the agency contiues to consolidate its list of generic types of devices.

After publication of the proposal to classify dye powder stains as part of the hematology and pathology device classification proceeding, the agency determined that dye powder stains were identified in the proposal to classify another generic type of device, dye or chemical solution stains, that had been proposed for classification into class I as part of the same classification proceeding. No comments were received on the proposed regulation to classify dye powder stains. The final regulation classifying dye and chemical solution stains into class I was published in the **Federal Register** of September 12, 1980 (45 FR 60582).

Because dye powder stains are identified in the final regulation classifying dye and chemical solution stains and to avoid unnecessary device classification regulations, the agency withdraws the September 11, 1979 proposal to classify dye powder stains. The administrative record for the dye powder stains proposal shall be included in the administrative record (Docket No. 78N-1834) for the final rule classifying dye and chemical solution stains into class I (45 FR 60582).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10035 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 864

[Docket No. 78N-1907]

Medical Devices; Classification of Hematology Stains; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of September 11, 1979, that would have classified hematology stains into class I (general controls). The agency has determined that this device is identified in another device, dye and chemical solution stains, which the agency already has classified into class I as part of the proceeding to classify hematology and pathology devices. Because the two regulations concern the same generic type of device, the agency is withdrawing this proposal of September 11, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulation classifying dye and chemical solution stains into class I.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 1979 (44 FR 53030), FDA proposed that hematology stains be classified into class I (general controls). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device or similar types of

devices may be identified in different proposed regulations, the agency continues to consolidate its list of generic types of devices.

In response to the proposal to classify hematology stains into class I as part of the hematology and pathology device classification proceeding, FDA received a comment requesting that the language be modified in both the proposed rules for hematology stains and for dye or chemical solution stains, because the proposal appeared to identify similar products but set forth different regulatory requirements.

FDA agreed with this comment and published in the **Federal Register** of September 12, 1980 (45 FR 60582), a final regulation classifying dye and chemical solution stains into class I. This final regulation covered hematology stains.

Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the September 11, 1979 proposal to classify hematology stains. The administrative record for the hematology stains proposal, including the comments received on it, shall be included in the administrative record (Docket No. 78N–1834) for the final rule classifying dye and chemical solution stains into class I (45 FR 60582).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associated Commissioner for Regulatory Affairs.

[FR Doc. 81-10041 Filed 4-3-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 864

[Docket No. 78N–1870]

Medical Devices; Classification of Iron Kinetics Tests; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of September 11, 1979, that would have classified iron kinetics tests into class II (performance standards). The agency has determined that iron kinetics tests are not medical devices, but are drugs.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, Bureau of Medical Devices (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 1979 (44 FR 52992), FDA proposed that iron kinetics tests be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes.

In response to the proposal to classify iron kinetics tests into class II, FDA received a comment asserting that the product is an in vivo diagnostic drug and should not be classified as a medical device.

FDA agrees with the comment, which was discussed in the preamble to the final rules for Part 864 Hematology and Pathology Devices that were published in the **Federal Register** of September 12, 1980 (45 FR 60576). Accordingly, the agency withdraws the September 11, 1979 proposal classifying iron kinetics tests into class II (performance standards).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10042 Filed 4-3-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 864

[Docket No. 78N–1875]

Medical Devices; Classification of Red Cell Survival Tests; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of September 11, 1979, that would have classified red cell survival tests into class II (performance standards). The agency has determined that the red cell survival tests are not medical devices, but are drugs.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, Bureau of Medical Devices (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 1979 (44 FR 52997), FDA proposed that the red cell survival tests be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that estabished a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three catergories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulage regulations classifying each generic type of device into one of these classes.

In response to the proposal to classify red cell survival tests into class II, FDA received a comment asserting that the product is an in vivo diagnostic drug and should not be classified as a medical device.

FDA agrees with the comment, which was discussed in the preamble to the final rules for Part 864 Hematology and Pathology Devices that were published in the **Federal Register** of September 12, 1980 (45 FR 60576). Accordingly, the agency withdraws the September 11, 1979 proposal classifying the red cell survival tests into class II (performance standards).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and drugs (21 CFR 5.1))

Dated March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10034 Filed 4-3-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 868

[Docket No. 78N-1751]

Medical Devices; Classification of Automatic Catheter Flushing Devices; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified automatic catheter flushing devices into class II (performance standards). The agency has determined that this device is essentially the same as another device, continuous flush catheters, which the agency already has classified into class II as part of the proceeding to classify cardiovascular devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the continuous flush catheters into class II.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20901, 301-427-7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63380), FDA proposed that automatic catheter flushing devices be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify automatic catheter flushing devices as part of the anesthesiology device classification proceeding, the agency determined that automatic catheter flushing devices are essentially the same as another generic type of device, continuous flush catheters, that have been the subject of a proposed classification into class II as part of the classification proceeding for cardiovascular devices. No comments were received on the proposed regulation to classify automatic catheter flushing devices. The final regulation classifying continuous flush catheters into class II was published in the **Federal Register** of February 5, 1980 (45 FR 7910).

The agency has determined that automatic catheter flushing devices are essentially the same as continuous flush catheters. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979, proposal to classify automatic catheter flushing devices. The administrative record for the automatic catheter flushing devices proposal shall be included in the administrative record (Docket No. 78N-1414) for the final rule classifying continuous flush catheters into class II (45 FR 7910).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commisssioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10045 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 868

[Docket No. 78N-1783]

Medical Devices; Classification of Blood Transfusion Microfilters; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified blood transfusion microfilters into class II (performance standards). The agency has determined that this device is part of another device, intravascular administration sets, which the agency already has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing this proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the intravascular administration sets into class II.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63406), FDA proposed that blood transfusion microfilters be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify blood transfusion microfilters as part of the anesthesiology device classification proceeding, the agency determined that blood transfusion microfilters are part of another generic type of device, intravascular administration sets, that had been the subject of a proposed classification into class II as part of the classification proceeding for general hospital and personal use devices. No comments were received on the proposed regulation to classify blood transfusion microfilters. The final regulation classifying intravascular administration

sets into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69702).

The agency has determined that blood transfusion microfilters are part of another device, intravascular administration sets. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979 proposal to classify blood transfusion microfilters. The administrative record for the blood transfusion microfilters proposal shall be included in the administrative record (Docket No. 78N–1309) for the final rule classifying intravascular administration sets into class II (45 FR 69702).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commission of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–10039 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 868

[Docket No. 78N–1664]

Medical Devices; Classification of Calibrated Breathing System Collection Bottles; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified calibrated breathing system collection bottles into class II (performance standards). The agency has determined that this device is part of another device, vacuum-powered body fluid suction apparatus, which the agency already has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the vacuum-powered body fluid class apparatus into class II.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63312), FDA proposed that calibrated breathing system collection bottles be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify calibrated breathing system collection bottles as part of the anethesiology device classification proceeding, the agency determined that calibrated breathing system collection bottles are part of another generic type of device, vacuum-powered body fluid suction apparatus, that had been the subject of a proposed classification into class II as part of the classification proceeding for general hospital and personal use devices. No comments were received on the proposed regulation to classify calibrated breathing system collection bottles. The final regulation classifying vacuum-powered body fluid suction apparatus into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69729).

The agency has determined that calibrated breathing system collection bottles are part of the vacuum-powered body fluid suction apparatus. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979 proposal to classify calibrated breathing system collection bottles. The administrative record for the calibrated breathing system collection bottles proposal shall be included in the administrative record (Docket No. 78N–1357) for the final rule classifying vacuum-powered body fluid suction apparatus into class II (45 FR 69729).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–10040 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 868

[Docket No. 78N–1801]

Medical Devices; Classification of Gas Cylinders; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified gas cylinders into class II (performance standards). The agency has determined that the gas cylinders are not medical devices.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63421), FDA proposed that gas cylinders be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes.

In response to the proposal to classify gas cylinders into class II, FDA received a comment asserting that the product is not a medical device subject to classification under the act.

FDA agrees with the comment. The agency advises that a gas cylinder filled with a medical gas for inhalation, such as oxygen, is a drug. Accordingly, the agency withdraws the November 2, 1979 proposal classifying gas cylinders into class II (performance standards).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10040 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 868

[Docket No. 78N-1802]

Medical Devices; Classification of Gas Cylinder Holders; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified gas cylinder holders into class II (performance standards). The agency has determined that gas cylinder holders are not medical devices.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 2, 1979 (44 FR 63422), FDA proposed that gas cylinder holders be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three catagories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes.

In response to the proposal to classify the gas cylinder holders into class II, FDA received a comment asserting that the product is not a medical device subject to classification under the act.

FDA agrees with the comment. Accordingly, the agency withdraws the November 2, 1979 proposal classifying gas cylinder holders into class II (performance standards).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and drugs (21 CFR 5.1))

Dated: March 26, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10043 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 868

[Docket No. 78N-1661]

Medical Devices; Classification of Nonindwelling Blood Nitrogen Partial Pressure (PN_2) Analyzers; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of Novenhber 2, 1979, that would have classified nonindwelling blood nitrogen partial pressure (PN_2) analyzers into class II (performance standards). The agency has determined that the nonindwelling blood nitrogen partial pressure (PN_2) analyzer was no in commercial distribution before May 28, 1976, the enactment date of the Medical Device Amendments, and thus the device is classified into class III (premarket approval) by statute.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 2, 1979 (44 FR 63309), FDA proposed that nonindwelling blood nitrogen partial pressure (PN_2) analyzer be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes.

After publication of the proposal to classify the nonindwelling blood nitrogen partial pressure (PN_2) analyzer into class II, the agency determined that the device was not in commercial distribution before May 28, 1976, the enactment date of the amendments. Because the device was not in commercial distribution, it is classified into class III by statute as provided in section 513(f) of the act (21 U.S.C. 306c(f)), without agency publication of a classification regulation for the device. Accordingly, the agency withdraws the November 2, 1979 proposal classifying the nonindwelling blood nitrogen partial pressure (PN_2) analyzer into class II (performance standards).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10044 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 868

[Docket No. 78N-1665]

Medical Devices; Classification of Uncalibrated Breathing System Collection Bottles; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified uncalibrated breathing system collection bottles into class I (general controls). The agency has determined that this device is part of another device, vacuum-powered

body fluid suction apparatus which the agency already has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the vacuum-powered body fluid suction apparatus into class II.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63313), FDA proposed that uncalibrated breathing system collection bottles be classified into class I (general controls). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify uncalibrated breathing system collection bottles as part of the anesthesiology device classification proceeding, the agency determined that uncalibrated breathing system collection bottles are part of another generic type of device, vacuum-powered body fluid suction apparatus, that had been the subject of a proposed classification into class II as part of the classification proceeding for general hospital and personal use devices. No comments were received on the proposed regulation to classify uncalibrated breathing system collection bottles. The final regulation classifying vacuum-powered body fluid suction apparatus into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69729).

The agency has determined that uncalibrated breathing system collection bottles are part of the vacuum-powered body fluid suction apparatus. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979 proposal to classify uncalibrated breathing system collection bottles. The administrative record for the uncalibrated breathing system collection bottles proposal shall be included in the administrative record (Docket No. 78N–1357) for the final rule classifying vacuum-powered body fluid suction apparatus into class II (45 FR 69729).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10046 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 868

[Docket No. 78N–1740]

Medical Devices; Classification of Water-Seal Thoracic Drainage System; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified water-seal thoracic drainage systems into class II (performance standards). The agency has detrmined that this device is part of another device, vaccum-powered body fluid suction apparatus, which the agency already has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the vaccum-powered body fluid suction apparatus into class II.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63371), FDA proposed that water-seal thoracic drainage systems be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify water-seal thoracic drainage systems as part of the anesthesiology device classification proceeding, the agency determined that water-seal thoracic drainage systems are part of another generic type of device, vacuum-powered body fluid suction apparatus, that had been the subject of a proposed classification into class II as part of the classification proceeding for general hospital and personal use devices. No comments were received on the proposed regulation to classify water-seal thoracic drainage systems. The final regulation classifying vacuum-powered body fluid suction apparatus into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69729).

The agency has determined that water-seal thoracic drainage systems are part of the vacuum-powered body fluid suction apparatus. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979 proposal to classify water-seal thoracic drainage systems. The administrative record for the water-seal thoracic drainage systems proposal shall be included in the administrative record (Docket No. 78N–1357) for the

final rule classifying vacuum-powered body fluid suction apparatus into class II (45 FR 69729).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10047 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 880

[Docket No. 78N-1328]

Medical Devices; Classification of Fluid Delivery Tubing; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of August 24, 1979, that would have classified fluid delivery tubing into class II (performance standards). The agency has determined that this device is part of another device, intravascular administration sets, which the agency already has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing this proposal of August 24, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulation classifying intravascular administration sets into class II.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 24, 1979 (44 FR 49909), FDA proposed that fluid delivery tubing be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device or related types of devices may be identified in different proposed regulations, the agency continues to consolidate its list of generic type of devices.

After publication of the proposal to classify fluid delivery tubing as part of the general hospital and personal use device classification proceeding, the agency determined that fluid delivery tubing is part of another generic type of device, the intravascular administration set, that had been the subject of a proposed classification into class II as part of the same classification proceeding. No comments were received on the proposed regulation to classify fluid delivery tubing. The final regulation classifying intravascular administration sets into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69702).

Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the August 24, 1979 proposal to classify fluid delivery tubing. The administrative record for the August 24, 1979 proposal shall be included in the administrative record (Docket No. 78N–1309) for the final rule classifying intravascular administration sets into class II (45 FR 69702).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drug (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-10032 Filed 4-2-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR PART 880

[Docket No. 78N-1305]

Medical Devices; Classification of Infant Oxygen Hoods; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of August 24, 1979, that would have classified infant oxygen hoods into class I (general controls). The agency has determined that this device is essentially the same as another device, oxygen tents, which the agency has proposed be classified into class I as part of the proceeding to classify anesthesiology devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of August 24, 1979. The administrative record for this proposal shall be included with the administrative record for the proceeding classifying oxygen tents into class I.

FOR FURTHER INFORMATION CONTACT: David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 24, 1979 (44 FR 49883), FDA proposed that infant oxygen hoods be classified into class I (general controls). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device or related types of devices may be identified in different proposed regulations, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify infant oxygen hoods as part of the general hospital and personal use device classification proceeding, the agency determined that infant oxygen hoods are essentially the same as another generic type of device, oxygen tents, that had been the subject of a proposed classification into class I as part of the classification proceeding for anesthesiology devices. No comments were received on the proposed regulation to classify infant oxygen hoods. The proposed regulation

classifying oxygen tents into class I was published in the **Federal Register** of November 2, 1979 (44 FR 63395).

Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the August 24, 1979 proposal to classify infant oxygen hoods. The administrative record for the August 24, 1979 proposal shall be included in the administrative record (Docket No. 78N–1769) for the proceeding classifying oxygen tents into class I.

Persons who disgree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–10036 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 880

[Docket No. 78N–1323]

Medical Devices; Classification of I.V. Set Stopcocks; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of August 24, 1979, that would have classified I.V. set stopcocks into class II (performance standards). The agency has determined that this device is part of another device, intravascular administration sets, which the agency has classified into class II as part of the proceeding to classify general hospital and personal use devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of August 24, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulation classifying the intravascular administration sets into class II.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 24, 1979 (44 FR 49904), FDA proposed that I.V. set stopcocks be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regualtions classifying each generic type of device into one of these three classes. Because the same generic type of device or related types of devices may be identified in different proposed regulations, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify I.V. set stockcocks as part of the general hospital and personal use device classification proceedings, the agency determined that I.V. set stopcocks are part of another generic type of device, the intravascular administration set, that has been the subject of a proposed classification into class II as part of the same classification proceeding. No comments were received on the proposed regulation to classify I.V. set stopcocks. The final regulation classifying intravascular administration sets into class II was published in the **Federal Register** of October 21, 1980 (45 FR 69702).

Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the August 24, 1979 proposal to classify I.V. set stopcocks. The administrative record for the August 24, 1979 proposal, shall be included in the administrative record (Docket No. 78N–1309) for the final rule classifying intravascular administration sets into class II (45 FR 69702).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: March 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–10033 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Executive Order 12291 (46 FR 13193, February 19, 1981) requires each Executive agency to publish in April and October of each year a regulatory agenda listing each major regulation or rule the agency anticipates it will propose during the coming six months and each currently effective major regulation or rule that is being reviewed pursuant to the Order. The Order defines a major regulation or rule as any regulation or rule that is likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. While a preliminary assessment of EEOC's regulations under development does not show that any of them fall within the Executive Order's definition of a major rule, the listing below is intended to inform the public of the Commission's regulations currently under development. During the coming six months, the Commission will review its proposed regulations for which final action has not been taken to determine which of them should be designated a major rule under Executive Order 12291. This designation will be reflected in the Commissions regulatory agenda published in October 1981.

FOR FURTHER INFORMATION CONTACT: Karen Danart, Acting Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506; telephone: 202–634–7060.

Signed at Washington, D.C., this 31st day of March 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

1. Develop Title VI regulations to establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC.

Section 601 *et seq.* of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*

2. Develop jointly with the Department of Justice regulations establishing procedures for handling Title VI discrimination complaints filed against organizations receiving Federal funds. Section 601 *et seq.* of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.;* Section 715 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e–14; Executive Order 12067 (43 FR 28967, July 5, 1978); and Executive Order 12250 (45 FR 72995, November 4, 1980).

3. Amend Title VII recordkeeping regulations located at 29 CFR 1602 *et seq.* Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c).

4. Amend 29 CFR 1601.13 which deals with certification procedures for 706 agencies, the filing of Title VII charges with 706 agencies and the deferral of Title VII charges to 706 agencies. Sections 706(c) and 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–5(c) and 12(a).

5. Amend 29 CFR 1601.15 which deals with procedures for access to and production of evidence to coordinate subpeona enforcement under Title VII with that under the Equal Pay Act of 1963. Section 710 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–9.

6. Develop regulations to establish the requirements and procedures for compliance with Section 504 of the Rehabilitation Act of 1973 by recipients of financial assistance from EEOC. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.

7. Amend 29 CFR 1613.706 to deal with pre-employment inquiries in certain Federal agencies concerning the existence, nature or severity of a handicap. Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

8. Amend 29 CFR 1613.708 and 1613.710 to bring EOC's regulations into conformity with the 1978 amendments to the Rehabilitation Act of 1973. Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

9. Develop regulations for processing Title VII EEO complaints in the Federal sector. Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

10. Finalize interim regulations (45 FR 24130, April 9, 1980) that revise 29 CFR 1613.217 and 29 CFR 1613.271 and certain other related sections to clarify the authority of Federal agencies to provide backpay as a part of an informal settlement of an employment discrimination complaint and for payment of attorney's fees at the administrative level in Federal employment discrimination complaint procedures. Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16; Section 15(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633(b); and Section 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a.

11. Amend 29 CFR 1611.1 *et seq.*, the Commission's Privacy Act regulations, to reflect EEOC's authority over Federal EEO records. Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

12. Develop regulations for processing charges of discrimination which arise in connection with a personnel action appealable to the Merit Systems Protection Board. Section 205 of the Civil Service Reform Act of 1978, 5 U.S.C. 7702.

13. Develop regulations for EEOC review of a final decision on any matter involving discrimination that is not otherwise appealable to the Merit Systems Protection Board by a grievant. Section 701 of the Civil Service Reform Act of 1978, 5 U.S.C. 7122.

14. Develop procedural regulations for the Federal sector under the Equal Pay Act of 1963. Sections 4(f) and 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d); Reorganization Plan No. 1 of 1978 (43 FR 19807, May 19, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

15. Develop interpretive regulations under the Equal Pay Act of 1963. Section 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 206(d); Reorganization Plan No. 1 of 1978 (43 FR 19807, May 19, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

16. Develop procedural regulations under the Age Discrimination in Employment Act. Section 1 *et seq.* of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.;* Reorganization Plan No. 1 of 1978 (43 FR 19807, May 19, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

17. Develop interpretative regulations under the Age Discrimination in Employment Act. Section 1 *et seq.* of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.;* Reorganization Plan No. 1 of 1978 (43 FR 19807, May 19, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

[FR Doc. 81-10202 Filed 4-2-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Proposed Supplement to Nevada State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed Rule.

SUMMARY: The State of Nevada has submitted a plan change supplement describing a procedure in its occupational safety and health program by which the State will issue notices of violation in lieu of citations for certain other than serious violations. This document provides an opportunity for interested persons to comment on the change.

DATE: Comments should be submitted by May 4, 1981.

ADDRESS: Written comments should be sent to: Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, telephone (202) 523–6021.

SUPPLEMENTARY INFORMATION:

Background

The Nevada Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on December 28, 1973 (39 FR 1008). Part 1953 of this Chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of Supplement

Nevada has adopted a procedure for issuing notices of violation in lieu of citations for certain other than serious violations. This procedure is stated in Nevada's Operational Policy Memorandum 81–227, dated October 29,

1980. In order to expedite inspections and concentrate resources on serious violations, compliance officers may issue notices of violation for other than serious violations without monetary penalties. If the employer agrees to abate such a violation without contest, the compliance officer will issue the notice on-site. The employer may choose to receive a citation instead of a notice if he wishes to file a notice of contest. For serious, willful, repeat and/or failure to correct violations, citations will be issued in accordance with established procedures.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N-3613, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 11321, San Francisco, California 94102; and Department of Occupational Safety and Health, Nevada Industrial Commission, 515 East Musser Street, Carson City, Nevada 89714.

Public Participation

Interested persons are hereby given until May 4, 1981, to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions should be addressed to the Director, Federal Compliance and State Programs, at the above address, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall then issue his decision on approval or disapproval of the supplement, make appropriate changes to Subpart W of Part 1952, and initiate further appropriate proceedings if necessary.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 27th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-10218 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Handicapped Discrimination Regulations; Request for Public Comments

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Request for comments concerning interim effect of regulations pending reconsideration; request for comments concerning appropriateness of § 51.55(b)(1)(ix) of final regulations.

SUMMARY: The effective date of the revenue sharing final handicapped discrimination regulations was further delayed an additional 60 days by notice published in the **Federal Register** on March 31, 1981, pending reconsideration pursuant to Executive Order 12291, "Federal Regulation." Public comment is requested on whether the regulations should be allowed to have interim effect during the period of reconsideration. Public comment is also requested on whether § 51.55(b)(1)(ix), which prohibits discrimination in the exercise of zoning authority, should be eliminated.

DATES: Consideration will be given to all written comments received on or before May 4, 1981.

ADDRESS: Send comments to: Chief Counsel, Office of Revenue Sharing, Treasury Department, 2401 E St., NW., 15th Fl., Washington, D.C. 20226.

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

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the **Federal Register** (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulations were due to take effect on February 4, 1981. On January 29, 1981, the President issued a memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS filed a notice with the **Federal Register** on February 2, 1981, which was published on February 5, 1981 (46 FR 10908), deferring the effective date of the regulations until March 30, 1981, to permit reconsideration by the new administration. On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 13193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis. On March 26, 1981, the ORS filed a notice with the **Federal Register**, which was published on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days.

Whether To Issue Interim Regulations

Executive Order 12291 requires Federal agencies to decide whether to indefinitely defer the effective date of final regulations during the review period or to allow the regulations to have interim effect pending completion of reconsideration. The review period is expected to take a considerable period of time because the revenue sharing regulations will be reviewed in the context of a government-wide review of the implementation of Section 504. The alternatives are the indefinite delay of the effective date of the regulation pending reconsideration or to permit the regulation to have interim effect pending completion of the review.

Whether To Delete Zoning Provision

The Department is reconsidering § 51.55(b)(1)(ix) of the regulations, which provides that a recipient government shall:

> (ix) Not use its zoning authority in a manner that will have the effect of subjecting qualified handicapped individuals to discrimination on the basis of handicap.

The purpose of the zoning provision is to protect qualified handicapped individuals from exclusionary zoning practices that might restrict their rights to treatment in facilities or living environments in the most integrated settings appropriate to their needs. Specifically addressed would be zoning

ordinances that determine the types of residences or facilities that may be located communities or neighborhoods. This provision was added to the final regulations at the suggestion of the Departments of Justice and HEW because the Revenue Sharing Program is the only one with the potential to cover all programs and activities conducted by recipient governments, including the exercise of the zoning authority.

The zoning regulation was the subject of the most negative public comments of the sections of the regulations over which the ORS has sole discretion. While the ORS never intended to be directly involved in recipient governments' zoning activities, the provision has been construed by recipients and their representative organizations as unwarranted intrusion in their sovereign authority. Since zoning authority is primarily within the jurisdiction of the States, and there is recourse to State courts regarding these cases, the ORS is considering the elimination of this section of the regulations.

Public Comments Requested

Public comment is requested on the following issues:

I. Whether to allow the final revenue sharing regulations to have interim effect or to delay indefinitely their effective date pending reconsideration pursuant to Executive Order 12291.

II. Whether to delete the prohibition against the use of zoning authority to discriminate contained in § 51.55(b)(1)(ix).

Comments concerning the effective date and zoning issues will be accepted for a period of 30 days from the date this notice appears in the **Federal Register** (May 4, 1981).

Authority

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

Dated: March 31, 1981.

Jose Pepe Lucero,

Director, Office of Revenue Sharing.

John E. Schmidt,

Acting Assistant Secretary (Domestic Finance).

[FR Doc. 81-10136 Filed 4-2-81; 8:45 am]

BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1784-4]

Georgia: Proposed Air Quality Surveillance Plan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to approve the air quality surveillance plan revision submitted by the State of Georgia on January 29, 1980. The revision updates Georgia's State Implementation Plan (SIP) to meet EPA requirements as set forth in 40 CFR Part 58, (44 FR 27558, May 10, 1979).

The revision includes commitments to: (1) update the monitoring network and to operate all State and Local Air Monitoring Stations (SLAMS) in accordance with the criteria established by Subpart B of 40 CFR Part 58; (2) site all SLAMS in accordance with the siting criteria contained in Subpart E of 40 CFR Part 58; (3) utilize reference or equivalent methods as defined by EPA in Section 50.1 of 40 CFR Part 50; (4) utilize the quality assurance procedures set forth in Appendix to 40 CFR Part 58. The State's plan revision meets all EPA requirements including episode monitoring procedures and a provision for submitting annual reports to EPA. EPA therefore proposes to approve the plan revisions.

The public is invited to submit written comments on this proposed action.

DATES: To be considered comments must be submitted on or before May 4, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

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

Environmental Protection Division, Georgia Department for Natural Resources, 270 Washington Street SW., Atlanta, Georgia 30334

Library Environmental Protection Agency, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Environmental Protection Agency, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) EPA promulgated ambient air quality monitoring and data reporting regulations. These regulations satisfy the requirements of Section 110(a)(2)(C) of the Clean Air Act by requiring ambient air quality monitoring and data reporting for purposes of State Implementation Plans (SIP). At the same time, EPA published guidance to the States regarding the information which must be adopted and submitted to EPA as a SIP revision which provides for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) to measure ambient concentrations of those pollutants for which standards have been established in 40 CFR Part 50.

The State of Georgia has responded by submitting to EPA on January 29, 1980, a plan for air quality surveillance. Their plan provides for the establishment of a SLAMS network and that such monitors will be properly sited and the data quality assured, the network will be reviewed annually for needed modifications, and the SLAMS network descriptions will be available for public inspection and will contain information such as location, operating schedule, and sampling and analysis method.

EPA is proposing to approve the air quality surveillance plan submitted by Georgia and any written comments on EPA's proposal should be sent to EPA Region IV (address above).

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that this proposed rule will not if promulgated, have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by one state and will not cause significant economic impacts.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because the action proposed relates only to Air Quality Surveillance to be carried out by one State and would have no significant economic effect.

The regulation was submitted to the Office of Management for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments are available for public inspection at: EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: February 18, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-10156 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1785-1]

Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the State submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the State submit a report outlining an inspection/maintenance (I/M) program for vehicle emissions control.

On January 8, 1981, EPA published a notice of receipt to advise the public that the State of Missouri had made a submission involving this condition. The conditional approval of the SIP was continued in that action.

This notice advises the public that EPA proposes to approve the Missouri submission as meeting the applicable condition. Interested persons are invited to submit comments on this proposal.

DATES: Comments must be received before May 4, 1981.

ADDRESSES: Comments should be sent to Mr. Wayne G. Leidwanger, Air, Noise and Radiation Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the State submission and the EPA prepared rationale document are available at the above address and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Room 2922, Washington, D.C. 20460

Missouri Department of Natural Resources 2010 Missouri Boulevard, Jefferson City, Missouri 65101

East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at (816) 374-3791 (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: Section 172(b)(11) of the Clean Air Act is applicable only in the case of ozone and carbon monoxide nonattainment areas which have been granted an extension beyond December 31, 1982, to attain the National Ambient Air Quality Standards. In a notice published in the **Federal Register** on April 9, 1980 (45 FR 24140), the St. Louis area was granted an extension by EPA until December 31, 1987, to achieve the ozone and carbon monoxide standards. As a result, Section 172(b)(11)(B) requires that the SIP include a schedule for implementation of a vehicle emissions control I/M program. I/M refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

EPA has issued guidance on the general criteria for SIP approval including specific criteria for I/M programs. This includes a July 17, 1978, memorandum specifying the key elements for an I/M program. (For additional references regarding SIP approvability, the reader should consult the April 9 rulemaking.) Among other requirements, an I/M program must set forth the program effectiveness and specify the necessary resources to carry it out. The Missouri program was deficient in this regard. As a result, one of the conditions promulgated by EPA in the April 9 rulemaking requires the State of Missouri to report to EPA no later than December 1, 1980, the recommended type of I/M program, stringency factor, vehicle test mix, program resources and justification. This report has also been submitted to the Missouri General Assembly in accordance with the enabling legislation. Further discussion is given in the April 9 **Federal Register** notice.

On December 16, 1980, the State submitted the I/M report. EPA believes the report specifies the necessary requirements for an I/M program for the St. Louis area and that the condition has been fulfilled.

Proposed action: EPA proposes to approve the I/M report as meeting the applicable condition.

There are other conditions promulgated by EPA which must be addressed by the state before the Missouri SIP can be fully approved. Until all conditions are met, conditional approval of the SIP will continue.

Also, on January 22, 1981 EPA published policy on the 1982 SIP submissions including I/M requirements (46 FR 7182). This policy sets forth EPA requirements for approving SIP revisions for areas granted extensions to 1987 for attainment of the ozone and carbon monoxide standards. EPA is taking no action on the Missouri I/M report in regard to the 1982 SIP policy.

The public is invited to submit comments on whether the Missouri submission meets the applicable condition. A notice of receipt was published in the **Federal Register** on January 8, 1981, at which time the public was advised of the submission. With the publication of the notice of receipt and the 30-day comment period allowed on this proposed rulemaking, sixty days will have been allowed for public inspection and comment on the Missouri submission.

The Administrator's decision to approve or disapprove will be based on comments received and on a determination of whether the submission meets the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a regulatory Impact Analysis. This rule is not Major because it imposes no new regulatory requirements. Hence, it is unlikely to have an annual effect on the economy of 100 million dollars or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region VII, 324 11th Street, Kansas City, Missouri 64106.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: January 29, 1981.

Kathleen Camen,

Regional Administrator.

[FR Doc. 81-10115 filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-4-FRL 1784-6]

Designation of Areas for Air Quality Planning Purposes; Alabama: Proposed Redesignation of Jefferson County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking sets forth the attainment status of portions of Jefferson County, Alabama, in relation to the National Ambient Air Quality Standards (NAAQS) for total suspended particulate (TSP). A primary nonattainment designation was promulgated for a specific portion of Jefferson County around the Birmingham and Leeds area on June 10, 1980. Upon review of the latest eight quarters of data submitted from the Birmingham area, EPA is proposing to redesignate portions of the original primary nonattainment area to secondary nonattainment, portions to unclassified, and portions to attainment. The eight quarters of data submitted have been shown to be representative and have been subject to an acceptable quality assurance program. Pursuant to Section 1079(d)(5) a state may submit for revision the list of nonattainment areas that have been designated by the Administrator. EPA is today proposing approval for the redesignation of portions of Jefferson County, Alabama, from primary nonattainment for TSP to secondary nonattainment, unclassified, or attainment.

DATE: To be considered, comments must be submitted on or before May 4, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following offices:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130

Comments should be addressed to Mr. Jerry Preston at the EPA Region IV address.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Preston, EPA Region IV at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), EPA promulgated a portion of Jefferson County, Alabama, as a primary nonattainment area for total suspended particulates (TSP) [1] The original designation was challenged and resulted in a court decision which ordered the Section 107 nonattainment area designations for the primary national ambient air quality standard for particulate matter for those areas be set aside and repromulgated with proper notice and oportunity to comment (*U.S. Steel Co. v. EPA*, 595 F.2d 507 (5th Cir. 1979)). Therefore on July 17, 1979, the same areas within Jefferson County were reproposed as primary nonattainment for TSP and thirty days for comment were provided. After reviewing available air quality data and considering all comments received, on June 10, 1980, these designations were made final (45 FR 39255).

On August 19, 1980, the Alabama Air Pollution Control Commission submitted to EPA a request for redesignation of most of Jefferson County nonattainment area. From a review of the data submitted and the representativeness of the sampling stations, EPA verified that certain portions of the primary nonattainment area for TSP in the Birmingham area could be redesignated as secondary nonattainment. EPA also determined that certain other areas within the original primary nonattainment designation could be redesignated as unclassifiable or attainment for TSP. The redesignation of these particular portions within the original Jefferson County primary nonattainment area is supported by the monitoring data of eight quarters from July 1, 1978, to June 30, 1980, and modeled concentration gradients for the Birmingham area. The proposed unclassified areas are due to the fact that existing monitoring stations did not meet EPA siting criteria during the eight quarters submitted. EPA agrees with the State that the data collected by these monitors are not representative. These monitoring stations include (1) Bessemer, old site ID. 010340001GO1, new site ID. 010340002GO1 January 1980 and (2) Irondale, old site ID. 011880002GO1, removed April 1977 and not replaced. A new sampling site has been established for the Bessemer area only.

The descriptions of the specific designations proposed today are related to the 1967 General Highway map for Jefferson County, Alabama (30,000 foot grid based on Alabama [west] rectangular coordinate system). The map grid is a township-range description with 36 sections in each township-range. The June 10, 1980, primary nonattainment designation for TSP is described as follows:

(Leeds area)

Range 1 East—Township 17 South—Sections 17, 20–22, North ½ of 27–29, South ½ of 15–16, Northwest ¼ of 16.

(Birmingham area)

Range 2 West—Township 16 South—Sections 26–35; Range 2 West—Township 17 South—Sections 2–11, 14–23, 26–34; Range 2 West—Township 18 South—Sections 4–8, 18; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–17, 19–36; Range 3 West—Township 18 South—Sections 1–24, 26–34; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–3, 9–17, 20–29, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

The redesignation of the primary nonattainment area for TSP as promulgated June 10, 1980, was submitted by the Alabama Air Pollution Control Commission and described as follows:

Primary Nonattainment

Alabama has not requested a redesignation for two portions of the existing primary nonattainment area.

(Leeds area)

Range 1 East—Township 17 South—Sections 17, 20–22, South ½ of 15–16, North ½ of 27–29, Northwest ¼ of 16.

(Central Birmingham area)

Range 2 West—Township 16 South—Sections 32–33; Range 2 West—Township 17 South—Sections 4–9, 16–21, 29–30; Range 3 West—Township 17 South—Sections 11–15, 22–36; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–2; Range 3 West—Township 18 South—Sections 4–6.

Secondary Nonattainment

(Fairfield area)

Range 3 West—Township 18 South—Sections 7–8, 18; Range 4 West—

[1] EPA has established primary and secondary NAAQS for TSP. In this notice the term "primary nonattainment" will be used to describe an area in which the pollutant concentration exceeded both the primary and secondary NAAQS for TSP. "Secondary nonattainment" will be used to refer to an area which has attained the primary standard but which is not attaining the secondary standard.

Township 18 South—Sections 3, 9–17, 20–24, 26–29.

Unclassified

(Irondale area)

Range 2 West—Township 17 South—Sections 14–15, 22–23, 26–28, 33–34; Range 2 West—Township 18 South—Section 4.

(Bessemer area)

Range 3 West—Township 18 South—Sections 9, 16–17, 19–21, 29–31; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 18 South—Sections 25, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

Attainment

(North Birmingham area)

Range 2 West—Township 16 South—Sections 26–31, 34–35; Range 2 West—Township 17 South—Sections 2–3, 10–11; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–10, 16–17, 19–21.

(Homewood area)

Range 2 West—Township 17 South—Sections 31–32; Range 2 West—Township 18 South—Sections 5–8, 18; Range 3 West—Township 18 South—Sections 1–3, 10–15, 22–24, 26–28, 32–34.

The State agency has not requested and EPA is not proposing to change the existing primary nonattainment designation for the Central Birmingham and Leeds portion of Jefferson County. The State must submit a Part D SIP revision for the area, demonstrating attainment of the primary TSP standard within twelve months of the date on which the existing nonattainment designation was established (June 10, 1980). The Part D SIP revision must demonstrate attainment of the primary TSP standard, which requires the installation of reasonable available control technology (RACT) for all major sources of TSP emissions located in the primary nonattainment area and those significantly impacting on the primary nonattainment area.

Proposed Action

Based on the eight quarters of data submitted for TSP and the representativeness of the particular sampling site, EPA is proposing to approve the redesignation of portions of the area around Birmingham, Alabama from primary nonattainment for TSP to secondary nonattainment, portions to unclassified, and portions to attainment for TSP.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would merely redefine the boundaries of TSP nonattainment areas in one county, and would impose no new requirements on sources.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments are available for public inspection at: EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: January 15, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-10155 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL 1759-1]

Designation of Areas for Air Quality Planning Purposes; Alabama: Proposed Redesignation for Lauderdale County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 15, 1980, the Alabama Air Pollution Control Commission submitted to EPA eight quarters of total suspended particulates (TSP) data from the Lauderdale County area around Florence. This data shows no violations of the National Ambient Air Quality Standards (NAAQS). EPA is today proposing to approve the State's request for redesignation of Lauderdale County from unclassified for TSP to an attainment classification.

DATES: To be considered, comments must be submitted on or before May 4, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

In addition, the Alabama revision may be examined at the offices of the Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130. Comments should be addressed to Mr. Jerry Preston, EPA, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Preston, Air Programs Branch, EPA Region IV, at the above listed address and telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978, EPA promulgated an unclassified status for a portion of Lauderdale County, Alabama. This classification was the result of insufficient TSP data in the area around Florence, Alabama.

EPA Policy for Section 107 redesignation criteria was issued on June 12, 1978, and stated that for redesignation of an area to attainment by use of monitoring data, that data must be below the standard for the pollutant measured for a reporting period of no less than eight quarters.

The TSP data submitted by the Alabama Air Pollution Control Commission on December 15, 1980 showed no violations of the TSP standards. The eight quarters of data submitted were from October 1, 1978 to September 30, 1980. All data has been documented, shown to be representative, and has been subjected to an accepted quality assurance program.

No TSP samples exceed 120 $\mu g/m^3$ and the annual geometric mean levels ($\mu g/m^3$) submitted by Alabama are as follows:

Station	Oct. 1, 1978 to Sept. 30, 1979	Oct. 1, 1979 to Sept. 30, 1980
01-1400-008-F05	52	(1)
01-1400-004-F01	49	47
TVA-Florence 13	47	48

(1) Discontinued.

Action

Based on the above statements, EPA is proposing to approve the redesignation of the area in Lauderdale County around Florence, from

unclassified to attainment for the TSP standards.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulations is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it would change the attainment status of a single area to attainment and thus eliminate the need for added control requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: EPA, Air Programs Region IV, 245 Courtland Street NE., Atlanta Georgia 30365.

[FR Doc. 81-10154 Filed 4-2-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRL 1784-8]

Designation of Areas for Air Quality Planning Purposes: State of Iowa

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes redesignation of a portion of the City of Dubuque from attainment to nonattainment with respect to the carbon monoxide (CO) ambient air quality standards. It also proposes reclassification of Keokuk from nonattainment to unclassifiable with respect to total suspended particulates (TSP). Finally, reclassification is proposed for portions of Dubuque from nonattainment to attainment with respect to sulfur dioxide (SO_2) air quality standards.

A nonattainment designation means that air pollution levels in a certain area are above the ambient air quality standards and that the area is required to develop a plan to attain the standard under Part D of the Clean Air Act (CAA). An attainment designation means that air pollution levels are better than the standard while an unclassifiable designation means that sufficient information does not exist to make a determination.

DATE: Public comment must be received by June 2, 1981.

ADDRESS: Public comments should be sent to: Ms. Taun L. Novak, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submission are available at the above address and at the: Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washingtoin, D.C.; and the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Ms. Taun L. Novak at (816) 374-3791 (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act, as amended in 1977, required all areas of the nation to be designated as attaining the National Ambient Air Quality Standards (NAAQS), as not attaining the NAAQS or as being unclassificable with respect to attainment for each pollutant for which there is a standard. Attainment/nonattainment designations are recommended by the state and approved or revised as necessary by the Environmental Protection Agency (EPA). A request for redesignation to attainment or unclassificable status is also a request not to require a nonattainment plan for the applicable standard in that area. Areas that are designated attainment or unclassifiable will not need nonattainment plans. Areas that are designated nonattainment are required to have nonattainment plans.

The original designations for the State of Iowa were published in the **Federal Register** of March 3, 1978 (43 FR 8962), and were codified in the Code of Federal Regulations at 40 CFR 81.316. At that time Dubuque was designated attainment for carbon monoxide (CO), a portion of Dubuque was designated nonattainment for sulfur dioxide (SO_2) and portions of Keokuk were classified nonattainment with respect to the primary and secondary standards for total suspended particulate (TSP). On March 6, 1980 (45 FR 14569) the EPA revised the Keokuk designation by removing the primary nonattainment designation and redefining the secondary nonattainment area based on air quality simulation modeling submitted by the state. On December 22, 1980, the Iowa Department of Environmental Quality (IDEQ) submitted a redesignation request recommending several redesignations of attainment status. It is proposed that part of Dubuque is to be redesignated nonattainment for CO, a portion of Dubuque now designated nonattainment for SO_2, be redesignated attainment and the Keokuk nonattainment area be redesignated unclassifiable for TSP.

The state's request for redesignation for a portion of Dubuque from attainment to nonattainment for CO is based on monitoring data showing ten violations of the eight hour standard recorded during the first three months of 1980. The IDEQ is currently investigating the the causes of the elevated concentrations. The state has requested redesignation to nonattainment for the area around the monitor. EPA proposes to promulgate the requested redesignation. A full description of the proposed CO nonattainment area is contained in the state submission which is available for public inspection at the address given in this notice. IDEQ has not requested that the remainder of Dubuque be reclassified for CO.

Dubuque is classified nonattainment for SO_2 standards based on monitoring data collected during 1976 and 1977. The EPA criteria specify 24 months of monitoring data without violation of the standard in order to redesignate an area to attainment. Since more than 24 months of monitoring data are available showing no violations, EPA proposes a redesignation to attainment for the area. However, EPA notes that the state is conducting a new modeling study using current emission parameters and evaluation techniques which will include all major fuel burning sources in the state including three in Dubuque. EPA will assess the modeling results with respect to the attainment status designation when such results become available.

The state's final request is to redesignate Keokuk from nonattainment to unclassifiable for particulates. The state has submitted sufficient air quality monitoring data that shows no violations of the TSP standard, consistent with EPA criteria for redesignation of the area. Modeling done by the state with 1977 emission estimates predicted areas of high concentrations but these have not been confirmed by monitoring data. This variation between monitoring and modeling results is expected to be examined further by the state, which will install an additional monitoring site in the area where modeling predicted high concentrations. Until sufficient monitoring data is collected to determine appropriate designation, and unclassifiable designation is warranted

and EPA proposes such redesignation for Keokuk particulate.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action would impose no regulatory requirements but would only change area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This notice of proposed rulemaking is issued under the authority of Section 107 of the Clean Air Act Amendments of 1977.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not Major because it imposes no new regulatory requirements. Hence, it is unlikely to have an annual effect on the economy of 100 million dollars or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA region VII, 324 11th Street, Kansas City, Missouri 64106.

Dated: March 4, 1981.

Kathleen Camin,

Regional Administrator.

[FR Doc. 81-10156 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL 1759-5]

Designation of Areas for Air Quality Planning Purposes; South Carolina: Proposed Redesignation of TSP and SO_2 Attainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On October 16, 1980, South Carolina requested that the Section 107 designation of TSP and SO_2 attainment areas in 40 CFR 81.341 be changed from "Rest of State" and "Statewide" respectively to a list of the individual counties and those portions of Charleston and Georgetown counties covered by those designations. The purpose of the proposed change is to facilitate the tracking of increment consumption under EPA's regulations for the prevention of significant deterioration of air quality. EPA proposes to grant South Carolina's request. The public is invited to submit written comments on the proposed action.

DATE: To be considered, comments must be received on or before May 4, 1981.

ADDRESS: Copies of South Carolina request may be examined during normal business hours at the following locations:

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

Library, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30065;

South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Wally Warren of Air Programs Branch, Environmental Protection Agency, Region IV at the above address, 404/881-3286 or FTS 257-3286.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it would only add detail to the description of TSP attainment areas in one state to facilitate the administration of PSD requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: EPA Region IV, Air Programs, 345 Courtland Street, NE, Atlanta, Georgia 30065.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: January 16, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-10152 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 772

[OPTS-45004A; TSH FRL 1594-4]

Physical, Chemical, Persistence, and Ecological Effects Testing; Proposed Good Laboratory Practice Standards

Correction

In FR Doc. 80-36046, published in the Federal Register on Friday, November 21, 1980 at page 77353, make the following correction to § 772.110-2:

On page 77361, paragraph (f)(1)(iii), in the third column, some text was inadvertently dropped from the first three lines. As corrected, the beginning of that first sentence should read:

"(iii) Each laboratory area must have immediately available laboratory manuals and standard operating procedures relative to the laboratory procedures being performed, e.g., * * *."

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5911]

National Flood Insurance Program; Proposed Flood Elevation Determinations; New Jersey; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of East Amwell, Hunterdon County, New Jersey, previously published at 45 FR 70009 on October 22, 1980.

EFFECTIVE DATE: April 3, 1981.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of East Amwell, Hunterdon County, New Jersey, previously published at 45 FR 70009 on October 22, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the location description listed as approximately 4,820' upstream of the downstream Corporate Limits, under the Source of Flooding of Stony Brook, should be amended to read approximately 4,280' upstream of the downstream Corporate Limits at an elevation of 237 feet (National Geodetic Vertical Datum). The corresponding Flood Insurance Study (profile) and Rate Map were correct as published.

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

Issued: March 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10059 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5843]

National Flood Insurance Program; Proposed Flood Elevation Determinations; New Jersey; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Kingwood, Hunterdon County, New Jersey, previously published at 45 FR 42702 on June 25, 1980.

EFFECTIVE DATE: April 3, 1981.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Kingwood, Hunterdon County, New Jersey, previously published at 45 FR 42702 on June 25, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the Township of Kingwood, New Jersey Flood Insurance Study (profiles) and Rate Maps, the distances in selected location descriptions should be amended as follows. The elevations are correct as cited.

Source of flooding	Locations	Elevation in feet National Geodetic vertical datum
Delaware River.	27,000'upstream of Corporate Limits.	115
	37,000' upstream of Corporate Limits.	120
Lockatong Creek.	560' downstream of confluence of Tributary F.	443

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

Issued: March 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10060 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5973]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Pennsylvania; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Berwick, Adams County, Pennsylvania, previously published at 46 FR 8041 on January 26, 1981.

EFFECTIVE DATE: April 3, 1981.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Berwick, Adams County, Pennsylvania, previously published at 46 FR 8041 on January 26, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the location description listed as approximately 1,000' upstream of the downstream corporate limits under the Source of Flooding of Spring Run, should be amended to read approximately 2,850' upstream of the downstream corporate limits. The corresponding Flood Insurance Study (profile), Rate Map, and elevation were correct as published.

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

Issued: March 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10061 Filed 4-2-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Northeast Pacific Ocean

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

ACTION: Proposed rules; notices of approval and availability of plan amendment.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, approved an amendment to the Preliminary Fishery Management Plan for the Foreign Trawl Fishery in the Fishery Conservation Zone off the Coasts of Washington, Oregon, and California (PMP). Regulations to implement that amendment are proposed. These regulations would establish new quotas,

consolidate the in season adjustments to total allowable level of foreign fishing (TALFF), add a procedure for in-season modifications to incidental catch percentages, and clarify gear restrictions. The regulations would also set the amount of U.S.-harvested shortbelly rockfish which may be received by foreign vessels in an experimental joint venture approved in the PMP amendment.

DATE: Comments must be submitted on or before April 23, 1981.

ADDRESS: Comments should be addressed to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) approved amendment No. 4 to the PMP on March 10, 1981. Copies of the PMP and amendment are available by writing to the Northwest Regional Office of the National Marine Fisheries Service (NMFS) (address above).

The amended PMP is the basis for the regulations proposed here. For convenience, all of 50 CFR 611.70 is reprinted incorporating the proposed amendments for 1981 foreign fishing in the FCZ seaward of Washington, Oregon, and California. The proposed changes to the 1980 regulations are summarized here:

(1) The estimated domestic annual harvest (DAH) of Pacific whiting is increased from 40,000 metric tons (mt) in 1980 (12,000 mt U.S. caught/U.S. processed; 28,000 mt U.S. caught/foreign processed) to 60,000 mt in 1981 (5,000 mt U.S. caught/U.S. processed; 55,000 mt U.S. caught/foreign processed). Since the optimum yield/total allowable catch (OY/TAC) for Pacific whiting is unchanged (175,000 mt), the initial TALFF is 80,000 mt in 1981—20,000 mt lower than in 1980.

(2) In 1981, TALFF may be increased only once during the season, near August 1. Initial OY and DAH estimates will be reevaluated on the basis of a whiting larval count in the spring and on a NMFS survey in June of domestic performance and intentions. Only the amount of the reserve and DAH not needed by domestic industry may be added to TALFF, so that the OY/TAC for whiting will not be exceeded. In 1980, two actions were used: one in July to determine the reserve release and another in August to reapportion excess DAH. The criteria used to determine the amounts of reserve of DAH available to TALFF are the same as in 1980.

(3) An experimental joint venture for shortbelly rockfish will be allowed between April 15 and May 15, near 37° N. latitude, and seaward of 12 nautical miles. A NMFS survey indicates that domestic annual processing (DAP) of shortbelly rockfish will not exceed 7,500 mt in 1981, and thus will be less than the estimated 10,000 mt DAH. Consequently, joint venture processing (JVP) will be 2,500 mt. Based on research survey data, the incidental catch allowance of whiting will be limited to 8.0 percent of the shortbelly catch retained by foreign vessels (maximum 200 mt). The incidental catch allowances of other species will be calculated in proportion to the shortbelly rockfish catch and will be based on the same percentages as in the directed whiting fishery. The impacts of this experimental fishery on incidentally allowed species are expected to be insignificant. Additional conditions and restrictions to govern this fishery are imposed in the joint venture permit and are not discussed in these regulations.

(4) A procedure for in-season adjustments of incidental catch percentages is added, in the event of unexpected changes in availability or abundance.

(5) Gear restrictions are clarified and incorporated into the regulations. There is no change from 1980 in the intent of the gear restrictions.

Except for the changes above, all management measures remain the same as in 1980.

A public hearing on the amendment and these proposed regulations will be held during the comment period. The exact time and place will be published in the **Federal Register.**

Other Matters

Executive Order 12291 (E.O. 12291) defines a "major rule" as "Any regulation that is likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, States or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with the foreign-based enterprises in domestic or export markets. This proposed rule would allow U.S. harvest of Pacific whiting and shortbelly rockfish to increase by about 30,000 metric tons (mt), worth about $5,000,000. Without the amendment, foreign processing vessels could not enter the FCZ and purchase shortbelly rockfish from U.S. fishing vessels, thus depriving the United States of an opportunity to increase exports of fishery products. The Acting Administrator, NOAA, therefore has determined that this is not a "major rule" under E.O. 12291.

The Acting Administrator, NOAA, also has determined that the amendment and proposed regulations will not have a significant economic impact on a substantial number of small domestic entities, since it is expected that four to six vessels will participate in the fishery. They do not impose additional information collections from domestic industries. No significant environmental impacts will result from the proposed action. A copy of the environmental assessment is available for review at the Northwest Regional office (address above).

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

Signed at Washington, D.C. this 31 day of March 1981.

William H. Stevenson,

Deputy Assistant Administrator, National Marine Fisheries Service.

For the reasons set out in the preamble the foreign fishing regulations are proposed to be amended as follows.

1. 50 CFR Part 611, foreign fishing regulations, is amended by adding a species code to § 611.9 (Appendix 1) as follows:

§ 611.9 Reports and recordkeeping.

* * * * *

Appendix I.—Species Codes

* * * * *

B. Pacific Ocean Fishes; Finfishes.

Code	Common English name	Scientific name
*	*	*
850	Shortbelly rockfish	*Sebastes entomelas*
*	*	*

2. Section 611.20, Section 5 of Appendix I is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I. Optimum yield (OY), domestic allowable harvest (DAH), domestic allowable processing (DAP), joint venture processing (JVP), domestic nonprocessed fish (DNP), and total allowable level of foreign fishing (TALFF), all in metric tons.

Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
* * *	*		*		*			*
5. Northeast Pacific Ocean Fishery: Washington, Oregon, and California fisheries								
Pacific whiting	704	175,000	60,000	5,000	[13]55,000		35,000	80,000
Shortbelly rockfish	850	10,000	10,000	7,500	2,500		0	[14]0
Flounders	129	38,400	38,400	38,400	[14]0		0	[14]0
Jack mackerel	208	55,000	55,000	55,000	[14]0		0	[14]0
Rockfishes, excluding Pacific ocean perch	849	43,300	43,300	43,300	[14]0		0	[14]0
Pacific ocean perch	780	1,000	1,000	1,000	[14]0		0	[14]0
Sablefish	703	13,400	13,400	13,400	[14]0		0	[14]0
Other species	499	26,100	26,100	26,100	[14]0		0	[14]0

Footnotes

* * * * * * *

[13] Includes 200 mt taken incidentally in shortbelly joint venture.
[14] See § 611.70(b)(1)(ii) for incidental catch allowances.

3. Section 611.70 is revised to read as follows:

Subpart E—Northeast Pacific Ocean

§ 611.70 Washington, Oregon, and California trawl fishery.

(a) *Purpose.* This Subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone seaward of Washington, Oregon, and California.

(b) *Authorized fishery.*

(1) *TALFF.*

(i) *Initial TALFF.*

The total allowable level of foreign fishing (TALFF), the amounts of fish set aside as reserves, and the estimated domestic annual harvest (DAH) are set forth in Appendix 1 of 50 CFR § 611.20.

(ii) *In-season increase to TALFF.*

As soon as possible after August 1, the Northwest Regional Director of the National Marine Fisheries Service (Regional Director) shall apportion to TALFF all or part of the reserve and that portion of the estimated DAH which will not be harvested by U.S. fishermen during the rest of the fishing year. The Regional Director may withhold all or part of the Pacific whiting reserve and DAH based on the criteria in paragraph (b) (1) (ii) (A) of this section. Except as provided in paragraph (b)(2) of this section, incidental catch allowances for other species shall be based on the following maximum incidental catch rates expressed as a percentage of the Pacific whiting TALFF:

Incidental Catch

Species	Percentage
Flounders	0.1
Jack Mackerel	3.0
Rockfishes (excluding Pacific ocean perch)	0.738
Pacific ocean perch	0.062
Sablefish	0.173
Other species	0.5

(A) *Criteria.*

The Regional Director may withhold from TALFF all or part of the Pacific whiting reserve and DAH if, as of July 1:

(*1*) All or part of the Pacific whiting reserve and DAH will be harvested by vessels of the United States during the rest of the fishing year, as determined by one or more of the following factors—

(*i*) Actual U.S. catch and effort compared to previous projections;

(*ii*) Projected U.S. catch and effort for the rest of the fishing year;

(*iii*) Projected processing of the U.S. harvest for the rest of the fishing year; or

(*2*) The spring Pacific whiting larvae assessment establishes that the total allowable catch (TAC) of whiting should be less than 175,000 m.t.

(B) *Procedure.*

(*1*) *Publishing the proposal.* On or about July 1, the Regional Drector shall publish in the FEDERAL REGISTER and disseminate to local media the amount of reserve and excess DAH, if any, proposed to be apportioned to TALFF.

(*2*) *Public comment.* Comments on the proposed action may be submitted to the Regional Director within 15 days after publication. Any relevant and timely comment filed under this section shall be considered in making a final determination. The reports the Regional Director used to make the proposed determinations shall be available for public inspection (consistent with 50 CFR 603 on Confidentiality of Statistics) during business hours/during the public comment period at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, WA 98109.

(*3*) *Promulgating the determination.* On or about August 1, but not less than 15 days after publication of the proposal, the Regional Director shall publish in the **Federal Register** and disseminate to local media the amount of the reserve and excess DAH apportioned to TALFF, the reasons for the determination, and responses to comments received.

(*2*) *In-season modifications to incidental catch percentages.*

(i) The Regional Director may modify the incidental catch percentage for any species at any time. The Regional Director shall consider the following factors when modifying the incidental catch percentages set forth in 611.70(b)(1)(ii):

(A) Observed rates of incidental catches in previous foreign (or joint venture) operations;

(B) Current estimates of the relative abundance and availability of species caught incidentally in the whiting fishery;

(C) Ability of the U.S. fishery to attain JVP or of the foreign fishery to attain TALFF;

(D) Past and projected U.S. and foreign fishing effort;

(E) Status of the stock, so that an increased allowance will not contribute to declining stock status;

(F) Impact on domestic industry;

(G) The sum of the incidental catch allowances; and

(H) Any other relevant scientific information.

(ii) *Procedure.*

(A) *Publishing the proposal.* The Regional Director shall publish any proposed modification in the **Federal Register** and disseminate it to local media.

(B) *Public comment.* Comments on the proposed modification may be submitted to the Regional Director within 15 days after publication. Any relevant and timely comment filed under this section shall be considered. The reports the Regional Director used to propose a modification shall be available for public inspection (consistent with 50 CFR 603 on Confidentiality of Statistics) during business hours during the public comment period at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, WA 98109.

(C) *Promulgating the modification.* As soon as possible following the public comment period, the Regional Director shall publish in the **Federal Register** and disseminate to local media any modification to incidental catch percentages, the reasons for the determination, and responses to comments received.

(3) *Fishing permitted.*

The catch and retention of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of that nation have not caught:

(A) The allocation of that nation for Pacific whiting; or

(B) The maximum allowable incidental catch of that nation for any species or species group (e.g., "other species"). When vessels of a foreign nation have caught a maximum incidental catch allowance, all further fishing (as defined in § 611.2(r)(1)) by vessels of that nation must cease, except as otherwise authorized by permit, even if the Pacific whiting allocation has not been reached. Therefore, it is essential that a foreign nation plan its fishing strategy to ensure that an incidental catch allowance is not exceeded, thereby closing its Pacific whiting fishery;

(ii) A directed fishery is not conducted for species or species groups except as authorized for Pacific whiting; or

(iii) The fishery has not been closed for other reasons under § 611.15.

(c) *Open season.* Foreign fishing under this Subpart is authorized from 0700 G.M.T. on June 1 and will terminate not later than 0800 G.M.T. on November 1, expect as specified otherwise in a permit.

(d) *Open areas.* Except as prohibited in paragraph (e) of this section, foreign fishing under this Subpart is permitted seaward of twelve nautical miles from the baseline used to measure the U.S. territorial sea between 39°00′ N. latitude and 47°30′ N. latitude, and as otherwise specifically authorized by permit.

(e) *Closed areas.* Foreign fishing is prohibited in the following areas except as otherwise specifically authorized by permit:

(1) "Columbia River Recreational Fishery Sanctuary"—that area between 46°00′ N. Latitude and 47°00′ N. latitude and east of a line connecting the following coordinates in the order listed: 46°00′ N. lat., 124°55′ W. long.; 46°20′ N. lat., 124°40′ W. long.; and 47°00′ N. lat., 125°20′ W. long.

(2) "Klamath River Pot Sanctuary"—that area between 41°20′ N. latitude and 41°37′ N. latitude and east of a line connecting the following coordinates in the order listed: 41°20′ N. lat., 124°32′ W. long.; and 41°37′ N. lat., 124°34′ W. long.

(f) *Gear restrictions.*

(1) Gear other than a pelagic trawl with a minimum mesh size of 100 mm. stretched inside measure when wet after use, is prohibited. No liners are permitted in the codend of the trawl. An outer protective mesh covering (chafing gear or outer bag) may be used if: (i) the mesh size of the chafing gear is two times larger than the mesh size of the inner codend; (ii) the thread size of the chafing gear is no greater than four times the diameter of that used in the inner codend; (iii) the codend has four riblines (spaced equi-distant around the bag) running fore and aft longitudinally to which both the chafing gear and inner codend are lashed (sewed) knot-to-knot; and (iv) the outer stretch mesh webbing is at least 10% longer than the ribline to which it is hung.

(2) Attaching any device to pelagic fishing gear or using any other means that would, in effect, make it possible to fish on the bottom is prohibited.

(3) Using any device or method which would have the effect of reducing mesh size of the codend is prohibited.

(g) *Statistical reporting.*

(1) *Daily fishing log (daily logbook).* The basis for all reports shall be a daily fishing log. This logbook shall be supplied by NMFS prior to entry into the fishery. Daily catch data shall be recorded in duplicate. On-deck estimates of catch shall be made for each haul and logged before the next haul is on deck. The processed weight of each haul (factory weights) shall be recorded accurately within 24 hours of each haul, and shall be accumulated for the fishing day (0001 G.M.T.—2400 G.M.T.) before the end of the next fishing day. The following information must be included in the log:

(i) Date.

(ii) Times of commencement and completion of each set when the net is at fishing depth.

(iii) Vessel's positions in degrees and minutes of latitude and longitude at the time of commencement and completion of each set, when net is at fishing depth.

(iv) Bottom depth, averaged over length of tow.

(v) Depth of gear, averaged over length of tow.

(vi) Catch to the nearest tenth of a metric ton (0.1 m.t.) of Pacific whiting *in each haul.*

(vii) Catch to the nearest hundredth of a metric ton (0.01 m.t.) of the following species *in each haul:*

(A) Jack mackerel.

(B) Pacific ocean perch.

(C) Rockfishes (excluding Pacific ocean perch).

(D) Sablefish.

(E) Flounders.

(F) Other species.

(viii) Catch, in numbers of fish, of the following prohibited species:

(A) Pacific halibut.

(B) Salmon.

(2) In addition to requirements of § 611.9, the owner or operator of each foreign fishing vessel shall be responsible for maintaining catch and effort statistics and shall submit reports as follows to the Regional Director, Northwest Region (address: National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109).

(i) *Daily report.* From the time the NMFS estimates that 90 percent of a nation's allocation of any species (directed or incidential) has been reached, and so notifies the designated representative of that nation, the information required under § 611.9(e) (Weekly Catch Report) must be submitted on a daily basis and must reach the Regional Director no later than three days after the reported fishing day.

(ii) *Annual report.* Each nation whose fishing vessels operate in the fishery shall report annual catch and effort statistics by May 30 of the following year in tabular form as follows:

(A) *Effort* in hours trawled, by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical areas.

(B) *Catch* by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical areas:

(*1*) To the nearest tenth of a metric ton (0.1 m.t.) for the following species or species groups: Pacific whiting, jack mackerel, Pacific ocean perch, rockfishes (excluding Pacific ocean perch), sablefish, flounders, and other species; and

(*2*) In numbers of fish for Pacific halibut and salmon.

(iii) *Daily logbook.* The logbook shall be available for inspection by the NMFS or U.S. Coast Guard personnel who at any time may remove the original copy. All original entries in the daily logbook (excluding those removed by the NMFS or U.S. Coast Guard personnel) shall be submitted to the Regional Director within three week after termination of a fishery. Duplicate copies shall be retained on the foreign vessel during the permit period or until all fish or fish products produced under a WOC permit are transferred, whichever is longer.

(iv) *Report of fish on board when entering fishery.* Before operating in this fishery, the owner or operator of each foreign vessel with fish on board shall report to the Regional Director the species and amounts of fish on board which were harvested in any other fishery. Such reports shall be submitted in accordance with the procedures specified in § 611.4(b). Any fish on board not so reported will be presumed to have been harvested in this fishery.

[FR Doc. 81-10207 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 64
Friday, April 3, 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

Food and Nutrition Service

Special Supplemental Food Program for Women, Infants and Children (WIC); Special Project Grants

AGENCY: Food and Nutrition Service, USDA.

ACTION: Availability of Funds for Improvement of State Agency Food Delivery System Operations.

SUMMARY: The Food and Nutrition Service (FNS) is notifying WIC State agencies that funds are available for projects which will improve food delivery operations for the Special Supplemental Food Program for Women, Infants and Children (WIC). The notice describes the types of projects which FNS feels are most needed and sets forth the criteria to be used by FNS to determine which projects will be funded.

DATE: Applications must be received by June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard S. Brown, Administrative Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 121, West Auditors Building, Washington, D.C. 20250, telephone number: area code (202) 447–8739.

NOTICE: Notice is hereby given that, in accordance with Section 17 of the Child Nutrition Act of 1966, as amended, applications will be accepted from State WIC agencies for grants to conduct special projects to improve WIC Program food delivery system operations.

Food delivery was considered a priority over other WIC Program areas because the Audit of Special Supplemental Food Program for Women, Infants and Children—Food Instrument Delivery System, Audit No. 27623–1–CH, (conducted in 10 major States, five of the seven FNS Regional Offices and FNS headquarters) by the Office of Inspector General, identified food delivery as the program area with the most deficiencies. Section 3 of Public Law 95–627, enacted November 10, 1978, amends Section 17(g) of the Child Nutrition Act of 1966 to authorize the Secretary of Agriculture to use for any fiscal year one half of one percent, not to exceed $3,000,000, of the sums appropriated for the program for the purpose of evaluating program performance, evaluating health benefits, and the administration of demonstration (pilot) projects, including projects designed to meet the special needs of migrants, Indians and rural populations. Of the $3 million available for fiscal year 1981, approximately $1.7 million of the monies is tentatively planned to be used to provide cash grants to State agencies for special projects under the provisions of this notice, depending on the desirability of applications received. The remainder of the money will be used by the Secretary for Program evaluations other than those described in this notice, and funds for those contractual arrangements and cooperative agreements will not be awarded under the provisions of this notice.

1. General Information.

For the purpose of these grants, special projects will be defined as projects to accomplish long-term improvement of a State agency's food delivery operations. Applicants should be informed that FNS is seeking projects that can be completed using only those funds granted initially. Any additional costs incurred as a result of these projects must be absorbed by the State agency. Special projects must:

(a) Be consistent with requirements set forth in the WIC program regulations.

(b) Have direct application and have potential of increasing the effectiveness of the State agency's WIC Program food delivery operations.

(c) Have potential use of results, techniques, or materials by other State agencies.

(d) Be activities not funded under existing contracts or inter-agency agreements.

II. Statement of FNS Needs.

FNS will fund projects designed to correct specific deficiencies in State agency food delivery systems. FNS will consider all project applications submitted by WIC Program State agencies in accordance with the requirements of this notice and will attempt to fund projects with the most promise of correcting major deficienies in food delivery operations and offering the best use of available funds. Applicants are advised that grants will be awarded on a competitive basis. Projects may correct deficiencies which include, but are not limited to, those deficiencies identified through State and National audit reports and FNS Management Evaluations. Projects may be funded for the following types of activities:

1. Modification of existing ADP system hardware and/or software to enable the State agency to improve systems which identify potential vendor abuse, dual participation and improperly redeemed food instruments, which produce edit checks, and which reconcile food instruments on a one-to-one basis. Grant funds may be used to contract for ADP system design, operations, documentation, programming, consultation and training of State agency and local agency staff.

2. Training for State and local agency staff to use effectively the ADP system and to make proper use of the data and reports produced by the system. These reports may include financial management reports, dual participation reports, food instrument reconciliation data, food package cost data, and high risk vendor reports.

3. Preparation of clear, concise, and complete ADP user manuals.

4. Designing management procedures which provide control and accountability of all facets of the food delivery system such as:

(a) Controlling data submission.

(b) Providing adequate security procedures over software and data files.

(c) Establishing retention periods for processing cycles and ADP files.

(d) Establishing inventory systems for food instrument accountability.

(e) Improving procedures for timely and accurate reporting and control of program funds.

(f) Preparing ADP system documentation.

(g) Establishing systems to track, document and collect vendor overcharges.

III. Eligible Grantees.

Grant funds will be awarded to State agencies which have written agreements with the Department of Agriculture for the administration of the Special Supplemental Food Program for Women, Infants and Children.

IV. Grant Application Procedures

A. General Information

An original and two copies of the application for a grant shall be submitted in accordance with grant application procedures described in OMB Circular No. A–102. The application shall be submitted on a form entitled "Application for Federal Assistance (Non-Construction Programs)," SF–424/AD–623. The SF–424/AD–623 is a 12-page form which consolidates the SF–424 and the AD–623. The application shall not be accepted by FNS unless all parts of the SF–424/AD–623 have been completed by the applicant. The completion of all parts of the SF–424/AD–623 ensures compliance by the applicant with the requirements for grant applications in OMB Circular No. A–102 and with all requirements shown on the application form itself, including Part V, Assurances.

Budget information required in Part III of the application form must be supplemented by a detailed Budget Summary Sheet which lists all anticipated costs within the object class categories listed in Part III, Section B(6) of the SF–424/AD–623 and the sources of funds to be used other than FNS grant funds. However, budget information should NOT be included in the Program Narrative Statement required by Section IV(c) of this notice.

Requests for the application forms, SF–424/AD–623, should be addressed to: Richard S. Brown, Administrative Services Division, Food and Nutrition Service, USDA, Room 121, West Auditors Building, Washington, D.C. 20250.

In addition to the above application procedures, FNS is requesting that an additional copy of the proposed project be submitted to the appropriate FNS Regional Office. FNS headquarters will consider Regional comments on specific applications submitted as a part of the application review process.

B. Submission Date for Applications

The completed application must be received by FNS' Administrative Service Division at the address shown above not later than 5:00 p.m., local time at place of receipt, on June 1, 1981. There will be no exceptions to this requirement. All applications received after this time will be returned to the applicant. To assure an acknowledgment of the receipt of applications, applicants may enclose a stamped, self-addressed envelope or postcard referenced to the application.

C. Project Narrative Statement

Applications must include a Program Narrative Statement. Part IV of the application form, SF–424/AD–623, outlines basic requirements for this part of the application. In addition to the requirements listed in Part IV of the application form, FNS is requesting supplementary information pertinent to these grant applications. Budget information should NOT, however, be included in the Project Narrative Statement.

FNS requests that the components of the Project Narrative Statement as outlined below be included in the same order as they appear in this section of the notice. The Project Narrative Statement must include, but need not be limited to, the following components. These components consolidate all the requirements of Part IV of the application form and the supplementary information requested by FNS.

(1) *Background Information.* Reference any audit reports or management evaluations for which deficiencies will be corrected through this project. Describe corrective action taken to date.

(2) *Justification of Need for the Proposed Project.* Demonstrate the need for Federal assistance. Reference should be made to deficiencies found through Management Evaluations and audits, and barriers which have prevented State agencies from taking corrective action should be described.

(3) *Project Design.* Prepare a brief but complete description of the proposed project design. This component of the Project Narrative Statement must include a discussion of all the major sections of the proposed project. Include a statement of purpose for the project, such as innovations in design, or reductions in cost or time. For any anticipated savings to the Federal or State Government, provide an estimate in dollar amounts and describe how amounts were computed. Describe resources available for conducting and maintaining the project. Where modification to ADP systems are involved, describe the extent of State agency planning in implementing the project.

(4) *Time Schedule.* A complete time schedule for the project and its major phases, including the submission of the final report and other applicable materials to FNS.

(5) *Final Report.* Submit plans for the issuance of a final report to FNS within 30 days of the completion of the project. Specify who will be responsible for the preparation and submission of the final report. The final report shall contain, as a minimum, the following:

(a) Explanation of the results of the projects.

(b) A financial statement showing the amount actually expended under each budget heading listed in the original project plan.

V. Grant Management.

Grants will be administered in accordance with the provisions of OMB Circulars No. A–90 which provides guidance for coordinated development and operation of information systems; A–95 which sets forth procedures for evaluation, review and coordination of Federal and federally assisted programs and projects; and A–102 which sets forth uniform administrative requirements for grants-in-aid to State and local governments and federally recognized Indian tribal governments. State agencies which anticipate contracting for services should be aware of the provisions contained in OMB Circular No. A–102, Attachment O, Standards Governing State and Local Grantee Procurement. Grants may be terminated at any time if found in non-compliance with the terms of the grant or OMB Circular A–102.

VI. Grant Approval.

Applications must conform with this notice in all material respects in order to be considered for award. Applications will be reviewed and ranked by a Technical Evaluation Committee composed of qualified persons selected by FNS. The committee will include representatives from FNS and, if possible, persons outside FNS with expertise in WIC Program operations.

In addition to the technical review, a separate review will be conducted to evaluate the proposed budget. This review will be conducted by FNS specialists on contracts and grants. The Technical Evaluation Committee will not review the proposed budget.

VII. Grant Evaluation Criteria.

A. *Technical Evaluation.* Applicants will be evaluated by the Technical Evaluation Committee according to the following criteria.

The relative weighting for each group of criteria is shown at the top of each group.

Weighting: 50%

(1) The acceptability and adequacy of the project particularly as it relates to achieving WIC Program needs as described in Section II of this notice.

Weighting: 25%

(2) State agency capability to conduct the project, including availability of necessary resources.

Weighting: 25%

(3) The greatest savings to the WIC Program as a result of implementation of the proposed project.

B. *Budget Evaluation.* After the Technical Evaluation Committee has completed its review, FNS grant specialists will evaluate proposed budgets and assign budget scores. The score of applications proposing an in-kind contribution will be adjusted upwards. (OMB Circular A-102 does not permit the use of Federal funds as in-kind contributions.) Budget scores will be determined by the percentage of in-kind contribution in relationship to the total proposed budget. For instance, an application which proposes an in-kind contribution of 30 percent of the total budget will receive a higher budget score than an application which proposes an in-kind contribution of 10 percent of the total budget. However, no technical score will be adjusted upward by more than 10 percent of the maximum possible technical score.

By July 1, 1981, the Food and Nutrition Service will notify in writing each applicant for a grant regarding the acceptance or rejection of its application. This written notification will include the names of recipient organizations, amounts of grant awards, and brief summaries of funded projects.

Signed in Washington, D.C. on March 27, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-10026 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

Central Electric Power Cooperative, Inc.; Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and, based on this EA, REA made a Finding of No Significant Impact (FONSI) in connection with a proposed transmission line construction project for Central Electric Power Cooperative, Inc. (Central), of Columbia, South Carolina. The proposed project will entail the construction of 33.8 km (21 miles) of 69 kV transmission line.

The proposed transmission project will be located in Colleton County, South Carolina, between the Dorchester and Neyles Crossroads Substations.

Central has prepared a Borrower's Environmental Report (BER) concerning the proposed project. Based on this BER and other support documents, REA prepared an EA. Threatened and endangered species, important farmlands, known archaeological and historic sites, wetlands and floodplains, and other potential impacts of the project are adequately considered in Central's BER and REA's EA.

REA's independent evaluation of the proposed project and the above-mentioned documents lead it to conclude that approval of this project does not represent a major Federal action that will significantly effect the quality of the human environment.

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

Various alternatives to the proposed transmission line were reviewed by REA. The alternatives include no action, load management and conservation, onsite generation, alternate routes and alternate construction methods and materials. Three alternative routes were examined. The first alternative originated at the Walterboro Substation and proceeded 16 miles in a southerly direction to the load site. This route was rejected due to the location of heavily popular areas and long range engineering load projections. The second route orignated at the Dorchester Substation and proceeded southwesterly approximately 20 miles to the load site. Though this route was harmonious with the long range engineering load projections, the route was rejected due to the large amount of wetlands in the area. The third route is similar to the second in direction but is approximately 3 miles to the north. This route crosses less wetlands than the second and satisfies the future load needs of the area. Thus, the third route is the preferred alternatives.

Copies of REA's FONSI, REA's EA, and Central's BER may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, Central Electric Power Cooperative, Inc., P.O. Box 1455, Columbia, South Carolina 29202.

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

Dated at Washington, D.C., this 24th day of March 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-9736 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-15-M

East River Electric Power Cooperative, Inc. Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with a proposed budget reclassification by REA for East River Electric Power Cooperative, Inc. (East River), of Madison, South Dakota. The proposed budget reclassification will assist East River in constructing approximately 37 km (23 miles) of 69 kV transmission line.

The 69 kV transmission line will be built between East River's Frankfort substation located in Spink County, South Dakota, and the Crocker substation located in Clark County, South Dakota. East River has prepared a Borrower's Environmental Report (BER) concerning the proposed project. REA has reviewed the BER and determined that it represents an accurate assessment of the environmental impact of the project. REA has prepared an Environmental Assessment (EA) concerning the proposed project and its impacts.

Threatened and endangered species, important farmland, archaeological and historic sites, wetlands, flood plains, and potential impacts of the project are adequately considered in the BER. REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

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

Various alternatives to the proposed transmission line and substation were reviewed by East River and REA. The alternatives included no action, placing the line underground, and alternate line

routes. After reviewing these alternatives, REA determined that the proposed 69 kV transmission line is the best alternative for providing power to existing and future East River loads within the area.

Copies of REA's FONSI and East River's BER may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, East River Electric Cooperative, Inc., Drawer E, Madison, South Dakota 57042.

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

Dated at Washington, D.C., this 24th day of March 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-9737 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-15-M

New ERA Electric Cooperative, Inc. Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing by REA for New Era Electric Cooperative, Inc., (New Era), of Athens, Texas. The financing will assist New Era in constructing 26.6 km (16.5 miles) of 138 kV transmission line and associated substation facilities.

The 138 kV transmission line will be built between the Brownsboro Switching Station located at New Hope, Texas, and the Coffee Substation located near Coffee City, Texas. Associated facilities include a 138 kV switching station and two distribution substations. New Era has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the project are adequately considered in the New Era and REA Environmental Assessments.

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

Based on this independent evaluation, the REA Environmental Assessment, and a review of New Era's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by New Era and REA. The alternatives include no action, alternate transmission routes, alternate substation sites and undergrounding the line. The most viable alternative to deliver power to all existing and future loads of New Era in Henderson County is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and New Era's Borrower's Environmental Report may be reviewed or obtained in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, New Era Electric Cooperative, Inc., P.O. Box 1270, Athens, Texas 75751.

Dated at Washington, D.C., this 24th day of March, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-9738 Filed 4-2-81; 8:45 am]

BILLING CODE 3410-15-M

Office of the Secretary

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the second calendar quarter of 1981.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202-447-6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the second calendar quarter of 1981 has been calculated to be 22.15 cents per pound. This results in a fee of 0.00 cents per pound for item 956.15, since the sum of the 22.15 cents average spot price + 0.625 cents duty + .90 cents attributed costs is greater than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the second calendar quarter of 1981 is 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to

comply with the requirements of Headnote 4(c).

Notice is hereby given that, in accordance with the requirements of Headnote4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the second calendar quarter of 1981 shall be as follows:

[Cents per pound]

Item	Fee
956.05	0.52
956.15	
957.15	0.52

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on March 30, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-10025 Filed 4-3-81; 8:45 am]

BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

March 30, 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 39437, from DHL Airways, Inc., 1818 Gilbreth, Burlingame, California 94010, 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 24, 1981. An executed original and six copies of such 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. 81-10146 Filed 4-2-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33682 and 32812]

Michael F. Jacobson v. United Air Lines, Inc. and Arthur Rock v. United Air Lines Inc., Reassignment of Proceeding

This proceeding is hereby reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., March 30, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-10147 Filed 4-2-81; 8:45 a.m.]

BILLING CODE 6320-01-M

[Docket No. 39464]

United Air Lines, Inc. Compliance With Part 252 Enforcement Proceeding; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 30, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-10148 Filed 4-2-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-152; Docket 35634, Agreement C.A.B. 28437, R-1 Through R-4, Agreement C.A.B. 28438, R-1 Through R-12]

Agreement Adopted by the Tariff Coordinating Conferences of the International Air Transport Association Relating to North Atlantic Cargo Rates

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1981.

An agreement among various members of the International Air Transport Association (IATA) has been filed with the Board under section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations. The agreement (composed of two component parts) was adopted at a Cargo Tariff Coordinating Conference held in Geneva in January 1981, and proposes a new structure of cargo rates from the United States to Europe, effective April 1 through September 30, 1981.[1]

Briefly, the agreement would adopt as IATA-agreed rates, the individual carrier general cargo rates, specific commodity rates, minimum charges, and container rates in effect on January 1, 1981, and would increase them by varying amounts. Most general cargo rates would be increased by 8–12 percent (except some 10,000 and 34,000 kg. general cargo rates would remain at status quo), specific commodity rates would generally be increased by 7–18 percent with most increases in the 12–14 percent range (except some 10,000 and 34,000 kg. SCR's would remain unchanged), and most container rates would be increased by 12–14 percent. The Conference also adopted new Resolution 516 (Loading/Unloading Incentive from USA to Europe) under which carriers may offer shippers a discount of eight cents per kg. for shipper or consignee loading or unloading of shipments moving on bulk general or specific commodity rates.

The agreement adopts a number of resolutions designed to facilitate filings of rates not included in the rate tables attached to the agreement. Carriers would be free to match other IATA carriers' individual rates which have already been incorporated into the agreement, and to match non-IATA-agreed rates. Under Resolution 116c, innovative rates introduced by third/fourth freedom IATA carriers to meet market requirements or competitive practices would be adopted as IATA-agreed rates.

The Flying Tiger Line Inc. (Tiger), the only U.S. carrier participant in IATA's North Atlantic tariff coordination activities, has submitted a statement in support of this cargo agreement.[2] Tiger asserts, inter alia, that it has faced disastrous losses in North Atlantic operations since its merger with Seaboard in October 1980;[3] a number of factors have inhibited the market's ability to react rationally to escalating costs;[4] although Tiger has cut capacity

[1] Some expedited procedural resolutions are proposed for effectiveness March 1, 1981. The agreement applies only to eastbound rates, most of which it would increase as explained below. We take note of the fact that IATA has scheduled another cargo conference this May to attempt to reach an agreement on westbound rates.

[2] Order 80-4-113, April 15, 1980, which set forth the Board's tentative findings and conclusions in the IATA Show Cause Proceeding, determined that U.S. carrier participation in North Atlantic tariff coordinating activities was contrary to the public interest. However, because of the tentative nature of the order, there was no legal impediment to Tiger's participation in the agreement now before us.

[3] During the 12 months before the merger, Seaboard lost $35 million in North Atlantic scheduled service, and Tiger lost $8 million in its first three months in the market.

[4] First, the need to raise rates coincided with an increase in capacity. Second, established rate structures disappeared under a plethora of new rates (such as contract, high volume and multiple tender rates) to the extent that carriers, shippers

Continued

and is operating at an efficent load factor (74 percent in the fourth quarter of 1980), the North Atlantic air freight market is distressed because of yield erosion and continuing cost escalations; and the instant agreement offers no long-term solutions but will provide carriers with a short breathing spell during which they can examine their individual marketing strategies and better adapt them to management objectives and the economic condition of the market. Tiger also believes that an important reason for the market's allegedly poor performance is the lack of complete, accurate rate information.[5] Finally, Tiger points out that the agreement, which incorporates differing rates for various carriers' services in the same market, expressly provides for the individual carrier initiatives and unilateral pricing decisions which will determine the future of unsubsidized all-cargo services on the North Atlantic.

The International Airforwarder and Agents Association (IAAA) has submitted comments urging the Board to disapprove the agreement in line with the Board's tentative decision in Order 80-4-113 (See footnote 2). IAAA states it realizes the proposed rates are a product of "the so-called New IATA," which means that third/fourth freedom carriers may file innovative rates, but parties to voluntary price fixing agreements have always had the right to "innovate" by leaving the agreement at any time; that the rates to be posted may not mean as much as they have in the past because the board has taken actions which allow buyers and sellers to privately negotiate deviations from the posted prices through such means as negotiated forwarder commissions in an open commission rate environment, part charters on scheduled service at negotiated, nonposted prices, negotiated ancillary service payment to shippers and forwarders, and barter arrangements;[6] however, some of these authorizations are limited, for example, to charter traffic and in any event approval of a set of posted prices will probably facilitate uniformity and stability in pricing in nonposted areas. If the Board is inclined to approve the rate agreement, IAAA believes it should specifically point out that the carriers are still fully subject to U.S. antitrust laws insofar as their behavior in offering part charters, commissions on consolidations, payments for ancillary services, barter arrangements, etc. is concerned.

We have decided to approve the agreement subject to certain conditions. We have reviewed Tiger's justification, other indicators of the carriers' financial condition, the level of rates in the agreement relative to the pending SFRL ceilings, and IAAA's comments, and have determined that the agreement falls within ratemaking standards.

Tiger faced severe operating losses since its entry into its market, despite efficient load factors and cutbacks in capacity, and presents a case that rate increases are urgently needed and the only feasible way of achieving them at this time is through the IATA agreement process. While there is little doubt that the existence of substantial capacity could result in downward pressure on rates, which may not fully reflect carrier cost increases, or product an adequate return on investment, we need not decide the correctness of Tiger's argument that the IATA agreement process represents the only feasible means of achieving yield improvement in the North Atlantic cargo market. A cargo rate flexibility policy like that advanced in PSDR-65 would guarantee the carriers freedom from suspension, except in extraordinary circumstances, for Atlantic general cargo rate increases of up to 15 percent above a Standard Foreign Rate Level (SFRL) which itself will be adjusted for cost changes, for specific commodity rate increases up to the SFRL, and with no limit on upward flexibility in container rates. But although the SFRL and first cost adjustment are not yet in place, the rate increases proposed in this IATA agreement, if filed unilaterally, would fall within the upward rate flexibility guidelines proposed in PSDR-65, and would not be regarded as unreasonable under traditional carrier earnings criteria. Under these circumstances, we are disposed to grant approval.[7]

Acting under the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 412 and 414:

1. We do not find that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board, and to the conditions stated below:

Agreement C.A.B. 28437	IATA No.	Title	Application
R-1	001dd	Expedited-Special Provisions Cargo Rates Agreement From USA to Europe.	½

Agreement C.A.B. 28438	IATA No.	Title	Application
R-2	001kk	North Atlantic Special Effectiveness Resolution USA-Europe.	½
R-4	014b	Construction Rule for Cargo Rates (Readopting and Amending).	½
R-5	021x	Special Currency resolution from USA to Europe (New).	½
R-6	023b	Rounding Off Cargo Fares (Amending).	½
R-8	501	Minimum Charges for Cargo North Atlantic from USA to Europe.	½
R-9	516	Loading/Unloading Incentive from USA to Europe.	½
R-10	554a	North Atlantic General Cargo Rates from USA to Europe.	½
R-11	584a	Rates for Unitized Consignments TC12 North Atlantic from USA to Europe.	½
R-12	590	Specific Commodity Rates Board. (Readopting and Amending).	½

Provided that:

(1) Notwithstanding any provisions of these or any other resolutions, all rates and charges established pursuant to these resolutions with respect to any United States point shall be maximums; and

(2) Each and every carrier operating pursuant to these resolutions shall be permitted to file tariffs incorporating rates and/or charges below those established by the resolutions.

2. We do not find that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions stated below:

Agreement C.A.B. 28437	IATA No.	Title	Application
R-2	001ee	Expedited—Revisions to Cargo Agreement TC12 North Atlantic From USA to Europe.	½
R-3	001ff	Expedited—Special Escape Resolution From USA to Europe.	½

and agents had no overall comprehension of market behavior. Third, the uncertainty over IATA's future deprived carriers of their normal channels for establishing new rates. Fourth, cost increases were so sharp that they overwhelmed the system's ability to react.

[5] Tiger asserts that European shippers and forwarder, for instance, do not subscribe to Board tariffs, but to the "TACT" memo tariff which uses IATA rate tapes as its primary source; most Atlantic TACT rates are outdated, and the absence of any single publication incorporating all available rates makes it difficult for even knowledgeable shippers or carriers to compare rates.

[6] See Orders 80-9-147 and 78-8-87, ER-1190 (Docket 31788), PS-86 (Docket 30362), and ER-1181 (Docket 35392).

[7] We will also give favorable consideration to short-notice tariff applications in order that the approved rates may be implemented on April 1.

Agreement C.A.B. 28437	IATA No.	Title	Application
R-4	116c	Expedited—Introduction of Cargo Rates and Charges TC12 North Atlantic From USA to Europe.	½

Agreement C.A.B. 28438	IATA No.	Title	Application
R-1	001k	Revisions to Cargo Agreement TC12 North Atlantic from USA to Europe.	½
R-3	001ff	Special Emergency Escape Resolution TC12 North Atlantic from USA to Europe Agreement.	½
R-7	115s	Meeting Cargo Rates and Tariff Practices North Atlantic from, USA to Europe	½

Provided that:

(1) Notwithstanding any provisions of these or other resolutions, all rates and charges established pursuant to these resolutions with respect to any United States point shall be maximums;

(2) Each and every carrier operating pursuant to these resolutions shall be permitted to file tariffs incorporating rates/or charges below those established by the resolutions; and

(3) The IATA Secretariat shall send the Board copies of all notices received or sent pursuant to the resolution.

3. We will grant antitrust immunity to Agreement C.A.B. 28437, R-1 through R-4, and to Agreement C.A.B. 28438, R-1 through R-12. These agreements are a product of the IATA conference machinery which the Board tentatively approved and tentatively immunized for a period of two years in Order 80-4-113, April 15, 1980, Docket 32851. Except as noted, these agreements do not raise any problems which were not focused upon in that proceeding. Pending our final decision in that docket, we will continue to grant antitrust immunity to those IATA agreements found not to be adverse to the public interest or in violation of the Act.

Accordingly,

1. We approve those portions of Agreements C.A.B. 28437 and C.A.B. 28438 set forth in finding paragraph 1 above subject, where applicable, to the conditions previously imposed by the Board, and conditions stated above; and

2. We approve those portions of Agreements C.A.B. 28437 and C.A.B. 28438 set forth in finding paragraph 2 above, subject to the conditions stated above.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[a]

Secretary.

[FR Doc. 81-10150 Filed 4-2-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-180; Docket 39486]

Carrier-Specific Restriction Removal Show-Cause Proceeding; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1981.

By Orders 81-2-37 and 81-2-102, February 6 and 23, 1981, we amended the certificates of 69 carriers to reflect implementation of Phase IV of our program for removal of restrictions on domestic operating authority (Part 203 of the Economic Regulations). With certain exceptions, most intermediate stop restrictions have now been removed from domestic certificates. A number of other restrictions and conditions remain, however, many of which are outmoded in the current regulatory environment. We propose to eliminate the latter through show-cause procedures, and have established the *Carrier-Specific Restriction Removal Show-Cause Proceeding*, Docket 39486, for this purpose. We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to amend the certificates of 21 carriers [1] to eliminate the restrictions shown in Appendix A.[a] Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

The restrictions we propose to remove fall into six major categories:

I. Conditions rendering service at a point permissive or authorizing fixed-term or indefinite suspensions at specific points;

II. Conditions authorizing indefinite suspensions relying on service by another carrier;

III. Conditions fixing the dates during each year when the carrier is authorized to provide service at a seasonal point;

IV. Flag-stop conditions;

V. Conditions restraining competition; and

VI. Restrictions related to international routes.

Information by category on each carrier's specific restrictions proposed for removal is given in Appendix B.

The first four types of restrictions clearly should be removed in view of the essential air service provisions of the Act. Orders defining the essential air service requirements for eligible points served by only one carrier have now been issued, and therefore it is no longer necessary to include in certificates references to seasonal authority, flag-stop authority, or conditional suspension authority. Furthermore, 401(g) suspension authority is no longer necessary; authority to serve individual points is permissive, subject only to the provisions of sections 401(j) and 419 of the Act.

Restrictions imposed many years ago to protect one or more carriers from competition also should be rescinded in view of the pro-competitive policies set forth in the new Act. One such condition, which prohibits the carriage of local traffic between Honolulu and Hilo, was originally imposed to protect the two Hawaiian carriers from trunkline competition on a major segment of their routes. The other conditions in this category are contained in the certificate of Reeve Aleutian: condition (5) limits charter authority at King Salmon and condition (6) contains a long-haul restriction on Anchorage-King Salmon service. In view of the recent number of intra-Alaska route awards, such restrictions are anomalous and restrict management's ability to tailor operations to the needs of the service area. In the absence of a clear showing that any of the above protective conditions should be retained, we tentatively find that it is in the public interest to remove them.[2]

Finally, conditions (4), (5), and (6) in Eastern's certificate are geared to its international authority. We propose to (a) eliminate condition (4) and amend Route 71-F so as to add the points Allentown, Baltimore, Philadelphia, Scranton, and Washington; (b) eliminate condition (5) since it duplicates condition (3) of Route 148; and (c) eliminate condition (6), a long-haul restriction in the Buffalo-San Juan market, since it was imposed as a result

[a] All Members concurred.

[1] Alaska Airlines, American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines (Routes 5 and 71-F), Frontier Airlines, Kodiak-Western Alaska Airlines, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Piedmont Aviation, Reeve Aleutian Airways, Republic Airlines, Republic Airlines West, Texas International Airlines, Trans World Airlines, Transamerica Airlines, USAir, United Air Lines, and Western Air Lines.

[a] Appendices A through C are filed with the original document.

[2] Two other conditions listed in Appendix B in this category—conditions (5) and (11) in Alaska Airlines' certificate—expire by their terms on April 1 and March 31, 1981, respectively.

of a pretrial restriction in the era of highly restrictive route regulation.

Under all of these circumstances, we tentatively find that the removal of the conditions set forth in Appendix A is consistent with the public convenience and necessity and will afford increased operating flexibility to each of the affected carriers with resulting energy savings and efficiency.[3]

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; answers will be due within 10 days after that. We expect such persons to direct their objections, if any, to the restrictions at issue, and to support such objections with detailed economic analysis. If an oral evidentiary hearing or discovery procedures are requested, the objector should state in detail why such a hearing or discovery is considered necessary and what material issues of decisional fact he would expect to establish through such hearing or discovery that cannot be established in written pleadings. The objector should consider whether discovery procedures alone would suffice to resolve material issues of decisional fact; if so, the type of procedure should be specified (see Part 302, Rules 19 and 29); if not, the reasons why not should be explained. We will not entertain general, vague, or unsupported objections.

Accordingly, 1. We institute the *Carrier-Specific Restriction Removal Show-Cause Proceeding*, Docket 39486;

2. We direct all interested persons to show cause why we should not make final the tentative findings and conclusions stated above, and amend the certificates of public convenience and necessity of Alaska Airlines, American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines (Routes 5 and 71–F), Frontier Airlines, Kodiak-Western Alaska Airlines, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Piedmont Aviation, Reeve Aleutian Airways, Republic Airlines, Republic Airlines West, Texas International Airlines, Trans World Airlines, Transamerica Airlines, USAir, United Air Lines, and Western Air Lines, as shown in Appendix A;

3. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file in Docket 39486, and serve upon each carrier to whose restriction(s) the pleading refers; the mayor and airport manager of each city to which the pleading refers; and the state aeronautical commission of the state in which such city is situated, no later than May 4, 1981, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the objections; answers to objections shall be filed no later than May 14, 1981;

4. If timely and properly supported objections are filed, we will accord full consideration to the matters or issues raised by the objections before we take further action;[4]

5. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here; and

6. We will serve a copy of this order on all parties listed in Appendix C.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[5]

Secretary.

[FR Doc. 81-10145 Filed 4-2-81; 8:45 am]

BILLING CODE 6320-01-M

[3] We expect that the certificate amendments proposed will have a minimal impact on service provided and that any actual change will be in the direction of more efficient operations. We therefore conclude that our decision does not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975 (EPACA).

[4] Since we have provided for the filing of objections to this order, we will not entertain petitions for reconsideration.

[5] All Members concurred.

United Air Lines, Inc., et al.; Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Week Ending March 28, 1981

Subpart Q Applications

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

Date filed	Docket No.	Description
Mar. 23, 1981	39453	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its Certificate of Public Convenience and Necessity for Route 57 so as to authorize it to perform scheduled foreign air transportation (of mail, passengers and property) between New York, New York in the United States and Paris, Nice and Marseille, France. United also requests that, subject to the treaties and agreements in effect between the United States and the Federal Republic of Germany, this authority be combined with authority United received in Order 80-8-47. Conforming Applications, motions to modify scope, and Answers may be filed by April 20, 1981.
Mar. 23, 1981	39454	Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity regarding segments 3 and 4 for Route 197-F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between points in the U.S. and co-terminal points in Belize, Honduras, Panama, El Salvador, Guatemala and Nicaragua. Conforming Applications, motions to modify scope, and Answers may be filed by April 20, 1981.
Mar. 24, 1981	39461	Altair Airlines, Inc., Scott Plaza #2, Philadelphia, Pennsylvania 19113. Application of Altair Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests issuance of a final order granting Altair a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of persons, property and mail between Philadelphia, Pennsylvania and Montreal, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by April 20, 1981.
Mar. 25, 1981	39465	British Airways Board, 245 Park Avenue, New York, New York 10017. Application of British Airways Board pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its foreign air carrier permit be amended to add New Orleans, La., as a coterminal point in paragraph A(1)(a) thereof. Conforming Applications, motions to modify scope, and Answers may be filed by April 21, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-10149 Filed 4-2-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Ferrite Cores (of the Type Used in Consumer Electronic Products) From Japan; Final Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On January 15, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on ferrite cores (of the type used in consumer electronic products) from Japan. The scope of the review covered all but one of the known exporters of this merchandise to the United States and separate time periods for each firm up to February 29, 1980.

Interested parties were given the opportunity to submit written comments on these preliminary results. Nippon Ferrite, Ltd. provided additional information indicating two additional exporters of its merchandise and new weighted-average margins. The results of our preliminary review remain unchanged for the five other exporters covered in that review.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 13, 1971, a dumping finding with respect to ferrite cores (of the type used in consumer electronic products) from Japan was published in the Federal Register as Treasury Decision 71–84 (36 FR 4877). On January 15, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (46 FR 3580–3581). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

The imports covered by this review are magnetically soft ferrite magnets and are usually wound with wire. The merchandise is magnetized with the induction of electric current and is of the type commonly used as components in consumer electronic products, such as household television receivers, projection television sets, radios, stereos and high fidelity radio systems, automobile radios, electronic home computers, etc. These ferrite cores are currently classifiable under item 535.1240 of the Tariff Schedules of the United States Annotated (TSUSA).

This review covers eight of the nine known exporters of such Japanese ferrite cores to the United States, and all time periods up to February 29, 1980, during which shipments of such ferrite cores may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. Therefore, different time periods are involved for different companies. Only one exporter, Nippon Ferrite, Ltd., submitted comments, resulting in new weighted-average margins, and identifying two additional exporters of its ferrite cores. The basis of comparison and methods of calculation did not differ from those stated in the preliminary results of review. We are presently conducting a review for one other exporter, TDK Electronics Co., Ltd. The Department has received a request for revocation from Tohoku Metal Industries, Ltd. Since Tohoku did not provide the written agreement required by § 353.54(e) of the Commerce Regulations, the Department will take no further action on this request at this time.

Final Results of the Review

As a result of our review, we determine that the weighted-average margins listed in the preliminary results of review remain unchanged for all firms except Nippon Ferrite, Ltd. Thus, the Department has determined that the following margins exist:

Manufacturer/Exporter	Period	Percent margin
Nippon Ferrite, Ltd.	Mar. 1, 1972–Feb. 29, 1980.	0
Nippon Ferrite/Hasegawa	Nov. 1, 1976–Feb. 29, 1980.	40.2
Nippon Ferrite/Motorola	Mar. 1, 1972–Feb. 29, 1980.	0
Nippon Ferrite/Nissei	Mar. 1, 1972–Feb. 29, 1980.	0
Tomita Electric Co., Inc	Jan. 1, 1975–Dec. 31, 1976.	
	Jan. 1, 1977–Mar. 31, 1978.	*0
	Apr. 1, 1978–Feb. 29, 1980.	26.0
Tohoku Metal Industries	Aug. 1, 1970–Feb. 29, 1980.	*28.0
Fuji Electro-Chemical Co., Ltd.	Aug. 1, 1979–Feb. 29, 1980.	28.0
Taiyo Yuden Co., Ltd	Apr. 1, 1976–Feb. 29, 1980.	28.0

*No shipments during this period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages listed above. The Department will issue apprisement instructions separately on each exporter directly to the Customs Service.

Futher, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of the next anniversary month of the date of publication of the finding.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

Dated: March 27, 1981.

[FR Doc. 81–10014 Filed 4–2–81; 8:45 am]

BILLING CODE 3510–25–M

University of Alabama; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00398. Applicant: University of Alabama, Purchasing Department, P.O. Box 6149, University, AL 35486. Article: NMR Pulse Spectrometer, Model CPS–2. Manufacturer: Spin-Lock Ltd., Canada. Intended use of article: See Notice on page 75723 in the Federal Register of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures T_1, $T_{1\text{-}rho}$, T_{1D}, and T_2 relaxation times. The National Bureau of Standards advises in its memorandum dated January 15, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10071 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Emory University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00400. Applicant: Emory University, Purchasing Department, Atlanta, Georgia 30322. Article: GAMMA Cell-40 Irradiator. Manufacturer: Atomic Energy of Canada, Limited, Canada. Intended use of Article: See Notice on page 75723 in the **Federal Register** of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a dual cesium 137 source which provides a uniform (±5%) dose distribution over a sample tray (30.5 centimeter (cm) inside diameter × 10.2 cm high) centered in the irradiation chamber. The Department of Health and Human Services advises in its memorandum dated January 15, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10072 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

John Hopkins University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00401. Applicant: John Hopkins University, 601 N. Broadway, Baltimore, MD 22205. Article: Ultrasonic Diagnostic Flow Meter. Manufacturer: Hayashi Denki, Ltd., Japan. Intended use of article: See Notice on page 75723 in the **Federal Register** of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides non-invasive determination of absolute calculated volume of arterial blood flow. The Department of Health and Human Services advises in its memorandum dated January 15, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10073 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of Kentucky; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80-00377. Applicant: University of Kentucky, Room 2, Chem.-Phys. Bldg., Lexington, KY 40506. Article: Mass Spectrometer System, Model MM-ZAB-2F and Accessories. Manufacturer: VG Organics, Ltd., United Kingdom. Intended use of article: See Notice on page 68983 in the **Federal Register** of October 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolution of 75,000 (10% valley definition) in the static mode and 40,000 (10% valley definition) in the dynamic mode. The Department of Health and Human Services advises in its memorandum dated December 11, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2)

it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domstic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10074 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of Puerto Rico; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Consitituion Avenue, NW., Washington, D.C. 20230.

Docket No. 80-00183. Applicant: University of Puerto Rico, Department of Chemistry, Rio Piedras Campus, Rio Piedras, Puerto Rico 00931. Article: NMR Spectrometer, Model FX 90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 28390 in the **Federal Register** of April 29, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 28, 1979).

Reasons: The foreign article provides the capability for meauring T_{1-rho} (spin-lattice relaxation in the rotating frame). The Mode XL -200 manufactured by Varian Associates (Varian) also provides this capability. However at the time the foreign article was ordered no domestic instrument provided T_{1-rho}. The National Bureau of Standards advises in its memorandum dated February 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff

[FR Doc. 81-10075 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Sandia National Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00412. Applicant: Sandia National Laboratories, P.O. Box 969, Livermore, CA 94550. Article: Excimer Laser, Model TE-861. Manufacturer: Lumonics, Canada. Intended use of article: See Notice on page 75729 in the **Federal Register** of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 200 millijoule maximum pulse energy using argon fluoride gas. The National Bureau of Standards advises in its memorandum dated January 16, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff

[FR Doc. 81-10076 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00402. Applicant: Solar Energy Research Institute, 1617 Cole Boulevard, Golden, Colorado 80401. Article: Model 6100C Pulsed Light Source. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use of article: See Notice on page 75723 in the **Federal Register** of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article does not emit electrical noise which interferes with spectrometer measurements. The Department of Health and Human Services advises in its memorandum dated January 15, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10077 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of Texas at Austin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Pat 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00405. Applicant: University of Texas at Austin, Electrical Engineering Research Lab., Austin, TX 75758. Article: Millimeter Reflex Klystron. Manufacturer: Varian Assoc., Canada. Intended use of article: See Notice on page 66829 in the **Federal Register** of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article operates in the frequency range of 115.6-117.6 gigahertz. The National Bureau of Standards advises in its memorandum dated December 30, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10078 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Utah State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00403. Applicant: Utah State University, Logan, Utah 84322. Article: Automatic Porometer MK II. Manufacturer: Delta-T Devices, United Kingdom. Intended use of article: See Notice on page 75724 in the **Federal Register** of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a built-in solid state humidity sensor which maintains a stable calibration and is useable (washable) under dusty field conditions. The Department of Health and Human Services advises in its memorandum dated January 15, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assitance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank w. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10079 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25

Vanderbilt University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89.651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00397. Applicant: Vanderbilt University, Department of Pharmacology, School of Medicine, Nashville, TN 37232. Article: MM70-80 Mass Spectrometer and Accessories. Manufacturer: VG Organic Limited, United Kingdom. Intended use of article: See Notice on page 66829 in the Federal **Register** of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for linked electrostatic/magnetic sector scanning at constant acceleration voltage. The Department of Health and Human Services advises in its memorandum dated December 11, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10080 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of Wisconsin-Madison; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00355. Applicant: University of Wisconsin-Madison, 750 University Avenue, Madison, WI 53706. Article: Earth Resistivity System, RAG-8. Manufacturer: Scientrex Limited, Canada. Intended use of article: See Notice on page 56123 in the **Federal Register** of August 22, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such puposes as this article in intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an input impedance of 10^9 ohms and a 1000 volt peak to peak transmitter. The National Bureau of Standards advises in its memorandum dated January 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-10081 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Health and Human Services; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 80-00390. Applicant: Department of Health and Human Services, Food and Drug Administration, Division of Veterinary Medical Research, Agricultural Research Center-East, Building 382A, Beltsville, MD 20705. Article: Scanning Attachment and Accessories for H-5001 TEM. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: See Notice on page 68985 in the **Federal Register** of October 17, 1980. Advice submitted by: Department of Health and Human Services: December 11, 1980.

Docket No. 80-00391. Applicant: Department of Health and Human Services, Food and Drug Administration, Division of Veterinary Medical Research, Agricultural Research Center-East, Building 328A, Beltsville, MD 20705. Article: EDX Specimen Holder. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: See Notice on page 75723 in the **Federal Register** of November 17, 1980. Advice submitted by: Department of Health and Human Services: December 11, 1980.

Comments: No comments have been received with respect to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services in its respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 81-10082 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

TIME AND PLACE: April 21, 1981 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: March 31, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-10118 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Management—Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: April 21, 1981 at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Streets, NW.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other Business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: March 31, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-10119 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Pending Legislation for Sale of Vessel in National Defense Reserve Fleet

During the 96th Congress, the House Committee on Merchant Marine and Fisheries requested that the Maritime Administration (MarAd) publish as public information in the **Federal Register** notice of any pending bill that would authorize the sale of an obsolete vessel maintained in the National Defense Reserve Fleet (NDRF). Maintenance of the NDRF is a responsibility of MarAd.

Accordingly, notice is hereby given that S. 129 was introduced on January 15, 1981. The bill has been referred to the Senate Committee on Commerce, Science and Transportation. That Committee has not announced a hearing date for consideration of this bill. S. 129 would authorize the sale of the U.S.S. *Comstock* to Pacific Marine, a Hawaiian-based firm, for conversion and operation under the U.S.-flag as a drydock and support vessel in the Midway albacore fisheries.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-10030 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Marine Manuals; Receipt of Application for Permit; Correction

On March 13, 1981, notice was published in the **Federal Register** (46 FR 16699) that an application had been filed with the National Marine Fisheries Service for a public display permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) by Marine Life Aquarium, Rapid City, South Dakota. The notice should be corrected to read in Item 4:

Type of Take: Capture for live maintenance.

Documentation concerning this correction is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9540 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 27, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-10162 Filed 4-3-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Modification of General Permits

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals, the General Permits for Category 1: Towed or Dragged Gear, issued to ODRA, Swinoujscie, Poland; GRYF, Swinoujscie, Poland; and DALMOR, Gdynia, Poland, on January 15, 1981, are modified in the following manner:

3. Marine mammals taken as authorized herein may be taken in the North Pacific Ocean and Bering Sea or the North Atlantic Ocean, within the Fishery Conservation Zone of the United States.

This modification is effective April 1, 1981.

The General Permits, as modified, are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: March 30, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-10194 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. James R. Gilbert (P274), Associate Professor of Wildlife Resorces.

b. Address: 216 Nutting Hall, University of Maine, Orono, Maine 04469.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seals (Phoca vitulina concolor), 100.

4. Type of Take: 100 harbor seals will be anesthetized if necessary, and tagged with Allflex tags, and have a tooth collected. Of these, thirty seals will be radio tagged. Censusing seal populations and dead seal recovery will also be conducted.

5. Location of Activity: New England Coast primarily Maine and Cape Cod Bay.

6. Permit of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on

or before May 4, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 09130.

Dated: March 26, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 10191 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Department of Marine Resources, State of Maine (P134B).
b. Address: State House Station 21, Augusta, Maine 04333.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals: Harbor seals (Phoca vitulina), up to 20.
4. Type of Take: Accidental in the course of fisheries research.
5. Location of Activity: Sheepscot River, Maine.
6. Permit of Activity: October to February 1981 to 1986.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 4, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: May 30, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-10190 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Ocean World Inc. (P21D).
b. Address: 1701 Southeast 17th Street, Fort Lauderdale, Florida 33316.
2. Type of Permit: Public display.
3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 2.
4. Type of Take: Live capture for public display.
5. Location of Activity: Melbourne, Florida.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before May 4, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 30, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-10193 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls on Certain Cotton Apparel From Taiwan

March 31, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton playsuits in Category 337, produced or manufactured in Taiwan, at a level of 126,000 dozen during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Under the terms of subparagraph 5(e)(iv) of the bilateral textile agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan, the Coordination Council for

North American Affairs has requested that Category 337 be converted to a specific limit, effective on January 1, 1981. Subparagraph 5(e)(iv) provides that when such a conversion is made, the product or category shall remain subject to a specific limit for the duration of the agreement and shall be, from the date of effectiveness, accorded annual growth and flexibility.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85497) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Commissioner of Customs is further directed to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 337 in excess of 126,000 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 31, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 19, 1980 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan.

Effective on April 6, 1981, paragraph 1 of the directive of December 19, 1980 is amended to include a level for cotton textile products in Category 337 of the 126,000 dozen.[1]

Cotton textile products in Category 337 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Cotton textile products in category 337 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. (1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry unde this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the authorities of Taiwan and with respect to imports of cotton textile products from Taiwan have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–10103 Filed 4–2–81; 8:45 am]

BILLING CODE 3510–25–M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products from Haiti

March 31, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing the level of restraint for cotton and man-made fiber brassieres in Category 349/649 from 1,168,819 dozen to 1,250,636 dozen and decreasing the restraint level for man-made fiber hosiery in Category 632 from 1,744,565 dozen pairs to 1,659,190 dozen pairs, produced or manufactured in Haiti and exported during the agreement year which began on May 1, 1980 and extends through April 30, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of the increase is compensated for by an equivalent decrease in one or more specific limits. Pursuant to the terms of the bilateral agreement, as amended, and at the request of the Government of Haiti, the import restraint levels established for Categories 349/649 and 632 are being adjusted for the twelve-month period which began on May 1, 1980.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On April 30, 1980, there was published in the **Federal Register** (45 FR 28792) a letter dated April 25, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specific categories of cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on May 1, 1980 extends through April 30, 1981. In accordance with the terms of the bilateral agreement and at the request of the Government of Haiti, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 349/649 and 632 in excess of the respective, adjusted levels of restraint of 1,250,636 dozen and 1,659,190 dozen pairs.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 31, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On April 25, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on May 1, 1980 and extending through April 30, 1981 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, which provide, in part that: (1) for the second

Continued

Effective on April 3, 1981, the levels of restraint established for Categories 349/649 and 632 in the directive of April 25, 1980 are amended to the following:

Category	Amended twelve-month level of restraint[1]
349/649	1,250,636 dozen.
632	1,659,190 dozen pairs.

[1] The levels of restraint have not been adjusted to account for any imports after April 30, 1980.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-10104 Filed 4-2-81; 8:45 am]

BILLING CODE 3510-25-M

Changes in Officials of the Government of the Republic of the Philippines Authorized to Issue Export Visas and Exempt Certifications for Certain Cotton, Wool and Man-Made Fiber Products From the Philippines

March 31, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing changes in the officials of the Government of the Republic of the Philippines authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from the Philippines.

SUMMARY: The Government of the Republic of the Philippines has notified the United States Government that Ramon Z. Escarrilla is authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing Aida B. Cabardo, who will no longer issue and sign these documents.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On November 18, 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 68005), which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Philippines has added a new official to replace one who is no longer authorized to issue export visas and certifications for exemption. A complete list of authorized officials is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 31, 1981

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 21, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on April 6, 1981, to recognize Ramon Z. Escarrillo as authorized to issue and sign export visas and exempt certifications, replacing Aida B. Cabardo, who will no longer issue these documents. A revised list of officials of the Government of the Republic of the Philippines who are currently authorized to issue export visas and certifications for exemption is enclosed.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosure.

Officials Authorized by the Government of the Republic of the Philippines To Issue Visas and Certifications for Exemption for Textile and Apparel Products Exported to the United States

Ramon Z. Escarrilla
Rolando R. Garcia
Ernestina Q. Jocson
Sabino Palisoc
Luis R. Villafuerte

[FR Doc. 81-10102 Filed 4-12-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 3, 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: On November 21, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 77104) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by

and third agreement years, each specific limit shall be increased by seven percent annually, except Category 349/649; (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1981:

Class 7210

Pillowcase, Disposable,
7210–00–883–8494,
7210–00–852–3417

C. W. Fletcher,

Executive Director.

[FR Doc. 81–10088 Filed 4–2–81; 8:45 am]

BILLING CODE 6820–33–M

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 a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 6, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Warehouse, 3990–00–NSH–0011 (40" x 48"). (Requirements for Army and Air Force Exchange Service, Oakland Army Base, California only)

Sic 7349

Janitorial (Including Grounds Maintenance), Federal Building and Courthouse, 1340 West 6th Street
Food and Drug Administration Building, 1521–33 West Pico Boulevard, Los Angeles, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81–1089 Filed 4–2–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletions from Procurement List.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 6, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47 (a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodities from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6695

Kit, Spectro Oil Analysis (Ground Equipment)
6695–00–925–2982

Class 7520

Pencil, Mechanical
7520–00–205–1645
.520–00–285–5817

C. W. Fletcher,

Executive Director.

[FR Doc. 81–10090 Filed 4–2–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 3, 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: On December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 83650) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1981:

Class 6540

Case, Spectacles 6540–00–042–8752

C. W. Fletcher,

Executive Director.

[FR Doc. 81–10209 Filed 4–2–81; 8:45 am]

BILLING CODE 6820–23–M

COMMODITY FUTURES TRADING COMMISSION

Proposed Terms and Conditions of Portfolio Futures Contracts Proposed by the Chicago Board of Trade; Extension of Comment Period

AGENCY: Commodity Trading Commission.

ACTION: Notice of proposed futures contracts and contract market rules; extension of comment period.

SUMMARY: On January 22, 1981, the Commission published in the **Federal Register** the terms and conditions proposed by the Chicago Board of Trade ("CBT") for futures contracts based on the spot values of certain equity portfolios (46 FR 7042). The comment period on the terms and conditions of the proposed futures contracts was scheduled to expire on March 23, 1981. The Commission has received a request for an extension of the comment period. Because it wishes to ensure that all interested parties have an adequate opportunity to submit informed comments, the Commission has determined to allow an additional thirty days for public comment.

DATE: The Comment period has been extended through May 4, 1981.

ADDRESS: Interested persons should submit their views and comments to

Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CBT Portfolio Futures Contracts.

FOR FURTHER INFORMATION CONTACT: George L. Garrow, Jr., Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; Telephone: (202) 254-8955.

Issued in Washington, D.C. on March 30, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-10006 Filed 4-2-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers Environmental Advisory Board Meeting

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of Open Meeting.

SUMMARY: Under Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) meeting. The meeting is to be jointly chaired by Dean Gerald J. McLindon, Chairman, EAB, and Major General E. R. Heiberg III, Director of Civil Works, Corps of Engineers. The meeting is open to the public.

The EAB meeting originally announced in the **Federal Register** on January 29, 1981 (46 FR 9690) was changed in the **Federal Register** on February 24, 1981 (46 FR 13757) as follows:

DATE: The meeting will be held from 0800 to 1715 Tuesday, April 21, 1981 to Friday, April 24, 1981.

ADDRESS: The meeting will be held at the Key Bridge Mariott Hotel, 1401 Lee Highway, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel George F. Boone, or Major Kenneth J. Dunn, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Washington, D.C. 20314 (202) 272-0103.

Supplementary Information: The schedule and proposed agenda of the Environmental Advisory Board meeting having a general theme of the Corps wetlands/404 program is:

21 April—Tuesday—A.M. Session

0800—Meeting convened.
0815-1200—Review of previous EAB reports.
1200-1215—Public comment.
1215-1330—Lunch.

P.M. Session

1330-1700—Wetlands/404 Program.
1700-1715—Public comments.
1715—Meeting recessed.

22 April—Wednesday—A.M. Session

0800—Meeting convened.
0800-1120—The Corps Wetlands/404 Program.
1120-1130—Public comments.
1130-1245—Lunch.

P.M. Session

1245-1700—The Corps Wetlands/404 Program.
1700-1715—Public comments.
1715—Meeting recessed.

23 April—Thursday—A.M. Session

0800—Meeting convened.
0800-1200—The Corps Wetlands/404 Program.
1200-1330—Lunch.

P.M. Session

1330-1645—The Corps Wetlands/404 Program.
1645-1715—Public comments.
1715—Meeting recessed.

24 April—Friday—A.M. Session

0800—Meeting convened.
0800-1200—EAB provides oral report to Chief of Engineers.
1200-1300—Lunch.

P.M. Session

1300-1400—EAB prepares written report for the Chief of Engineers.
1400-1410—Public comments.
1410-1545—Ocean Disposal Site Designation Program.
1545-1600—Public comments.
1600—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-10230 Filed 4-2-81; 8:45 am]

BILLING CODE 3710-92-M

Office of the Secretary

Defense Science Board Task Force on Anti-Tactical Missiles Advisory Committee Meeting

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on 30 April-1 May 1981 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on 30 April-1 May 1981 the Defense Science Board Task Force on ATM will review the potential enemy development of new ballistic and cruise missiles and propose and evaluate options for countering such threats.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

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

March 30, 1981.

[FR Doc. 81-10050 Filed 4-2-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Water in Southwest Asia Advisory Committee Meeting

The Defense Science Board Task Force on Water in Southwest Asia will meet in closed session on 21-22 April 1981 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 21-22 April the Task Force will review the current and future capability of the U.S. to provide water support to military forces in Southwest Asia and make recommendations concerning improvements and other associated programmatic actions.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

March 30, 1981.

[FR Doc. 81-10051 Filed 4-2-81; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act; Amendment to Systems of Records Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Amendment to systems of records notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend the systems of records subject to the Privacy Act of 1974 (P.L. 93-579). The specific amendments and two system notices as amended are also set forth in their entirety below.

DATES: These notices shall be amended as proposed without further notice on May 4, 1981, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the system managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD (A), Room 5C-315, The Pentagon, Washington, D.C. 20301. Telephone 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-697 (46 FR 6427) January 21, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-7938 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552A(o) of the Privacy Act which requires the submission of an altered system report.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington, Headquarters Services Department of Defense.
March 30, 1981.

DWHS P26

System name:

Protective Services File (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C-345, Pentagon, Washington, D.C. 20301.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above and insert:

Internal users, uses, and purposes:

Physical Security Branch, Security Division, Space Management and Services, WHS—To maintain a listing of those individuals who may pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of the Component's published system notices.".

Safeguards:

Delete the entry under the above heading, and insert:

"Stored in metal file cabinets with locking devices and metal combination safes, depending on classification.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Records are maintained permanently.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.".

DWHS P27

System name:

Pentagon Building Pass Application File (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C-345, Pentagon, Washington, D.C. 20301.".

Categories of individuals covered by the system:

Delete the entry under the above heading, and insert:

"Any Department of Defense military or civilian employee, any contractor sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.

Categories of records in the system:

Delete the entry under the above heading, and insert:

"File cards containing name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date and place of birth.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading, and insert:

Internal users, uses, and purposes:

Physical Security Division, Directorate for Space Management and Services, WHS—To maintain a listing of personnel who are authorized a DoD Pentagon Building Pass.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.".

Storage:

Delete "3¼ × 7½" and insert: "Vertical" before the word "file".

Retrievability:

Delete "or entry pass number".

Safeguards:

Insert: "Building has military security guards." after the word "room.".

Retention and disposal:

Delete "Office of the Secretary of Defense" on the second line, and insert: "Department of Defense,".

System manager(s) and address:

Delete the entry under the above headings, and insert:

"Director, Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C-345, Pentagon, Washington, D.C. 20301.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from: Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3c-345, Pentagon, Washington, D.C. 20301. Telephone: 202-695-5052.".

Record source categories:

Insert the world "DoD" between the words "individual" and "Pentagon" on the second line.

DWHS P26

SYSTEM NAME:

Protective Services File.

SYSTEM LOCATION:

Directorate for Space Management and Services, Washington, Headquarters Services (WHS), Department of Defense, Room 3c–345, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who initiates contact with the Secretary or Deputy Secretary of Defense in person, by United States mail, or telephonically who may possibly pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense or other United States Government officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing only data provided by the individual, which normally includes individual's names, address, type of communication, and a brief description of the message the individual intended to relay to the official or officials noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Physical Security Branch, Security Division, Space Management and Services, WHS-To maintain a listing of those individuals who may pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by name and by residence of the sender, caller or visitor.

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By name and by residence of the sender, caller or visitor.

SAFEGUARDS:

Stored in metal file cabinets with locking devices and metal combination safes, depending on classification.

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management and Services, Washington, Headquarter Services, Department of Defense, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k), as applicable. For additional information, contact the System Manager.

DWHS P27

SYSTEM NAME:

Department of Defense (DoD) Pentagon Building Pass Application File.

SYSTEM LOCATION:

Directorate for Space Management and Services, Washington, Headquarters Services (WHS), Department of Defense, Room 3C–345, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of Defense military or civilian employee, any contractor sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Physical Security Division, Directorate for Space Management and Services, WHS-To maintain a listing of personnel who are authorized a DoD Pentagon Building Pass.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By the individual's name.

SAFEGUARDS:

Secure room. Building has military security guards.

RETENTION AND DISPOSAL:

File cards are destroyed after termination of the individual's affiliation with the Department of Defense, and activities serviced by WHS.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C–345, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C–345, Pentagon, Washington, D.C. 20301. Telephone: 202–695–5052.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

All data maintained in the system is received voluntarily from individual DoD Pentagon Building Pass applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-10201 Filed 4-2-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Inquiry and Request for Comments on Oil and Gas Development at Naval Oil Shale Reserve No. 2

AGENCY: Department of Energy.

ACTION: Notice of Inquiry and Request of Comments.

SUMMARY: Pursuant to 10 U.S.C. Chapter 641, the Department of Energy has the authority to prescribe regulations and take any proper action to accomplish its responsibilities regarding the three Naval Oil Shale Reserves (NOSRs). DOE is in the process of evaluating various alternatives which may exist regarding oil and gas development at NOSR-2. To date, no decision to develop the oil and gas potential at that Reserve has been made.

All available information about the geologic structures on NOSR-2 and surrounding locations indicates the potential for commercially producible quantities of oil and gas from this property. The Department feels that information is insufficient, however, to estimate adequately the location and extent of such resources for exploration and development. Preliminary plans are being made, therefore, to perform additional seismic tests on NOSR-2, with the intent to develop the property subsequently. Such development may be conducted through leasing arrangements. It should be noted that prior to executing a lease for NOSR-2, however, such action much be approved by the President and consultation accomplished with House and Senate Armed Services Committee. Further, a Joint Resolution of the Congress must be passed before production of oil and/or gas may commence. In addition, the required Environmental Impact Statement must be completed.

By this Notice, the Department is seeking an indication of interest as to its plans for obtaining additional geologic data by seismic tests on NOSR-2. In additional, comments are requested concerning the approach to obtaining the seismic tests, the level of interest in developing the property, and the arrangement under which the property might be developed. This notice is not for the purpose of soliciting development proposals. Because the decision to develop the oil and gas potential at NOSR-2 has not been made and its production has not been authorized, the Department will not award a contract on the basis of this Notice, or otherwise pay for the preparation of the comments submitted.

DATE: Written comments are due by 4:30 p.m., May 4, 1981.

ADDRESS: All comments should be sent to: Office of Naval Petroleum and Oil Shale Reserves U.S. Department of Energy, Federal Building, Mail Code RA-3344, 12th and Pennsylvania Avenue NW, Washington, D.C. 20461. Attention: Dan Hogan, (202) 633-8641.

FOR FURTHER INFORMATION CONTACT:

Dan Hogan, Office of Naval Petroleum and Oil Shale Reserves, U.S. Department of Energy, Federal Building, Mail Code Ra-3344, 12th and Pennsylvania Avenue NW, Washington, D.C. 20461, phone (202) 633-8641.

or

Peter M. Frank, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Mail Code GC-11, Washington, D.C. 20585, phone (202) 633-8641.

SUPPLEMENTARY INFORMATION:

I. Background

II. Issues for Comment

III. Comment Procedures

I. Background

There are three Naval Oil Shale Reserves (NOSRs). NORS-2 was established by an Executive Order signed by President Wilson on December 6, 1916, and is located in Carbon and Uintah Counties, in the State of Utah. A map at the end of this Notice shows this location.

Title 10 U.S.C. provides that the Secretary of Energy shall "...explore, prospect, conserve, develop, use and operate the Naval Petroleum and Oil Shale Reserves." An Act on June 4, 1920 (41 Stat. 813) placed the Naval Petroleum Reserves in the possession and under the authority of the Secretary of the Navy. Until 1962, the Secretary of the Navy had no authority for the development or operation of the oil shale reserves. Public Law 87-796, October 11, 1962, empowered the Secretary to take possession of all properties inside the NOSRs and gave him essentially the same powers over the oil shale reserves as he had over the petroleum reserves. In 1977, jurisdiction over the 91, 464 acre NOSR-2, and the other NOSRs was transferred to the Secretary of Energy by virtue of the Department of Energy Organization Act (Public Law 95-91).

To date, NOSR-2 has not been explored for oil and gas. There has been limited seismic work done, with the objective of tying in with off-Reserve exploration programs. Although oil and gas discoveries in the vicinity and correlations with defined geologic structures indicate good prospects of locating hydrocarbons at NOSR-2, the Department does not feel sufficient geologic evidence is available to properly define the location and extent of those resources. Thus, it has been determined that more geologic analyses, and seismic testing in particular, should be performed prior to any drilling activity.

The Office of Naval Petroleum and Oil Shale Reserves has developed a primary geologic program consisting of approximately 45 miles of seismic surveys which would tie in with existing seismic lines and off-Reserve work. The approximate location of the proposed and existing seismic lines are shown on the map at the end of this Notice. It is expected that improved knowledge of the geologic structure of NOSR-2 would lead to exploration and development of the oil and gas resources on the Reserve.

Various options are presently under consideration for accomplishing the geologic program. One option would call for all interested companies to participate in the seismic tests, at no cost to the government, through an arrangement commonly referred to as a "group shoot."

Information from the tests would be treated as proprietary, and would be available only to the Government and those participants in the "group shoot". The primary purpose of this inquiry is to determine the level of interest in this approach, and to explore other options leading to the acquisition of better geologic data for NOSR-2. A secondary purpose of this inquiry is to obtain comments related to development of NOSR-2 should that decision be made.

The NOSRs may be leased for development only after approval by the President and consultation with the Committees on Armed Services of the Senate and the House of Representatives. Further, before full-scale production can be initiated, such production must be approved by the President and authorized by a Joint Resolution of the Congress. These approvals and authorizations have not been sought or obtained pending a decision to pursue the oil and gas potential at NOSR-2.

II. Issues for Comment

To assist in the consideration and development of the various alternatives

available for obtaining additional geologic information on the oil and gas resources at Navel Oil Shale Reserve No. 2, the Department of Energy seeks the views of all interested persons. DOE does not have the requisite Congressional or Presidential authority to initiate development of NOSR-2 at this time and, therefore, will not award a contract on the basis of this request for comments, or otherwise pay for the comments or any preparation expenses. No decision has been made as to what future course of action will be taken regarding the development of oil and gas resources at NOSR-2. Respondents are invited to offer comments on any topic germane to this matter, but the Department is especially interested in public comment on the issues below.

1. What is the level of interest on the part of private companies in exploring, developing and producing the oil and/or gas resources at NOSR-2? What is the nature of your interest?

2. Is there an adequate market and sufficient transportation facilities, now or projected, to support development of those resources?

3. What is the level of interest on the part of private companies in performing a "group shoot" seismic program to obtain additional geologic data regarding NOSR-2, at no cost to the government? Are there other approaches available to obtain these data at no cost to the government?

4. What, if anything, would be expected on the part of the government in exchange for a seismic program on NOSR-2?

5. Is extent and location of the seismic lines proposed for the tests consistent with the known geology of NOSR-2:

6. Assuming a decision is made to develop and produce the oil and gas resources at NOSR-2?

a. Is leasing the preferred arrangement for developing the property? What is the appropriate basis for the awarding of leasing—e.g., competitive, noncompetitive, small business set-asides?

b. What is an appropriate lease term?

c. What would be the appropriate basis for selecting lease tract sizes?

d. What kind of due diligence requirements regarding development and continuous operations should be utilized?

e. It is required that under any development option, the Secretary of Energy will retain control over time and rate of production. What type of safeguards would a lessee need in order to protect his interests and meet this requirement?

f. For competitive leasing, which bidding system would be most appropriate for this property (e.g., bonus bidding, work commitment, royalties, profit sharing, or other related arrangements)?

III. Comment Procedures

You are invited to participate in this inquiry by mailing or by hand-delivering written data, views, or arguments with respect to the issues set forth in this Notice and other relevant matters to the Office of Naval Petroleum and Oil Shale Reserves, at the address listed at the beginning of this Notice. You should submit ten copies of your comments and clearly indicate that they are in response to this NOI by marking both the envelope and the comments with: "NOI—Development Policy Options, NPR B001". We will consider all comments received by 4:30 p.m., May 4, 1981.

Any information considered to be confidential must be clearly identified, and submitted separately, one copy only. DOE reserves the right to determine the confidential status of the information and to treat the information according to this determination.

Public hearings are not required at this preliminary stage in the process.

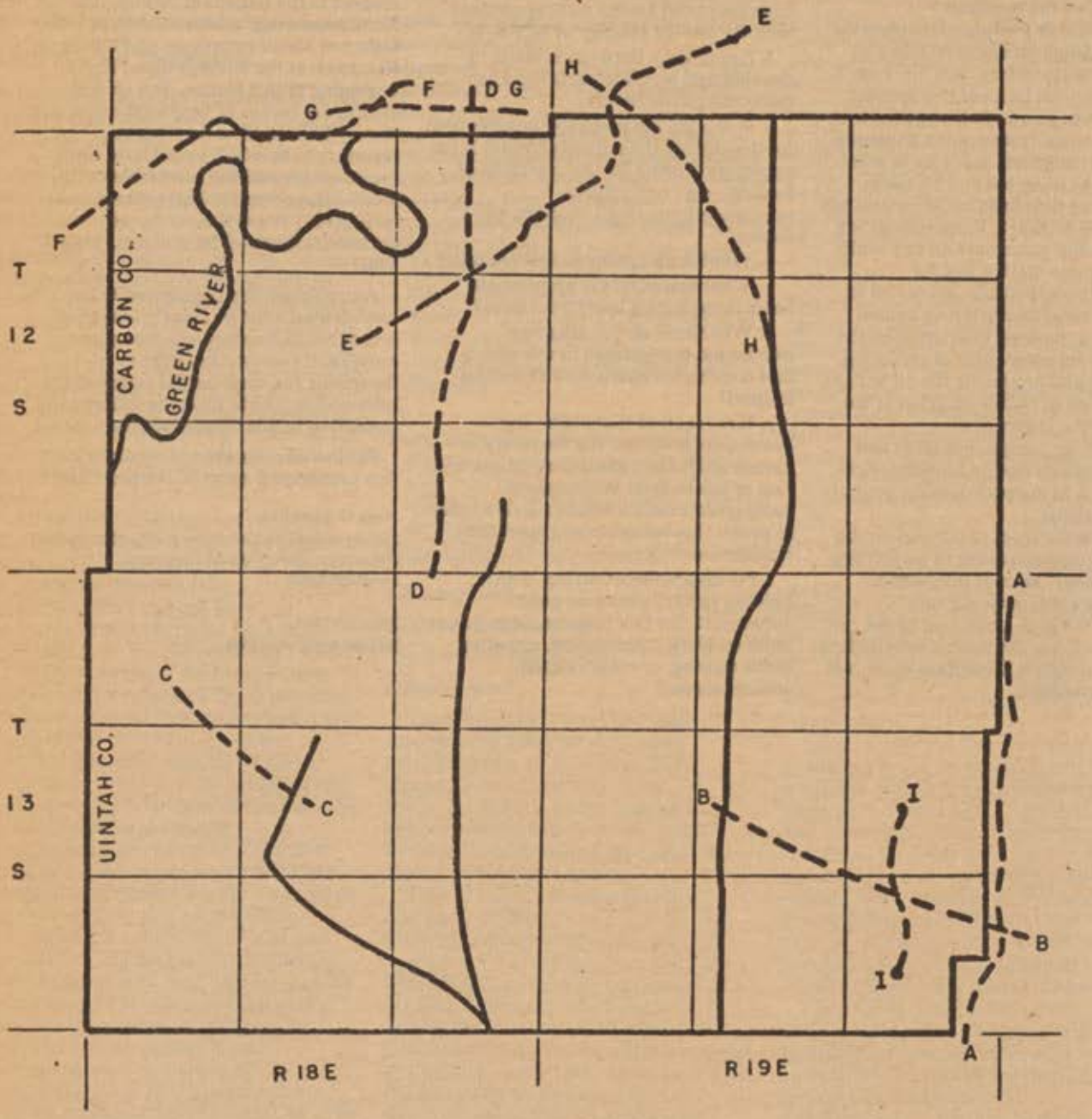
Alex G. Fremling,

Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

May 30, 1981.

BILLING CODE 6450-01-M

NAVAL OIL SHALE RESERVE NO. 2
CARBON AND UINTAH COUNTIES, UTAH



EXISTING SEISMIC LINES ———
PROPOSED SEISMIC LINES — — —

[FR Doc. 81-10085 Filed 4-3-81; 8:45 am]
BILLING CODE 6450-01-C

Economic Regulatory Administration

Marvin Davis; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that on January 6, 1981, a Consent Order was entered into between the Office of Enforcement, ERA and Marvin Davis (Davis), a resident of Colorado. The Consent Order provides for the payment of a $20,000 civil penalty by Davis, a former Chairman of the Board of Directors of Summit Transportation Company ("Summit", formerly Summit Gas Company).

Subject to the provisions of 10 CFR 205.199J(d), this Consent Order fully and finally settles any existing and potential civil claims and disputes within the jurisdiction of the DOE between DOE and Davis arising out of or relating to transactions of Summit occurring during the period January 1, 1973 through December 31, 1978 ("settlement period"). During the settlement period, Summit, incorporated under the laws of Texas, was a reseller of crude oil as that term is defined at 10 CFR 212.31 and Davis was Chairman of the Board of Directors of Summit on January 13, 1976, when DOE asserts that Summit miscertified and sold at a price in excess of the maximum lawful selling price certain volumes of West Texas Sour crude oil in violation of 10 CFR 205.202, 210.62(c), 212.10, 212.93 and 212.131. For the limited purpose of the Consent Order, Davis admits civil liability as to this allegation.

The Consent Order is an integral part of the disposition of certain parallel criminal disputes described in the Agreement Letter filed in the matter of United States of America v. Summit Transportation Company and B. A. Williams, III (Criminal No. H–79–152–S), U.S. District Court, Southern District of Texas, Houston Division. Therefore, it is necessary in the public interest for the DOE to make the Consent Order effective immediately upon execution by Davis and the DOE.

FOR FURTHER INFORMATION CONTACT: Larry G. Harris, Supervisory Auditor, Crude Oil Reseller Program, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653–3517.

Issued in Washington, D.C., on the 30th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81–10099 Filed 4–2–81; 8:45 am]

BILLING CODE 6450–01–M

OKC Corp.; Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed 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 pursuant to the Consent Order.

DATES: Effective date: December 17, 1980.

Comments by: May 4, 1981.

ADDRESS: Send comments to: Stanley S. Mills, Program Manager for Entitlements, Department of Energy, Office of Enforcement, Economic regulatory Administration, 2000 M Street, NW., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Department of Energy, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, NW., Room 5114, Washington, D.C. 20461 (202–653–3548).

SUPPLEMENTARY INFORMATION: On December 17, 1980, the Office of Enforcement of the ERA executed a Consent Order with OKC Corporation (OKC) of Dallas, Texas, pursuant to, and which was incorporated into a Consent Order which had been executed by DOE and OKC on July 17, 1980. See 45 FR 50865 (1980) and 46 FR 12051 (1981). Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so. Because of the complex settlement negotiations in this case, as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with OKC effective as of the date of its execution by the DOE and OKC.

I. The Consent Order

OKC, with its home office located in Dallas, Texas, is a firm engaged in the production and refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its entitlements audit of OKC, the Office of Enforcement, ERA, and OKC entered into a Consent Order, the significant terms of which are as follows:

1. The July 17, 1980 Consent Order, among other things, provided for a review by DOE of OKC's entitlement transactions and notification to OKC of evidence of alleged violation of the Domestic Crude Oil (Entitlements) Program within sixty days of the start of the review. On September 19, 1980, the Office of Enforcement, ERA so notified OKC.

2. The Office of Enforcement alleges that OKC failed to report certain volumes of crude oil to DOE on forms P–102–M for the period November 1974 through July 17, 1980.

3. The Office of Enforcement alleges that OKC failed to report certain volumes of crude oil for the months January 1975 through September 1976, during which time OKC had been receiving exception relief from the Domestic Crude Oil (Entitlements) Program by DOE's Office of Hearings and Appeals (OHA). The Office of Enforcement, ERA, has referred this matter to OHA for appropriate action.

II. Refunds

A. Disposition of Refunds

In this Consent Order, OKC agreed to refund, in full settlement of all civil liability, with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above, except the transactions listed in paragraph 3, and subject to the provisions contained in the July 17, 1980 Consent Order, the sum of $600,000, including interest, on or before the effective date of the Consent Order. This sum has been received by DOE and deposited in a suitable account pending the determination of its 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 violation amounts have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the refunds 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 205.199I(a).

III. Submission of Written Comments and Notices of Claim to Dec. 17, 1980 Consent Order

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount 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 in the general public interest.

B. 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 notification of a claim to Stanley S. Mills, Program Manager for Entitlements, Department of Energy, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling (202) 653-3548.

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, "Notice of Claim to OKC Consent Order" or "Comments on OKC Consent Order." We will consider all comments and notices of claim we receive by 4:30 p.m., local time, on May 4, 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 Washington, D.C. on the 30th day of March, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-10100 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case Nos. 52970-9039-01, 02, 03, 04-82]

Tucson Electric Power Co., Irvington Generating Station, Units 1, 2, 3 and 4; Public Meeting

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it will hold a public meeting concerning the proposed prohibition order issued to Tucson Electric Power Company's (TEP) Irvington Generating Station Units 1, 2, 3 and 4 under section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA).

DATE: The meeting will be held on May 4, 1981, beginning at 2:00 p.m. and will reconvene at 8:00 p.m.

ADDRESS: Tucson Community Center, Apache Room, 260 South Church Street, Tucson, Arizona.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter S. Burns, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3214, 2000 M Street NW., Washington, D.C. 20461, (202) 653-4184;

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street NW., Washington, D.C. 20461, (202) 653-4055;

Marilyn Ross, Office of General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage public response in identifying the key issues, including environmental issues, associated with the issuance of the proposed prohibition order under section 301(c) of FUA to TEP's Irvington Generating Station Units 1, 2, 3 and 4 in Tucson, Arizona. The proposed prohibition order was issued on December 31, 1980 (46 FR 1769). Finalization of this proposed order would prohibit the plant from burning petroleum (or natural gas) in a mixture with an alternate fuel (coal) in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining reasonable fuel efficiency.

In response to the issuance of the proposed prohibition order, a report was prepared jointly by TEP and Energy Impact Associates, Inc. The report contains an analysis of the environmental impact of the proposed conversion of the Irvington units.

Copies of the report are being made available by TEP for inspection during normal business hours at the following locations:

Tucson Electric Power Company, Public Information Office, 220 West 6th Street, Tucson, Arizona;

University of Arizona Main Library, University of Arizona Campus, University/Cherry, Tucson, Arizona;

Tucson Public Library, Main Library, 200 South 6th Avenue, Tucson, Arizona;

Tucson Public Library, Valencia Branch, 202 West Valencia Road, Tucson, Arizona;

Tucson Public Library, Wilmot Branch, 530 North Wilmot Road, Tucson, Arizona;

Tucson Public Library, Woods Branch, 3455 North First Avenue, Tucson, Arizona.

Persons who wish to participate at the public meeting will be given an opportunity to present oral and/or written comments concerning the proposed conversion, and the issues addressed in TEP's environmental report. The public meeting will be conducted informally, affording all participants an opportunity to present their oral statements. These presentations will be limited to approximately 15 minutes. A transcript of the meeting will be prepared and incorporated in the public record of the prohibition order proceedings.

Persons who wish to participate in the meeting are encouraged to submit their names and copies of prepared statements to ERA in advance of the meeting date. This information should be submitted to Mr. Peter Burns at the address listed above.

Issued in Washington, D.C., March 27, 1981.

Robert I. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-10083 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-01-M

[OFC Case Nos. 55119-9193-01-12, 55119-9193-02-12, and 55119-9193-03-12; Docket No. ERA-FC-81-005]

General Motors Corp.; Powerplant and Industrial Fuel Use

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Acceptance of Petition for Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 4, 1980, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting each of three major fuel burning installations (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*), (FUA or the Act) which prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBIs. Pertinent criteria and procedures for petitioning for an exemption for a new facility are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503 published on June 6, 1980 at 45 FR 38276 and 45 FR 38302 respectively. These rules became effective August 5, 1980.

The MFBIs for which the petition was filed are three field-erected boilers to be installed at GM's Assembly Division—Shreveport, Louisiana Plant. The proposed three units (identified as boilers Nos. 1, 2 and 3) will each have a design heat input rate of approximately 177 million Btu's per hour with a steam generating capacity of 150,000 pounds per hour. Each boiler is designed to burn coal, natural gas, or oil. GM, in its petition, seeks a permanent exemption to burn a mixture of coal and natural gas, alternately, in each unit. GM has certified that the amount of natural gas which will be used in each of the three boilers will not exceed 25 percent of the total annual Btu heat input rate of the primary energy sources of each boiler.

Eligibility and evidentiary requirements governing the permanent exemption for certain fuel mixtures containing natural gas or petroleum, authorized under Section 212(d) of FUA, are set forth in ERA's final rule for new facilities at 10 CFR 503.38. Under subsection (d) of that section, a certification alternative is available for MFBIs which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibitions of Title II of FUA for each of its boilers Nos. 1, 2, and 3, under 10 CFR 503.38(d), based upon use of a mixture containing less than 25 percent natural gas in such units.

Title II of FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBIs which consist of a boiler ERA's decision in this matter will determine whether GM will be granted permanent exemptions to use a fuels mixture of coal and less than 25 percent natural gas.

By letter dated December 16, 1980, ERA determined, pursuant to 10 CFR 501.3(f), that GM's petition for permanent fuels mixture exemptions for boilers Nos. 1, 2, and 3 was incomplete as submitted on December 4, 1980, and requested that clarifying data concerning the environmental checklist submitted by GM under 10 CFR 503.38(d) be furnished within 90-days. By letter dated March 2, 1980, GM furnished the requested data to complete its petition.

ERA has determined that GM's petition, as amended, is complete and it is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the SUPPLMEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before May 18, 1981. A request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket Number ERA-FC-81-005 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128-M, Washington, DC 20461, (202) 653-3934.

Allan J. Stein, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6P-178, Washington, DC 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBIs unless an exemption for such use has been granted by ERA. The MFBIs for which GM has requested the permanent fuels mixture exemption are three identical field-erected boilers to be installed at its Shreveport, Louisiana facility. The MFPIs are identified as N.B. No. 200 or Boiler No. 1, N.B. No. 201 or Boiler No. 2, and N.B. No. 202 or Boiler No. 3. Each boiler will have a design heat input rate of 177 million Btu's per hour, steam generating capability of 150,000 pounds per hour and will be capable of burning coal, natural gas, or oil. GM, in its petition, seeks a permanent exemption to burn a mixture of coal and natural gas, alternately, in each unit.

In accordance with section 212(d) of FUA, 10 CFR 503.38 provides for a permanent exemption from the prohibitions of Title II of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify for a fuel mixtures exemption, a petitioner must demonstrate to the satisfaction of ERA that:

(1) It proposes to use a mixture of natural gas or pertoleum and an alternate fuel as a primary energy source; and

(2) The amount of natural gas or petroleum proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy soruces needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

Pursuant to 10 CFR 503.38(b), in the case of MFBIs, if the exemption is granted, ERA will not require that the percentage of natural gas used in the fuels mixture be less than 25 percent of the total annual Btu heat input of the primary energy sources of each of the three installations.

Under 10 CFR 503.38(d), a certification alternative is available for MFBIs which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. Pursuant to that section, GM has submitted with its petition a duly executed certification for each boiler that the amount of natural gas to be

used in the mixture in each boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit, and that all necessary environmental permits will be obtained prior to the commencement of the operation of each unit. Additionally, GM has stated in its petition that it agrees, upon grant of each of the requested exemptions, to the terms and conditions specified in 10 CFR 503.38(e) and to the reporting requirement specified in 10 CFR 503.38(g) as follows:

(1) The amount of petroleum or natural gas to be used in the mixture for each unit will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation.

(2) All steam pipes will be insulated and all steam traps properly maintained.

(3) Where petroleum is used, the quality of any petroleum to be burned in each unit will be of the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(4) GM must comply with any terms or conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

(5) GM must submit a duly executed annual report to ERA for each unit certifying that each unit has used no more than the percentage of oil or natural gas specified in the exemption order.

ERA hereby gives notice that GM's petition for a permanent exemption for each of its boilers Nos. 1, 2, and 3, as revised, has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file, containing documents on this proceeding and supporting materials, is available for inspection upon request at ERA Room B-110, 2000 M Street, NW, Washington, DC. Monday–Friday 8:00 am—4:30 pm.

Issued in Washington, DC, on March 27, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-10101 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51186-2063-02-42]

Greenwood Utilities; Powerplant and Industrial Fuel Use

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On October 16, 1980, Greenwood Utilities (Greenwood) of Greenwood, Mississippi, petitioned the Economic Regulatory Administration (ERA) of the Department of Energy for an order exempting its Wright Unit #2 powerplant from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) which prohibit natural gas use in certain existing electric powerplants. ERA's final rules implementing FUA, including criteria to be used in petitioning for exemptions from the prohibitions of FUA, were issued on May 30, 1980, and August 1, 1980, and were published in the **Federal Register** on June 6, 1980 (45 FR 38276) and August 12, 1980 (45 FR 53682). Greenwood has requested a permanent exemption under Section 312(h) of FUA for use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour for its Wright Unit #2 (Unit W-2).

ERA accepted the petition on December 15, 1980, and published notice of its acceptance in the **Federal Register** on December 19, 1980, at 45 FR 83652. The Notice of Acceptance provided for a 45-day comment period during which time interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on February 2, 1981. No comments were received nor was a public hearing requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been completed. This analysis recommends that ERA issue an order which would grant the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued; and, interested persons are invited to submit written comments in regard to this matter; and, any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments on the Tentative Staff Analysis are due on or before 14 days from publication (April 17, 1981). A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Case Number ERA-FC-51186-2063-02-42 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3002F, Washington, D.C. 20461 (202) 653-4268.

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

ERA will issue a final order granting or denying Greenwood's petition for permanent exemption within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published final rules on June 6, 1980, and August 12, 1980, implementing provisions of Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Title III of FUA prohibits the use of natural gas as a primary energy source in an existing electric powerplant on or after January 1, 1990, and prohibits the use of natural gas as a primary energy source in an existing electric powerplant unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA. Wright Unit #2 is a 5.0 MW electric powerplant that uses natural gas and is

subject to the Title III prohibitions on natural gas use.

Wright Unit #2 (Unit W–2) is currently allowed to burn natural gas until October 31, 1981, under a special temporary public interest exemption which ERA granted to Greenwood Utilities (Greenwood) pursuant to 10 CFR Part 508. ERA, at the request of Greenwood, conducted a prepetition conference to discuss the filing of petitions for exemptions for existing powerplants pursuant to 10 CFR Part 504. Greenwood subsequently petitioned for a permanent exemption for the use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour for its Unit W–2. It is Greenwood's intention that if such a permanent exemption is granted to Unit W–2, the permanent exemption would go into effect upon the expiration of the present special temporary public interest exemption. On December 15, 1980, ERA issued a Notice of Acceptance of Greenwood's petition for exemption for Wright Unit #2.

Eligibility and evidentiary requirements governing the permanent exemption for use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour are set forth at 10 CFR 504.60. Under 10 CFR 504.60(a), a petitioner may show eligibility for this exemption by making certain certifications. Greenwood has made the following certifications in its petition:

(1) Unit W–2 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour;

(2) Unit W–2 was a baseload powerplant on April 20, 1977;

(3) Unit W–2 is not capable of burning solid coal, and no suitable coal derivative is available; and

(4) Use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit W–2.

The ERA staff has examined the foregoing certifications made by Greenwood and has determined that they fulfill the requiremenets of 10 CFR 504.60(a). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that ERA issue an order granting Greenwood the requested exemption for Wright Unit #2. This exemption will be subject to the following terms and conditions.

Terms and Conditions: Section 314(a) of FUA authorizes ERA to grant exemptions with such terms and conditions which ERA deems as appropriate. Greenwood has stated that if such a permanent exemption is granted to Unit W–2, it will accept the terms and conditions of 10 CFR 504.60(b). Such terms and conditions, enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) All steam pipes on Unit W–2 must be insulated, and all steam traps on Unit W–2 must be properly maintained.

(2) This exemption for Unit W–2 may only apply to prohibitions under Section 301 of FUA and prohibitions established by final rules or orders issued before January 1, 1990.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on March 26, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–10084 Filed 4–2–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP81–229–000]

Carnegie Natural Gas Co.; Application

March 31, 1981.

Take notice that on March 11, 1981, Carnegie Natural Gas Company (Applicant), 3904 Main Street, Munhall, Pennsylvania 15120, filed in Docket No. CP81–229–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas owned by others along its interstate pipeline between any receiving point in West Virginia and any delivery point in Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to transport natural gas from any receiving point in West Virginia to any delivery point in Pennsylvania along Applicant's interstate pipeline. Applicant states that said service is to be available to all qualified applicants as soon as capacity is available for the affected volumes.

It is stated that all customers of the transportation service would be charged under Applicant's Rate Schedule T–2 which includes a $2,433.57 per month facilities charge for volumes up to 7,650 Mcf per billing month and a change of 32.0 cents per Mcf per billing month for all volumes in excess of 7,650 Mcf per billing month. Applicant further states that there would be a $2,433.57 minimum monthly bill.

Applicant states that the service would be subject to Applicant's own requirements for pipeline system capacity which would have priority at all times.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 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 take but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on 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 other advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–10167 Filed 4–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–239–000]

Colorado Interstate Gas Co.; Application

March 31, 1981.

Take notice that on March 16, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket

No. CP81-239-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon seasonal gas service to Greeley Gas Company (Greeley), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon the seasonal gas service rendered pursuant to its Rate Schedule S-1 to Greeley which in turn provided off-peak firm service to Southern Colorado Power, a division of Central Telephone and Utilities Corporation (SCP). It is asserted that the service to SCP was terminated on September 9, 1978, because SCP installed equipment which eliminated the need for natural gas for pollution-controlled power generation. Consequently, it is stated that Greeley requests that service to SCP be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1981, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further noitice 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10177 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-206-001]

Columbia Gas Transmission Corp.; Petition To Amend

March 27, 1981.

Take notice that on March 10, 1981, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP79-206-001 a petition to amend the order issued January 15, 1980, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to delete and add authorization for certain construction projects of natural gas facilities on its Kentucky to Virginia pipeline system, 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 it was authorized to construct and operate approximately 141 miles of new and replacement transmission pipeline, a 9,000 horsepower compressor station and certain other related facilities and to abandon five existing compressor stations and that these projects collectively known as Project SMAK were scheduled for completion over a two-year period extending through 1981. It is stated that Project SMAK would have changed the historic operation of Petitioner's KA/VA System which extends from Boldman Compressor Station in Pike County, Kentucky, to a point in Fairfax County, Virginia, and would have resulted in long-range operating economies and a high-pressure gas supply source for certain of its market areas supplied from its southern West Virginia production and gathering pipeline system.

However, it is asserted that Project SMAK was predicated on the availability of liquefied natural gas from Cove Point delivery point and that in April 1980 Algeria, which is the source of the Cove Point supply, interrupted delivery. Although Petitioner maintains that at this time it is unable to predict when the Cove Point supply would be restored, its customers have nontheless attached substantial new loads on their systems in anticipation of the restoration of the Cove Point supply. Petitioner asserts that it has been making emergency gas volumes available to them during the 1980-81 winter period in order to assist them in serving their attached loads.

Petitioner proposes to retain the option of continued historic operation of its KA/VA System in addition to the Project SMAK operating option in order to permit future operation of the KA/VA System in the manner which is most efficient on a day-to-day or seasonal basis, which provides the most economical increment of capacity to the eastern market area from year to year and which would permit Petitioner to offset the loss of the Cove Point supply in the event said supply is not restored for the 1981-1982 winter period.

Petitioner states that it has proceeded with construction of the authorized projects which involve the construction of the Project SMAK lateral line and related facilities connecting the high pressure Ceredo-Clendenin System to the KA/VA System. Petitioner asserts that Project No. 80-2 involved the construction of certain segments of 12- and 16-inch replacement pipeline on the KA/VA System located immediately east of Flat Top Compressor Station and the retirement of a like amount of replaced 20-inch pipeline. Petitioner states that because the interruption of the Cove Point supply necessitated the operation of the KA/VA System in its historic manner the existing 20-inch pipeline which was to be retired from service after completion of the 12- and 16-inch pipeline was retained in service as a loop on the 12- and 16-inch lines. Petitioner therefore proposes to amend its original SMAK proposal to allow the continuance in operation of approximately 20.9 miles of existing 20-inch pipeline as a partial loop on the 12- and 16-inch pipeline. Petitioner further states that it would retire during 1981 due to age and condition approximately 2.1 miles of 20-inch line in two sections paralleling the 16-inch pipeline.

Petitioner also states that it proposes to abandon its plans that call for the replacement of 43.8 miles of the existing 20-inch KA/VA System with 16- and 8-inch pipe and the abandonment of five compressor stations located on the KA/VA System.

In addition, it is stated, that in order to continue operation of the existing 20-inch pipeline between the SMAK lateral and a point located approximately 2.4 miles west of Covington, Virginia, it would be necessary to replace in 1981 approximately 17.8 miles of 20-inch pipeline due to age and condition. Petitioner asserts that the like size replacement of the 20-inch KA/VA System east of the SMAK lateral and future like size age condition replacements would be constructed of

pipe capable of 1,000 psig operation as opposed to the original 425 psig design operating pressure.

Petitioner in Project No. 81–9 proposes to construct 0.5 mile of 20-inch pipeline loop to replace the section of 20-inch pipeline retired in 1979 at Project No. 80.2 when the 0.5 mile of 12-inch replacement pipeline was placed in service. Construction of this 0.5 mile of 20-inch pipeline located in Summers County, West Virginia, would result in a complete 20-inch loop of the 12-inch pipeline, it is stated.

Petitioner also proposes to construct approximately 30.5 miles of 36-inch pipeline loop in Clay and Braxton Counties, West Virginia, to increase the throughput capabilities of its B System. It is asserted that in proposed Project No. 81–10 Petitioner proposes to construct 14.1 miles of 36-inch pipeline loop immediately west of Frametown Compressor Station and that in association with this construction to remove approximately 13.9 miles of a parallel 26-inch pipeline from high pressure service because of age and condition.

It is stated that Applicant's proposed Project No. 81–11 consists of constructing 7.1 miles of 36-inch pipeline loop located in Upshur County, West Virginia, in order to increase the throughput capability of the B System. Finally, Petitioner proposes in Project No. 81–12 to construct 9.3 miles of 36-inch pipeline loop between Lost River and Loudoun Compressor Stations located in Shenandoah and Warren Counties, Virginia.

Petitioner estimates the cost of the proposed facilities to be $23,127,900 which would be financed from internally generated funds or funds supplied by its corporate parent, the Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said petition to amend 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10178 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-349-000]

Connecticut Valley Electric Co., Inc.; Proposed Tariff Change

March 31, 1981.

The filing Company submits the following:

Take notice that Connecticut Valley Electric Company Inc., on March 23, 1981, tendered for filing proposed changes in its Transmission Service Agreement with the New Hampshire Electric Cooperative, Inc. The proposed changes would increase revenues from jurisdictional sales and service by $1,079 based on the 12 month period ending May 1981.

The filing is made to comply with the provisions of the Transmission Service Agreement (FPC No. 8) which requires that charges shall be revised annually to incorporate the applicable cost data contained in the Company's current FERC Form No. 1.

Copies of the filing were served upon the New Hampshire Electric Cooperative, Inc. and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10168 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-189-000]

Delhi Gas Pipeline Corp; Amendment to Extension Report

March 31, 1981.

Take notice that on March 17, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. CP81–189–000 an amendment to its extension report filed in the instant docket pursuant to § 284.126(c) of the Regulations under the Natural Gas Policy Act of 1978 so as to reflect certain changes in the transportation service to be provided for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that its report notified the Commission of its intention to continue the transportation of natural gas for Transco. It is stated that subsequent to the filing of such report, Applicant and Transco have agreed that the rate to be charged Transco for the transportation service would be 37.58 cents per Mcf effective September 1, 1980. Moreover, Applicant states, it and Transco have agreed to delete the point of redelivery for the gas described as the point of interconnection of Applicant's facilities with the pipeline facilities of South Texas Natural Gas Company located in Zapata County, Texas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10169 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-227-000]

El Paso Natural Gas Co.; Application

March 31, 1981.

Take notice that on March 10, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81–227–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale for resale

and transportation of natural gas to West Texas Gas, Inc. (West Texas) as successor-in-interest to Community Public Service Company (Community), Clajon Gas Company (Clajon), Hemphill Gas Company (Hemphill), and Great Plains Natural Gas Co., Inc. (Great Plains), 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 November 4, 1980, Applicant proposes herein to continue the sale for resale and transportation of up to 17,788 Mcf of natural gas per day to West Texas. The gas service agreement of November 24, 1980, supercedes individual agreements with Community dated November 16, 1967, which provided for the sale and delivery of up to 6,000 Mcf of gas per day in the community of Kermit, Texas, and environs, with Clajon dated January 21, 1977, which provided for the sale and delivery of up to 3,190 Mcf of gas per day in Gaines and Yoakum Counties, Texas, with Hemphill dated February 1, 1973, which provided for the sale and delivery of up to 1,012 Mcf of natural gas per day at the Cochran County meter station in Cochran County, Texas, and with Great Plains dated May 2, 1966, which provided for the sale and delivery of up to 7,586 Mcf of natural gas per day at the Llano meter station in Cochran County, Texas, and at the Hockley meter station and at various taps located in Hockley County, Texas.

Applicant asserts that the term of the service agreement with West Texas extends for a primary term ending December 31, 1989, and month to month thereafter. It is further asserted that sales and deliveries to West Texas would be made at the same points of delivery as are provided for under the existing agreements; therefore, no new or additional facilities would be required. Applicant contends that sales to West Texas would be made at the rate in effect from time to time under Applicant's Rate Schedule X-1.

Applicant advises that it proposes to cancel the Purchased Gas Cost Adjustment Provision-Clean High Pressure Gas Provision filed with the Commission in Docket No. TA81-2-33 effective April 1, 1981. Applicant proposes instead to charge West Texas the rate provided in the service agreement of November 24, 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 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. 81-10160 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-234-000]

Equitable Gas Co.; Application

March 31, 1981.

Take notice that on March 13, 1981, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP81-234-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for New Jersey Natural Gas Company (New Jersey) and the construction and operation of certain metering facilities to effectuate such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a service agreement dated February 17, 1981, Applicant proposes to transport up to 654,000 Mcf of natural gas annually for New Jersey commencing on April 16, 1981, and continuing for ten years thereafter. It is stated that New Jersey would purchase natural gas supplies in the southwestern area of Pennsylvania which Applicant would receive from New Jersey's suppliers at mutually agreeable interconnections between Applicant's and suppliers' facilities. Applicant further states that although the maximum delivery would be 4,000 dekatherms (dt) equivalent per day it estimates that the average delivery quantity would be 2,000 Mcf of natural gas per day. Applicant would construct and operate metering facilities necessary to receive the gas from New Jersey's suppliers.

It is asserted that Applicant would deliver similar quantities, less 2.0 percent for shrinkage, to Texas Eastern Transmission Corporation (Texas Eastern) at the existing interconnections between Applicant and Texas Eastern either (1) at Texas Eastern's measuring station No. 9 near Waynesburg, Greene County, Pennsylvania, (2) at Texas Eastern's measuring station No. 355 near Delmont, Westmoreland County, Pennsylvania, or (3) at other mutually agreeable points. Applicant submits that Texas Eastern would further transport the gas for New Jersey under a separate transportation agreement.

Applicant proposes to construct and operate metering facilities which would consist of five 3-inch meters and appurtenant facilities at a cost of approximately $9,450 which would be financed by cash on hand. Such facilities, it is stated, would effectuate the proposed transportation service.

Applicant states that it would charge New Jersey at a rate of 15.5 cents per Mcf for all gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or beore April 21, 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. 81-10179 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-540-001]

Faustina Pipe Line Co.; Amendment to Application

March 31, 1981.

Take notice that on March 9, 1981, Faustina Pipe Line Company (Applicant), filed in Docket No. CP80-540-001 an amendment to its pending application in the instant docket filed pursuant to Section 1(c) of the Natural Gas Act so as to reflect new developments in the circumstances previously related by Applicant, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on September 9, 1980, it filed an application requesting that the Commission issue an order declaring Applicant, its facilities and operations exempt from the Commission's jurisdiction pursuant to Section 1(c) of the Natural Gas Act. It is submitted that at the time of the initial filing Applicant's only business was rendering transportation services on behalf of other Louisiana pipelines and that Applicant neither purchased nor sold any gas supplies of its own.

Applicant also states that pursuant to the arrangements outlined in its initial filing it has succeeded to the interest of Louisiana Resources Company, a Louisiana intrastate gas pipeline and an affiliate of Applicant, as the gas supplier to a group of large volume agricultural and industrial feedstock and process fuel customers located within Louisiana. It is further stated that Applicant currently furnishes service to these customers, all of which are located and consume the gas so supplied entirely within Louisiana.

Applicant asserts that since the time of its initial filing it has entered into various agreements providing for the purchase and receipt of gas by Applicant for its own system supply and that it has continued to render transportation services on behalf of other Louisiana intrastate pipelines.

Applicant further asserts that the relevant characteristics of its operations for purposes of its application have not changed since the date of Applicant's initial filing. It is asserted that all of Applicant's customers are end-users located in Louisiana, which ultimately consume all of the gas so provided by Applicant in that state, the price and conditions of service under which Applicant provides service to such customers as well as the operation of Applicant's facilities are regulated by the Commissioner of Conservation of the State of Louisiana, and all of Applicant's facilities are located in Louisiana and all of the gas supplies which Applicant currently purchases or transports are derived from sources of supply also located in Louisiana.

Applicant submits that it expects never to undertake any additional sales load which would result in the gas so sold by Applicant being ultimately consumed other than within Louisiana or to expand its facilities to locations lying outside Louisiana.

Applicant further reaffirms that it requests the Commission issue the declaratory order sought herein based on the fact that Applicant would purchase natural gas within Louisiana from interstate pipelines or would purchase natural gas outside Louisiana but received from applicant's transporters within Louisiana.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 22, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10181 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-241-000]

Great Lakes Gas Transmission Co.; Application

March 31, 1981.

Take notice that on March 16, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-241-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Michigan Wisconsin Pipe Line Company (Mich Wis) and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to two letter agreements dated January 26, 1981, Applicant proposes to sell to Mich Wis and Natural up to 1,240,000 Mcf of natural gas annually at a rate of 1,694 Mcf per day each. It is stated that such quantities represent the volume of natural gas which is expected to be saved annually due to Applicant's looping program which was put into service in December 1980.

Applicant states that all of the subject gas would be delivered to Mich Wis at an existing interconnection betwen the facilities of Applicant and Mich Wis near Crystal Falls, Michigan.

Applicant further submits that TransCanada Pipelines Limited (TransCanada), Applicant's supplier, would be filing an application with the National Energy Board of Canada to amend its license No. GL-43 to permit the export to Applicant of the subject gas supplies. Applicant states that it would pay TransCanada $4.94 (U.S.) per million Btu for the subject gas.

Applicant proposes to charge Mich Wis and Natural pursuant to its Rate Schedules CQ-2 and AOS-1 of its FERC Gas Tariff, 1st Revised Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 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. 81-10180 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-578]

Kansas Gas & Electric Co.; Filing

March 30, 1981.

The filing company submits the following:

Take notice that on March 2, 1981, Kansas Gas and Electric Company submitted for filing a statement of compliance for the city of Augusta, pursuant to Commission Opinion No. 80-A.

A copy of this filing has been sent to the City of Augusta and the Kansas State 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 20, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10181 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-11-000]

Kansas Municipal and Cooperative Electric Systems; Filing

March 30, 1981.

The filing party submits the following:

Take notice that on March 19, 1981, the municipal and cooperative customers (referred to collectively as "Kansas Municipal and Cooperative Electric Systems" or "petitioners") of Kansas City Power and Light Company (KCPL) submitted for filing a petition for a declaratory order that certain charges made by KCPL and billed to petitioner were improper.

The members of Kansas Municipal and Cooperative Electric Systems are Baldwin City, Gardner, Garnett, Osawatomie, Ottawa, and Pomona, Kansas; Higginsville, Salisbury, Salter, and Marshall, Missouri; Coffey County Rural Electric Cooperative and United Electric Cooperative.

Petitioners request the following relief: (1) that the charges in question, made by KCPL and billed to, and paid by, petitioners were improper and in violation of the Commission's regulations; (2) that the charges in question be refunded immediately and with interest to the affected customers; and (3) that KCPL be enjoined from the future collection of the charges in question.

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.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10182 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-238-000]

Michigan Wisconsin Pipe Line Co.; Application

March 31, 1981.

Take notice that on March 16, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-238-000 an application pursuant to Section 7 of the Natural Gas Act and paragraphs (c) and (g) of § 157.7 of the Regulations thereunder (18 CFR 157.7(c) and 157.7(g)) (1) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing upon the date of the order and operation of facilities to make miscellaneous rearrangements on its system; and (2) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the 12-month period commencing upon the date of the order and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application pursuant to § 157.7(c) of the Regulations is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant. Applicant requests a waiver of the total cost limitation of $300,000 prescribed by § 157.7(c). It proposes to increase the total project limitation to $1,000,000. Applicant contends that such an increase is necessary to compensate for the effect of inflation. Such costs, it is asserted, would be financed by available funds.

The stated purpose of this budget-type application pursuant to § 157.7(g) of the Regulations is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authoirized prior to the filing of the instant application. Applicant further requests a waiver of the total cost limitation of $3,000,000 and the single project limitation of $500,000 prescribed by § 157.7(g). It proposes to increase the total project limitation to $4,000,000 and the single project limitation to $1,000,000. Applicant contends that such an increase is necessary to compensate for the effect of inflation on compression related costs. Applicant states that such

costs would also be financed by available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intevene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10183 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER77-354 and ER78-14]

Missouri Utilities Co.; Filing

March 30, 1981.

The filing company submits the following:

Take notice that on March 16, 1981, Missouri Utilities Company submitted for filing a refund report pursuant to the Commission's order of February 6, 1981 in the above-referenced proceedings.

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 20, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10184 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-36-001]

Mountain Fuel Supply Co.; Amended Tariff Sheet Filing Effective April 1, 1981

March 30, 1981.

Take notice that on March 16, 1981, Mountain Fuel Supply Company (Mountain Fuel), pursuant to Section 1.11(a) of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Substitute Twelfth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet reflects a correction to the Unrecovered Purchased Gas Cost Account of Rate Schedule X-20. The tariff sheet reflects a net increase from that currently being collected of $.06435/Mcf (Rate Schedule X-4), and $.08434/Mcf (Rate Schedule X-5) and a net decrease of $.45690/Mcf (Rate Schedule X-20) all to be effective April 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10185 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-240-000]

National Fuel Gas Supply Corp.; Application

March 31, 1981

Take notice that on March 16, 1981, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP81-240-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 20-inch pipeline and two new delivery points and for permission and approval to abandon in place Line N-M46, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a new 20-inch pipeline to be known as Line X between Reiter Road and Porterville Station, New York. Applicant asserts that construction of Line X would increase deliverability from the Hebron area to the Buffalo metropolitan market. In addition, Applicant states that it intends to continue the operation of an existing 12-inch pipeline between Reiter Road and Porterville Station and loop it with an existing 8-inch pipeline which parallels the 12-inch pipeline to increase the deliverability from the Holland Storage Field. Applicant estimates the cost of these facilities to be $1,569,710

Applicant also proposes to contruct and operate a new delivery point between Applicant and its affiliate an existing customer, National Fuel Gas Distribution Corporation (Distribution). It is stated that the delivery point would be located in North East Township, Erie, County, Pennsylvania, off Applicant's "P-System" and would permit Distribution to meet the obligations of its market in this area. Applicant estimates that the cost of these facilities would be $15,000.

Applicant further proposes to construct and operate a second new delivery point located in Winslow Township, Jefferson County, Pennsylvania, which would permit Distribution to provide additional service to Jefferson County Vo-Tech School. It is estimated that the cost of these facilities would be $600.

Applicant further proposes to abandon Line N-M46 which is a 6-inch pipeline approximately two miles in length. Applicant states that Line N-M46 is no longer useful since it was used to maintain pressure in Line H-M175 to the south and west of the interconnection of

these two lines at the required 180 p.s.i. which is now performed by Line T from the Henderson Field augmented by Line S–2–T which maintains a pressure of 300 p.s.i. Applicant states that no costs would be incurred since Applicant proposes to abandon this line in place.

Applicant states that the above proposed facilities would be financed with internally generated funds and/or interim short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 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 Natual Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natual Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10162 Filed 4-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-245-000]

Natural Gas Pipeline Company of America; Application

March 31, 1981.

Take notice that on March 19, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-245-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 1.11 miles of 6-inch temporary pipeline and appurtenant facilities in Louisa County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon approximately 1.11 miles of 6-inch temporary pipeline and appurtenant facilities including a 6-inch measuring station which connect the Columbus City reservoir gathering system to Applicant's existing Cairo storage branch line at its Columbus City—St. Peter Storage Reservoir, Louisa County, Iowa.

Applicant states that the temporary pipeline and facilities were constructed for the testing and development of an underground natural gas storage reservoir. Applicant submits that when it determined that the reservoir could be successfully developed a permanent pipline was constructed from the reservoir to Applicant's existing Compressor Station No. 204. Applicant therefore proposes to abandon the temporary facilities because they are no longer necessary.

Applicant further asserts that the metering equipment and related above-ground salvageable facilities would be removed and placed in stock for future use. All other facilities would be abandoned in place, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10163 Filed 4-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-351-000]

New York State Electric & Gas Corp.; Changes in Rate Schedules

March 31, 1981.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on March 23, 1981, tendered for filing proposed changes in its FERC Rate Schedules Nos. 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about $600 based on the 12 month period ending December 31, 1980.

Pursuant to Ordering Clause No. 3 of Opinion 80-29 issued by the Public Service Commission of the State of New York on July 22, 1980 at the end of NYSEG's previous major rate case, NYSEG made a "second stage" filing of revised leaves to Schedule PSC No. 115—Electricity, which were allowed to become effective January 29, 1981. These increased rates are the result of the increased revenue requirement for property taxes. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules.

NYSEG has filed with its jurisdictional customers, copies of this proposed notice, the filing letter, the

pertinent revenue effect schedules and applicable tariff leaves.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before April 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10170 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-232-000 and ST81-194-000)

Northwest Alabama Gas District; Application

March 31, 1981.

Take notice that on March 10, 1981, Northwest Alabama Gas District (Applicant), P.O. Box 129, Hamilton, Alabama 35570, filed in Docket Nos. CP81-232-000 and ST81-194-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.123(b)(2) of the Regulations thereunder for authorization to transport natural gas on behalf of Southern Natural Gas Company (Southern) and for approval of its proposed transportation rate for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Southern has contracted to purchase natural gas produced in the Beaverton Field in Lamar County, Alabama, and proposes to have it transported to its system through the facilities of Coronado Transmission Company (Coronado) and Applicant. Coronado would transport the gas from the field to the facilities of Applicant near the East Detroit Field and Applicant would transport the gas through existing facilities to a point approximately 14 miles west of its peak shaving plant south of Winfield, Alabama. Applicant would construct approximately 14 miles of 8-inch pipeline and a compressor to transport such gas to a point near its plant and would then transport the gas through existing lines to Fayette, Alabama. Applicant asserts that it and the City of Fayette would transport the gas through a jointly-owned pipeline south to Moores Bridge where the gas would be turned back to Coronado for redelivery to Southern.

Applicant states that it has entered into two transportation agreements with Southern dated December 1, 1980, one for a two-year transportation service and the other for a fifteen-year transportation service. Pursuant to the agreements Applicant would receive and deliver the Beaverton gas to Southern by transportation or displacement at one of two designated points of delivery, either the interconnection of Applicant's facilities with those of Coronado or the interconnection of Applicant's facilities with those of Southern in Tuscaloosa County, Alabama. Under the two agreements Applicant would also receive on a best-efforts basis natural gas which Southern may tender at the Haleyville point of receipt in Winston County, Alabama, for redelivery to Southern by transportation or displacement at either of the points of delivery in Tuscaloosa County, Alabama.

Applicant states that under the terms of the two-year transportation agreement Applicant would transport on behalf of Southern no more than the equivalent of 5 billion Btu of Beaverton gas per day through April 1, 1981, and no more than the equivalent of 10 billion Btu per day through the expiration date of said agreement. Under the fifteen-year agreement, for which Applicant requests authorization herein, deliveries of no more than 10 billion Btu equivalent of gas per day would be continued through April 1, 1985, and no more than 125 percent of the prior year's deliveries would be required for each annual period between April 1, 1985, and the expiration of that agreement. Applicant states that the two-year transportation service is anticipated to begin in March 1981 and that the long-term agreement would end fifteen years after the initial delivery of gas under the short-term agreement.

Applicant states that in consideration for the compression, transportation and delivery it proposes to charge Southern 28.8 cents per million Btu. Applicant further states that it would pay the Gas Board of the City of Fayette $0.0015 per million Btu of gas for the use of the jointly-owned pipeline from Fayette south to Moores Bridge. Applicant asserts that the total cost of constructing the 14 miles of 8-inch pipeline would be $997,950 and that the cost of leasing and operating the compressor to be located at Applicant's peak shaving facility would be approximately $15,000 per month plus compressor fuel cost of 2.5 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10164 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-350-000]

Portland General Electric Co.; Filing

March 31, 1981.

The filing Company submits the following:

Take notice that Portland General Electric Company on March 23, 1981, tendered for filing an Interim Agreement and rate schedule under which Portland General Electric Company has agreed to supply a maximum hourly rate of 400 MW from its Boardman coal-fired generating plant to Pacific Gas and Electric Company beginning 1 November 1980. Pacific Gas and Electric Company will pay Portland General Electric Company 37 mills per kWh delivered, subject to a fuel adjustment clause. If Portland General Electric Company sustains a regulatory or force majeure outage or impairment of its Trojan nuclear power plant, Portland General Electric Company may request and Pacific Gas and Electric Company will supply energy at a rate up to the maximum hourly rate provided in the Interim Agreement. Portland General Electric Company will pay Pacific Gas and Electric Company the incremental cost to Pacific Gas and Electric Company for providing such service.

Copies of the filing were served upon Pacific Gas and Electric Company.

Portland General Electric Company requests waiver of the Commission's notice requirements (Regulation § 35.11) to permit this rate schedule to become effective 1 November 1980, which it

claims is the date of commencement of service.

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 the §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10171 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-193-000]

Somerset Gas Service; Application for Approval of Rates

March 31, 1981.

Take notice that on March 10, 1981, Somerset Gas Service (Applicant), Municipal Building, Somerset, Kentucky 24501, filed in Docket No. ST81-193-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas by exchange with Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it provides retail natural gas service to the City of Somerset, Kentucky, and that its principal source of its natural gas supply is Texas Eastern which delivers natural gas to Applicant at a point of interconnection with Applicant's pipeline in Casey County, Kentucky. It is stated that the gas is then moved southeastward a distance of approximately 35 miles to Applicant's distribution system.

Applicant asserts that in 1977 it constructed a pipeline to transport supplemental gas purchased from producers in Leslie County, Kentucky, approximately 70 miles west to Applicant (Hyden pipeline). It is stated that Applicant has entered into a contract with Texas Eastern to transport by exchange certain volumes of natural gas purchased in Leslie County, Kentucky, to Texas Eastern's system and hopes to enter into similar arrangements with other entities in the future.

Applicant herein proposes to charge Texas Eastern a transportation service rate of 75.0 cents per Mcf. It is asserted that the rate was designed to recover Applicant's operating and maintenance costs associated with operation of the Hyden Pipeline and a return of 12.5 percent on a rate base comprised of the net depreciated original cost of the Hyden pipeline and an appropriate working capital allowance.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10186 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-248-000]

Southern Natural Gas Co; Application

March 31, 1981.

Take notice that on March 20, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-248-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a pipeline receiving station and appurtenant facilities located in Applicant's Calebasse Field Line in St. Bernard Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon its pipeline receiving station and appurtenant facilities known as the Lake Calebasse receiving station. It is stated that the subject facilities were located on a production platform at/near the upstream starting point of Applicant's 6-inch Lake Calebasse Field Line in St. Bernard Parish, Louisiana.

Applicant states that the subject facilities were installed to receive certain oil and gas reserves dedicated to it by McCormick 1977 Oil and Gas Program, *et al.*, (McCormick). It is asserted that in mid-1980 production ceased from McCormick's only producing well. It is further asserted that McCormick removed its platform hence on November 12, 1980, Applicant was required to remove its receiving station facilities for safety reasons and to blind flange its Lake Calebasse Field Line at that point. Applicant further states that the abandoned facilities are in storage for reuse at a later date. It is stated that the Lake Calebasse Field Line would remain serviceable and would be available for the transportation of possible future gas reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10165 Filed 4-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-237-000]

Texas Eastern Transmission Corp.; Application

March 31, 1981.

Take notice that on March 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-237-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a temporary transportation agreement dated March 11, 1981, Applicant proposes to transport for Public Service up to 15,363 dekatherms (dt) equivalent of natural gas per day, less volumes for shrinkage and fuel usage, which Public Service has purchased from Alabama Tennessee Natural Gas Company (Alabama Tennessee) to displace oil for electric generation.

Applicant states that it would receive the subject gas by displacement at the existing point of interconnection between Applicant and North Alabama Gas District in Colbert County, Alabama, or other mutually agreeable interconnections for the account of Alabama Tennessee for further delivery to Public Service at either the existing interconnection between Applicant and Public Service in Union County, New Jersey, or at other mutually agreeable interconnections. It is stated that such deliveries would terminate on May 31, 1981.

Applicant proposes to charge Public Service a transportation rate of 20.97 cents per dt equivalent unless the quantities delivered by Applicant when added to quantities delivered by Applicant to Public Service under Applicant's Rate Schedules TS-1, SSII, and other transportation agreements exceed the combined total curtailment of gas sales to Public Service under all of Applicant's firm sales rate schedules then the transportation rate would be 24.03 cents. Applicant asserts that such rates were computed using the same methodology as in Applicant's Rate Schedule TS-1. It is further asserted that Applicant would retain for fuel use and shrinkage an amount of gas equal to 6.0 percent from November 16 to April 15 or 3.0 percent from April 16 to November 15 of the quantities transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 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. 81-10172 Filed 4-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-246-000]

United Gas Pipe Line Co.; Application

March 31, 1981.

Take notice that on March 13, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-246-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap to serve N. S. Squyres, a right-of-way grantor, in Polk County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that on February 10, 1981, it was informed by Entex, Inc. (Entex), a distribution customer serving the Livingston, Texas, area of the request of N. S. Squyres, a right-of-way grantor, for a farm tap. Applicant therefore proposes to install a 1-inch farm tap on its existing Waskom-Goodrich 20-inch line at a point near mile post 132 located in Polk County, Texas. Applicant asserts that the current maximum daily quantity of natural gas supplied to Entex of 5,801 Mcf would not be affected by the proposed tap.

Applicant indicates that the estimated cost of $890 for the proposed farm tap would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 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 Requirements 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. 81-10173 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-14-000]

University of Massachusetts Medical Center; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 30, 1981

On February 2, 1981, the University of Massachusetts Medical Center filed an initial application with the Federal Energy Regulatory Commission (Commission) to be certified as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. The application was completed in a subsequent filing on March 17, 1981.

The facility is a 5 megawatt topping-cycle cogeneration facility. The facility is located at 55 Lake Avenue North, Worcester, Massachusetts, 01605. The facility uses #6 fuel oil and interruptable natural gas as fuels. The facility is owned by the University of Massachusetts Medical Center and the Commonwealth of Massachusetts. The initial date of cogeneration was March, 1976.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed on or before May 4, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10174 Filed 4-2-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-21-000]

Velsicol Chemical Corp.; Application for Adjustment and Request for Interim Relief

March 30, 1981.

On March 13, 1981, Velsicol Chemical Corporation (Velsicol), 341 East Ohio Street, Chicago, Illinois 60611, filed an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C.upp. II, 1978)) and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Velsicol states that it is an industrial facility which uses natural gas as a boiler fuel and is therefore subject to the incremental pricing program of Title II of the NGPA. On February 13, 1981, Velsicol filed an affidavit for its Memphis Plant with the Commission pursuant to 18 CFR 282.204(d) seeking an exemption from incremental pricing surcharges on that portion of natural gas used by the plant as boiler fuel in the production of agricultural chemicals. Velsicol filed the affidavit in light of a Commission order [1] that stayed the interim rule in Docket No. RM80-75.[2] This interim rule provided that the Commission would not automatically adopt "essential agricultural uses" certified for curtailment purposes by the Secretary of Agriculture after October 15, 1979, as "agricultural uses" for purposes of incremental pricing exemptions. The stay of this rule was made applicable to those users of natural gas who had filed exemption affidavits prior to October 6, 1980 inasmuch as the Commission determined that they were the only users for whom a showing of regulatory reliance had been made.

Velsicol requests that the Commission grant an exemption from the above-described surcharges retroactive to the date it filed its affidavit, February 13, 1981, to alleviate the competitive price differential enjoyed by its larger competitors who may have filed exemption affidavits prior to October 6, 1980. Velsicol asserts an inequity in that companies with staffs sufficiently large to monitor governmental proceedings were able to take advantage of the Secretary of Agriculture's certification of certain uses of gas as "essential agricultural uses" by filing exemption affidavits in reliance on that action.

In addition, Velsicol requests interim relief under § 1.41(m) of the Commission's regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before April 20, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10175 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-7-001]

Warrior Drilling & Engineering Co., Inc.; Filing of Extension Report

March 31, 1981

Take notice that on February 24, 1981, Warrior Drilling & Engineering Co., Inc. (Applicant), P.O. Box 1026, Tuscaloosa, Alabama 35403, filed in Docket No. ST79-7-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and § 284.126(c) of the regulations thereunder to give notice of the intended continuation of the transportation of natural gas for Southern Natural Gas Company (Southern) for an additional two-year term, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that its transportation arrangement with Southern provides for Applicant to receive natural gas at specified points of delivery and transport the volumes to the point of redelivery adjacent to Southern's McConnell compressor station in Tuscaloosa County, Alabama, or any other mutually agreeable point.

Applicant asserts that it commenced the transportation of gas for Southern on May 25, 1979, and now proposes to extend such transportation for a two-year period commencing May 25, 1981. The total and daily volumes of natural gas to be transported during the two-year period are currently estimated at 9.5 trillion Btu equivalent and 15 billion Btu equivalent, respectively.

Applicant states that it would charge Southern a transportation rate of 41.0 cents per Mcf of gas transported.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before April 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

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[1] Docket No. RM80-75, Order Granting Rehearing Solely for the Purposes of Further Consideration and Granting Partial Stay, issued October 23, 1980.

[2] Docket No. RM80-75, Interim Rule Amending § 282.202(a) of the Commission's Regulations under the Natural Gas Policy Act of 1978, issued October 6, 1980.

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb

Secretary.

[FR Doc. 81-10176 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4265-000]

Warmsprings Irrigation District and Vale-Oregon Irrigation District; Application for Preliminary Permit

March 30, 1981.

Take notice that Warmsprings Irrigation District and Vale-Oregon Irrigation District (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4265 to be known as Warmsprings Dam Project located on the Malheur River in Malheur County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Stephen B. Fonda, Attorney, Warmsprings Irrigation District, P.O. Box 1565, Nyssa, Oregon 97913. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two short penstocks connected to the two existing 3.25-foot high and 6-foot wide slide gates of the Water and Power Resources Services' Warmsprings Dam; (2) a powerhouse containing one generating unit rated at 3 MW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 7 million kWh.

Purpose of Project—The energy produced by the project would be sold to the Idaho Power Company or the Pacific Northwest Generating Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The Cost of the work to be performed under the preliminary permit is estimated to be $123,000.

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. 3447 filed on September 8, 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 section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 30, 1981.

Filing and Service of Responsive Documents—Any comments, 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. 4265. 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. 81-10204 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals Issuance of Proposed Decisions and Orders Week of March 9 through 13, 1981

During the week of March 9 through March 13, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of

the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 30, 1981.

C. C. Hall, Denton, Texas: BEE-1213, crude oil

C. C. Hall filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at market price levels a portion of the crude oil produced from the Dean Ward Number 1 Well located in Red River County, Texas. On March 10, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that exception relief should be denied.

Edgington Oil Company, Washington, D.C.: BEE-1555, crude oil

Edgington Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Edgington to receive entitlements benefits for crude oil which the firm purchased for the purpose of expanding its inventory. On March 10, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted.

J-W Operating Company, Dallas, Texas: BEE-1139, crude oil

J-W Operating Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit J-W to classify as "heavy crude oil" the crude oil produced from its State of Wyoming Leases #66-17899 and #66-17899A during the period from December 22, 1979 through January 31, 1980, and to sell the crude oil produced from those two leases at market prices. On March 13, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that exception relief should be denied.

Pure Oil Company; Pawtucket, Rhode Island; BEE-1570

National Oil & Supply Company, Springfield, Missouri; BEE-1590

Moore Holding, Inc., Vineland, New Jersey; BEE-1594

J. E. Dewitt, Inc., South El Monte, California; BEE-1596

Port Orchard Oil, Port Orchard, Washington; BEE-1617

Milaca Cooperative Oil, Milaca Minnesotta; BEE-1622, reporting requirements

The firms listed above filed Applications for Exception from the reporting requirements of Form EIA-9A, No. 2 distillate price monitoring report. The exception requests, if granted, would result in the issuance of Orders relieving the applicants of the obligation to complete Form EIA-9A and submit it to the Energy Information Administration. On March 11, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception applications of Moore Holding, Inc. and J. E. DeWitt, Inc. should be denied and that the aplications of Pure Oil Company National Oil & Supply Company, Port Orchard Oil, and Milaca Cooperative Oil should be granted in part.

Ramona Public Works Authority, Ramona, California; BEE-1288, reporting requirements

Ramona Public Works Authority filed an Application for Exception. The exception request, if granted, would exempt Ramona Public Works Authority from the requirement that it file Form EIA-50 with the DOE. On March 13, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Joe E. Smith, Austin, Texas; DEE-2246, crude oil

Joe E. Smith filed an Application for Exception from the provisions of 10 CFR § 212.73. The exception request, if granted, would permit Smith to charge stripper well prices for crude oil produced from the L. Tortoris Lease, Hardin County, Texas for the period 1974 through 1976 and would relieve Smith of a $76,122 refund obligation contemplated in a Proposed Remedial Order issued to Smith on November 8, 1978. On March 10, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

[FR Doc. 81-10087 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Week of March 9 Through March 13, 1981

During the week of March 9 through March 13, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before April 23, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 30, 1981.

Golden Eagle Refining Co., Inc., Los Angeles, California, BRO-1426, fuel oil

On March 10, 1981, Golden Eagle Refining Co., Inc., 615 South Flower Street, Los Angeles, California 90017 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during January 1974 Golden Eagle charged prices in sales of low sulphur fuel oil in the State of California in excess of those permitted by 10 CFR 212.82 (now § 212.83). According to the Proposed Remedial Order the Golden Eagle violation resulted in $288,554.82 of overcharges.

O'Neal's Service Center-Union 76, Anaheim, California, BRO-1424, motor gasoline

On March 10, 1981, O'Neal's Service Center-Union 76, 304 South Main Street, Corona, California 91720 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 6, 1981. In the Proposed Remedial Order the Western District found that from August 1, 1979 to July 24, 1980 O'Neal's Service Center-Union 76 committed pricing violations in sales of motor gasoline in the State of California. According to the Proposed Remedial Order the O'Neal's Service Center-Union 76 violation resulted in $7,310.55 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

American Pacific International, Inc., Los Angeles, California, BRO-1423, motor gasoline; crude oil

On March 10, 1981, American Pacific International, Inc., 601 West Fifth Street, Suite 1200, Los Angeles, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 9, 1981. In the Proposed Remedial Order the Western District found that during the periods January 14, 1974 through March 31, 1974, and January 1, 1974 through March 31, 1977, respectively, the firm committed pricing violations in connection with its motor gasoline resale activities and in connection with its first sales of crude oil in the State of California. According to the Proposed Remedial Order the pricing violations resulted in $633,084.98 of overcharges.

[FR Doc. 81-10086 Filed 4-2-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1797-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statement (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 23, 1981 to March 27, 1981.

REVIEW PERIODS: The 45-day review period for Draft EIS's listed in this notice is calculated from April 3, 1981 and will end on May 18, 1981. The 30-day review period for Final EIS's as calculated from April 3, 1981 will end on May 4, 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 31, 1981.

William N. Hedeman,

Director, Office of Federal Activities.

Department of Agriculture

SCS:Final—Corrales Watershed Project, Bernalillo and Sandoval Counties, New Mexico. (EIS Order No. 810230.)

CORRECTION: Los Almos Creek Watershed, TX, published FR February 27, 1981—review period extension stated that review ended on may 15, 1981 and should have read April 15, 1981. (No. 810137.)

Army Corps of Engineers

Final—Norfolk Harbor and Channel Deepening Disposal, Virginia (EIS Order No. 810229.)

Final—Mamaroneck, Sheldrake and Byram River Basins Flood Control Project, Westchester County, New York and Fairfield County, Connecticut (EIS Order No. 810231.)

Department of Commerce

NOAA:Draft—Ocean Thermal Energy Conversion. (EIS Order No. 810226.)

NOAA:Draft—Atlantic Sea Scallop Fishery Management Plan. (EIS Order No. 810239.)

Department of Housing and Urban Development

Final—Alturas De Rio Grande Residential Development, Mortgage Insurance, Puerto Rico. (EIS Order No. 810232.)

Final—Villas De Loiza Development, Mortgage Insurance, Puerto Rico. (EIS Order No. 810233.)

104H: Draft Revised—Gilbert Lindsey Village Green, CDBG, Los Angeles County, California. (EIS Order No. 810228.)

Department of the Interior

BLM:Draft—Sonoma-Gerlach Resource Area Livestock Grazing Management, Several Counties, Nevada; the review period for this EIS has been extended until May 22, 1981. (EIS Order No. 810235.)

BLM:Final—South Coast and Curry Units Timber Management, Several Counties, Oregon; the review period for this EIS has been extended until May 29, 1981. (EIS Order No. 810238.)

EXTENSION: Hualapai-Aquarius Grazing Management, AZ, published FR February 20, 1981—review extended until May 12, 1981. (No. 810187.)

FWS:Final—Kofa Wildlife Refuge, Cattle and Burro Elimination, Yuma County, Arizona. (EIS Order No. 810234.)

Upper Mississippi River Basin Commission

Final—Upper Mississippi River Main Stem Level B. Study. (EIS Order No. 810236.)

Department of Transportation

FAA:Draft Supplement—Airport and Airway Improvement Act of 1981. (EIS Order No. 810240.)

FHWA:Draft—Finley Avenue Extension, I-65 to East Lake Boulevard, Jefferson County, Alabama. (EIS Order No. 810241.)

FHWA:Draft Supplement—Missouri River Bride at Nebraska City, Otoe County, Nebraska and Fremont County, Iowa. (EIS Order No. 810237.)

International Boundary and Water Commission

Draft—Recommendations for Solution of the Border Sanitation Problem at Tijuana, B.C.N. and San Diego, California; the review period for this EIS has been partially waived and will terminate on April 17, 1981. (EIS Order No. 810214.)

[FR Doc. 81-10117 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL 1797-2]

To Prepare an Environmental Impact Statement

AGENCY: Environmental Impact Statement Branch, Surveillance and Analysis Division, Environmental Protection Agency, Region IV.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

PURPOSE: In accordance with section 102(2)(c) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Dario J. Dal Santo, Environmental Impact Statement Branch, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Telephone: (Commercial) 404/881-7458; (FTS) 8/257-7458.

SUMMARY:

Description of Proposed Action:

The EPA, Region IV will prepare an EIS on the proposed Ashland Synthetic Fuels, Incorporated (ASFI) Breckinridge County commercial scale coal liquefaction facility. ASFI proposes to utilize the H-Coal process to convert approximately 22,500 tons/day of high sulfur coal to 50,000 barrels/day of liquid fuels. The proposed facility will be located adjacent to Ohio River miles 706-707. The proposed facility has been declared a New Source as defined in Section 306 of the Clean Water Act. Operation of the facility would require a National Pollutant Discharge Elimination System (NPDES) permit. A permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act also may be required. EPA has accepted lead agency responsibility for the development of the EIS. The Corps of Engineers and Kentucky Department for Natural Resources and Environmental Protection have been requested to be cooperating agencies.

Description of Alternatives:

The major classes of alternatives to be addressed include process technology, facility siting, residual waste disposal, air and water pollution control technologies, and "no action."

The "no action" alternative is defined as non-issuance of the NPDES permit.

Public Participation:

Participation by Federal, State, and local agencies as well as by interested private organizations and citizens is invited.

Significant issues to be addessed include floodplain encroachment, groundwater quality, socioeconomic impacts, exposure to air emissions, and the cumulative effects of this facility with other regional energy facilities.

A public scoping meeting will be held at 7:30 p.m. on Wednesday, May 6, 1981, in the Circuit Courtroom, Breckinridge County Courthouse, Main Street, Hardinsburg, Kentucky. The purpose of the meeting is to develop and provide comments on the identification and scope of issues to be addressed in the EIS.

The Draft EIS is tentatively schedule for issuance by late summer 1982.

All interested parties are encouraged to submit their names and addresses to the person above for inclusion on the mailing list for the draft EIS and other related notices.

Dated: March 31, 1981.

William N. Hedeman, Jr.,

Director, Office of Envirnomental review (A-104).

[FR Doc. 81-10105 Filed 4-2-81; 8:45 am]

BILLING CODE 6560-26-M

[EW-FRL 1796-8]

Issuance of Final General NPDES Permits for Oil and Gas Operations in Portions of the Gulf of Mexico; Fact Sheet

AGENCY: Environmental Protection Agency.

ACTION: Notice of final general NPDES permits.

SUMMARY: The Regional Administrator of Region VI is today issuing three final general NPDES permits for certain dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. These final general NPDES permits will establish effluent limitations, standards, prohibitions, and other conditions on discharges from oil and gas facilities. The facilities covered by these permits are located in the Gulf of Mexico seaward of the inner boundary of the territorial seas off the States of Louisiana and Texas, and located west of 87°40' West Longitude exclusive of certain potentially productive or unique biological areas identified in Part III B of the Fact Sheet and in Part III B of the final permits. EPA regulations and each of these permits contains a procedure which allows the owner or operator of a point source to obtain an individual permit. These general permits do not cover the territorial seas of Mississippi and Alabama or facilities operating in the Onshore or Coastal Subcategories of the Oil and Gas Extraction Point Source Category as defined in 40 CFR Part 435. These final general NPDES permits are based on the administrative record which includes the support document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf". The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in issuing these permits. Copies of the permits are reprinted as required by 40 CFR 122.59.

DATES: Notification of their intent to be covered by these final general permits by operators of offshore oil and gas facilities in the geographic area defined in these permits must be received by May 18, 1981.

ADDRESSES: Notifications and requests should be sent to the Regional Administrator, Region VI, U.S. Environmental Protection Agency, P.O. Box 50708, Dallas, Texas 75250.

FOR FURTHER INFORMATION AND COPIES OF FINAL PERMITS CONTACT: Mr. Jim Stiebing, Chief, Water Permits and Compliance Branch, Region VI, U.S. Environmental Protection Agency, 1201 Elm Street, First International Building, Dallas, Texas 75270. Telephone: (214) 767-4381.

SUPPLEMENTARY INFORMATION:

Request for an individual NPDES Permit:

Any operator authorized by these permits may request to be excluded from the coverage of these permits by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than July 2, 1981.

A source located within the general permit areas, excluded from coverage under these permits solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by these general permits. Upon revocation of the individual permit, one of these general permits shall apply.

Fact Sheet and Supplementary Information

I. Background

A. General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual dischargers, EPA's regulations authorize the issuance of general permits to categories of dischargers (40 CFR 122.59). EPA may issue a single, general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of points sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act.

Any owner or operator authorized by these final general permits may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES permit application, together with reasons supporting the request no later than (90 days after publication). The Regional Administrator may require any person authorized by these final general permits to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. However, an individual permit will not be issued for an oil or gas facility covered by a general permit unless it can be clearly demonstrated that inclusion under a general permit is inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.59(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;

2. The discharger is not in compliance with the terms and conditions of the general permit;

3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

4. Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;

5. A Water Quality Management plan containing requirements applicable to such point sources is approved; or

6. The requirements listed in 40 CFR 122.59(a) and identified in the previous paragraphs are not met.

B. Oil and Gas Operations in the Gulf of Mexico

In Region VI, there are currently over 2,000 dischargers operating in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. To date, only twelve dischargers have received a final NPDES permit. The final NPDES permits are for facilities operating in the Flower Garden Banks Federal lease blocks in the Gulf of Mexico, an area partially excluded from these general permits (see Part III B of the Fact Sheet for clarification). Many of these oil and gas facilities were already in operation in the Gulf of Mexico at the time of the enactment of the Act and the operators have applied for NPDES permits. A lack of resources and higher priorities have precluded EPA from processing these applications. For some time, EPA's efforts have been focused on industrial dischargers considered major contributors of pollution and on industrial discharges located near population centers. Under section 402(k) of the Act these dischargers have been insulated from prosecution for discharging without a permit until EPA acted on the applications, or December 31, 1974, whichever came first. (For further clarification see Appendix B–Response to Public Comments.)

The larger number of existing unpermitted facilities operating in the Gulf of Mexico has prompted EPA to issue these final general permits. These permits will enable these facilities to maintain compliance with the Act and will extend environmental and regulatory controls to a large number of dischargers. The issuance of these final general permits is warranted by the particular administrative and environmental conditions in the Gulf of Mexico. Other areas of the Gulf of Mexico and the Outer Continental Shelf may require different permit strategies including individual, general, and combinations of individual and general NPDES permits. Offshore oil and gas facilities in different receiving waters may require different effluent limitations and permit conditions to provide adequate protection of the marine environment.

II. Nature of Discharges From Offshore Oil and Gas Facilities

The Offshore Subcategory of the Oil and Gas Extraction Point Source Category includes facilities engaged in the field exploration, drilling, production, well production, and well treatment within the oil and gas extraction industry which are located seaward of the inner boundary of the territorial seas.

Operations within the Offshore Subcategory can be divided into two distinct phases; exploration and production. Exploratory operations involve drilling to determine the nature and extent of potential hydrocarbon reserves. Exploratory drilling operations are usually of short duration at a given site, involve a small number of wells, and are generally conducted from mobile drilling units. These include units with traditional ship's hulls or semisubmersible craft—essentially a floating platform with submerged hulls which support the unit above water.

Production operations involve developmental drilling and the actual recovery of hydrocarbons from underground geologic formations. Production platforms are usually fixed for long periods of time with an average of 20 to 40 wells drilled from a single platform.

The discharges from offshore operations can be divided into distinct categories: drilling fluids, drill cuttings, produced water, produced sands, deck drainage, sanitary wastes, domestic wastes, cooling water, and discharges from desalinization units.

A. *Drilling Fluids.* Drilling fluid is defined as any fluid sent down the hole including drilling muds, gelling compounds, weighting agents, and any speciality products, from the time a well is begun until final cessation of drilling in that hole. Generally, two basic types of muds, water-based and oil-based muds, are used in drilling. Water-based muds are usually mixtures of fresh water or sea water with clays. Oil-based muds (invert emulsion muds or oil emulsion muds) are mixtures of diesel oil and clays with water or brine emulsified in the oil.

Drilling fluids are used in both exploration and production drilling to maintain hydrostatic pressure control in the well, lubricate the drilling bit, and remove drill cuttings from the well. Oil-based muds are used for special drilling requirements such as tightly consolidated subsurface formations, water sensitive clays, and shales. Specific needs of a drilling program may also require the addition of additives to the drilling fluids.

B. *Drill Cuttings.* Drill cuttings are mineral particles generated by drilling into subsurface geologic formations. Drill cuttings are carried to the surface of the well with the circulation of the drilling fluids and separated from the fluids on the platform by solid separation equipment (screens and shakers). C. *Produced Water ('Formation Water' or 'Brine').* Produced water includes water and suspended particulate matter, brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations. Produced waters are primarily generated during the production phase of oil and gas operations with the amount generated dependent upon the method of recovery and the nature of the formation. Geologic formations contain different oil-water or gas-water mixtures which are produced at different times:

1. In some formations, water is produced with the oil and gas in the early stages of production;

2. In others, water is not produced until the formation has been significantly depleted; and

3. In still others, water is never produced.

D. *Produced Sands.* Produced sands include sands and other solids removed from the produced waters.

E. *Deck Drainage.* Deck drainage includes all waste resulting from platform washings, deck washings, tank cleaning operations, and run-off from curbs, gutters, and drains including drip pans and work areas.

F. *Sanitary Wastes.* Sanitary wastes include human body waste discharges from toilets and urinals.

G. *Domestic Wastes.* Domestic wastes include materials discharged from sinks, showers, laundries, and galleys.

H. *Cooling Water.* Cooling water means once-through, non-contact cooling water.

I. *Desalinization Unit Discharge.* Desalinization unit discharge means any wastewater associated with the process of creating fresh water from seawater.

III. Conditions in the Final General Permits

A. Geographic Areas

The three final general permits issued today are applicable to facilities in the Offshore Subcategory of the Oil and Gas

Extraction Point Source Category (40 CFR Part 435) operating in or entering the general permit area in Federal and State lease areas in the Gulf of Mexico. Section 502(8) of the Act defines the term "territorial seas" as the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles. There are three final general permits for three general permit areas:

1. Lease blocks located seaward of the respective outer boundaries of the territorial seas off the States of Louisiana and Texas and located west of 87° 40′ West Longitude, LESS AND EXCEPT lease blocks identified in Part III B of the final general permit;

2. Louisiana lease blocks located landward of the outer boundary of the territorial seas of the State of Louisiana, LESS AND EXCEPT lease blocks identified in Part III B of the final general permit; and

3. Texas lease blocks located landward of the outer boundary of the territorial seas of the State of Texas, LESS AND EXCEPT lease areas identified in Part III B of the final general permit.

These final general permits do not authorize discharges into any body of water landward of the inner boundary of the territorial seas or any wetlands adjacent to such waters (facilities in the Onshore and Coastal Subcategories as defined in 40 CFR Part 435). Nor, do they authorize discharges into the territorial seas of the States of Alabama and Mississippi. Areas leased during the terms of these permits by the Bureau of Land Management and the leasing authorities of the States of Louisiana and Texas and which are located within the defined geographic areas will be covered by these general permits.

Certain lease blocks or lease areas containing potentially productive or unique biological communities are specifically excluded from these final general permits. The excluded lease blocks or lease areas are listed in Part III B below and Part III B of the final general permits.

To identify productive or unique biological communities in the general permit areas, EPA has relied heavily on the Environmental Impact Statements (EIS) developed by the Bureau of Land Management (BLM), particularly the draft and final EIS for Lease Sales A 62 and 62. In the EIS, BLM has determined that exploration and development activities may cause harm to productive and unique biological communities located in areas of topographical relief and hard bottoms. BLM further identified four types of biological stipulations to protect these communities from adverse impacts of the discharges of oil and gas facilities. Since the effluent limitations in these final general permits are not consistent with the biological stipulations recommended by BLM, EPA has decided to exclude from the general permit area for the purposes of further evaluation, areas identified as potentially productive or unique biological communities. The Agency already has underway the development of criteria to identify OCS sensitive areas including a methodology to assess vulnerability of these areas and to determine adequate NPDES permit conditions. A preliminary draft of this document has been made a part of the Administrative Record of these general permits.

In addition to the EIS prepared by BLM, the Agency reviewed an EIS prepared by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service and requested recommendations from the National Oceanographic and Atmospheric Administration (NOAA). Since no EIS has been developed for the territorial seas of the States of Texas and Louisiana, the Agency reviewed the following publications by DOI's Fish and Wildlife Service:

1. Mississippi Deltaic Plain Region Ecological Characterization,

2. An Ecological Characterization Study of the Chenier Plain Coastal Ecosystem of Louisiana and Texas,

3. Drafts for an Ecological Characterization Study of the Texas Coastal Ecosystem on the Gulf of Mexico, and

4. Nesting Colonies of Seabirds and Wading Birds, Coastal Louisiana, Mississippi, and Alabama.

B. Excluded Areas

The following table identifies the lease blocks excluded from the final general permit No. TX0088642. For Federal lease blocks located within or on the boundary of the proposed Flower Garden Banks Marine Sanctuary, this permit establishes the four (4) nautical mile boundary of the proposed sanctuary as the boundary for authorization to discharge under general and individual NPDES permits. All Federal lease blocks or portions of Federal lease blocks located within the four (4) nautical mile boundary are excluded from the general permit area. Facilities located in portions of Federal lease blocks outside the four (4) nautical mile boundary will be in the general permit area and authorized to discharge under permit No. TX0088642. However, all portions of Federal lease blocks A-377, A-386, and A-396 in the High Island Area, East Addition, South Extention divided twice by the four (4) nautical mile boundary, are excluded from general permit coverage and will require individual NPDES permits.

Lease Areas Seaward of the Outer Boundary of the Territorial Seas

Lease area	Bank name	Lease block
South Padre Island.	Sebree Bank	1070, 1071, 1084.
North Padre Island.	Mysterious	A 83, A 84.
	Black Fish Ridge	A 72, A 61.
	Dream	A 40, A 41.
	Four Leaf Clover	905.
	7½ Fathom Bank	962.
Mustang Island	Southern	A 9, A 16.
	Little Mitch Banks	A 24, A 25.
Mustang Island	Hospital	A 136.
East Addition	North Hospital	A 117.
	Aransas	A 117, A 118.
	South Baker	A 95.
	Baker	A 62.
	Big and Small Dunbar.	A 54-A 56.
Matagorda Island.	Small Dunbar Bad Mud.	A 3, A 6.
	Litter Sister	A 591.
	Four Rocks	A 414, A 415, A 419.
Brazos	Plane	A 92.
South Addition	Vicki	A 54.
	Snapper Banks	A 60.
	White Shrimp Spawning Ground [2].	386-S, 401-S, 402-S, 309-L, 335-L.
Galveston	East End	A 64, A 65, A 75.
	West End	A 60, A 61, A 76-A 79.
	White Shrimp Spawning Ground [2].	307-L, 310-L, 334-L.
High Island	Stetson Bank	A 502, A 513.
South Addition	Claypile Bank	A 447, A 464.
	Applebaum Bank	A 590, A 591.
	Coffe Lump	A 521, A 546.
	32 Fathom Bank	A 534.
	West Flower Garden.	A 573,[1] A 596.[1]
High Island	29 Fathom Bank	A 329.
East Addition	Coffee Lump	A 341, A 342, A 358-A 360.
South Extension	East and West Flower.	A 351-A 355,[1] A 361-A 364,[1] A 365-A 367, A 368,[1] A 373,[1] A 374-A 379, A 380-A 382,[1] A 383-A 389, A 390,[1] A 394, A 395,[1] A 396-A 401, A 402-A 403.[1]
	Fathom Bank	A 391, A 371.
East Breaks	Applebaum	173.
	West Flower Gardens.	217.[1]
West Cameron	Bright Bank	650, 656, 657, 660, 661.
South Addition	29 Fathom Bank	653.
	29 Fathom Bank	590, 591.
East Cameron	Unnamed Banks	379.
South Addition		
Garden Banks	Unnamed Banks	105, 106, 109, 149, 150, 153, 154, 193, 194.
	East and West Flower Gardens.	95, 96,[1] 97,[1] 113-135, 136,[1] 138[1]-140,[1] 173,[1] 177[1]-180.[1]
Vermillion	Sonnier Rock	305.
South Addition	Bouma Bank	383, 384, 385, 392, 393.

Lease Areas Seaward of the Outer Boundary of the Territorial Seas—Continued

Lease area	Bank name	Lease block
	Razak Bank	404, 405.
	Sidner Bank	411, 412.
	18 Fathom Bank	408–410.
South Marsh Island.	Alderdice	171, 172, 177, 178.
South Addition	Parker Bank	202, 203, 194, 195.
Eugene Island	Fishnet Bank	335, 336, 355, 356.
South Addition	Alaminos Bank	327–329, 390.
Green Canyon	Alaminos Bank	975, 976.
Ship Shoal	Ewing Bank	335–338.
South Addition		351, 350.
South Timbalier	Daphis Bank	314–317.
South Addition		
West Delta	Sachett Bank	148.
South Addition		

[1] Indicates lease blocks divided by the 4 nautical mile boundary of the proposed Flower Garden Banks Marine Sanctuary. For clarification of permit coverage of these lease blocks see introductory paragraph under Section III B Excluded Areas.
[2] Indicates lease blocks leased by the State of Texas.

The following table identifies the State lease blocks excluded from the final general permit No. LA0060224.

Lease Blocks Landward of the Outer Boundary of the Territorial Seas Of the State of Louisiana

Lease area	Site name	Offshore block
Eugene Island area.	Point Au Fer Shell Reef	13, 14, 15, and 16.
	Shell Keys National Wildlife Refuge and other shell reefs between it and Marsh Island Wildlife Refuge.	1, 8, 9, and 10.
South Pass area.	Cockler Point	41, 20, 22, 29, and 30.

The following table identifies the State lease blocks excluded from the final general permit No. TX 0085651.

Lease Areas Landward of the Outer Boundary of the Territorial Seas of the State of Texas

Lease area	Site name	Offshore block
Brazos area	White Shrimp Spawning Ground.	387-S.

C. Expiration Dates

The final general permits are for two-year terms. Although NPDES permits may be issued for up to five-year terms, the Regional Administrator has for several reasons decided that only two-year term permits should be issued at this time. First, as discussed in *section G* of this notice, the Regional Administrator has concluded that oil and gas facilities operating under the scope of these permits will not cause unreasonable degradation of the marine environment. The scientific information available, however, does not warrant the same conclusion for operations over an extended period of time. Several issues remain including, but not limited to, bioaccumulation, food chain concentration and potential long-term effects of drilling muds and cuttings on biological communities. Second, within the next two years, the Agency anticipates both that new information on the effects of oil and gas operations will be available and that new regulations specifying additional technology-based limitations and new source performance standards will be promulgated. Reevaluation of the conditions contained in these permits at the end of the two-year terms is therefore appropriate.

D. Notification by Permittees

Part I E of each final general permit requires each operator of a lease block within the general permit area to notify the Regional Administrator in writing of the commencement and termination of discharges from exploration and production facilities. However, notification is not required for movements of exploratory rigs within lease blocks once the Agency has been notified that the facility is operating within the general permit area. This written notification must include the owner or operator's legal name and address, lease block number, or if none, the name assigned to the lease area, and the number and type of facilities located within the lease block or area. Failure to provide this written notification means that the facility is not authorized to discharge under these general permits. Individual permit applications are not required to be submitted by persons discharging within the general permit area.

E. Technology-Based Effluent Limitations

The Act requires all dischargers to meet effluent limitations based on the technological capacity of dischargers to control the discharge of their pollutants. Section 301(b)(1)(A) requires the application of "Best Practicable Control Technology Currently Available" (BPT). On April 13, 1979, EPA promulgated final effluent limitations guidelines establishing BPT for the Offshore Subcategory (40 CFR Part 435). These limitations have been incorporated into these final general permits.

The BPT limitations guidelines restrict the concentration of oil and grease in produced waters to a monthly average of 48 mg/l and a daily maximum of 72 mg/l. However, because these permits require monthly monitoring, a monthly average cannot be calculated and only the daily maximum (72 mg/l) is incorporated into the permits. (See 44 FR 22069, April 13, 1979 for more detailed explanation.) Although technology-based limitations usually limit the total mass of pollutants which may be discharged, the variable nature of the flow of produced waters requires the use of concentration limits.

BPT effluent limitations guidelines require a "no discharge of free oil" limitation for all other discharges associated with drilling operations (deck drainage, drilling fluids, drill cuttings, and well treatment fluids). The term "no discharge of free oil" means that a discharge shall not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines (40 CFR Part 435).

The BPT limitation requires that in sanitary wastes from facilities housing ten or more persons the concentration of chlorine be maintained as close to 1 mg/l as possible. These general permits provide that any exploratory drilling vessel facility using an approved marine sanitation device that complies with section 312 of the Act shall be in compliance with the permit.

F. Other Discharge Limitations

In addition to the BPT effluent limitations, these permits contain several other conditions. The discharge of oil-based drilling fluids and halogenated phenol compounds is prohibited. The facility operator is also required to minimize the discharge of dispersants, surfactants, and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health Administration and the United States Geological Survey. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. This restriction is imposed because detergents disperse and emulsify oil thereby enhancing toxicity and making the detection of a discharge of oil more difficult. These limitations have been established pursuant to sections 402 and 403 of the Act.

G. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into marine waters be issued in compliance with EPA's guidelines for determining the degradation of marine waters. The final 403(c) Ocean Discharge Criteria guidelines published on October 3, 1980 (45 FR 65952) set forth specific criteria for a determination of unreasonable degradation that must be addressed prior to the issuance of an NPDES

permit. If sufficient information is unavailable on the proposed discharge or on its potential effects to make this determination the Director may require the applicant to submit additional information. If it is determined that there will be no unreasonable degradation, the permit may be issued. If a determination of unreasonable degradation cannot be made, the Director must then determine whether a discharge will cause irreparable harm to the marine environment. In assessing the probability of irreparable harm, the Director is required to make a reasonable determination that the discharger operating under a permit with in place monitoring and effluent limitations, will not cause permanent and significant harm to the environment. If further data gathered through monitoring indicates that the continued discharge of a pollutant will produce unreasonable degradation, the discharge must be halted or additional permit limitations established.

The regulations identify ten factors which are to be considered in making the determination of unreasonable degradation; these factors include: (1) The quantities, composition and potential for bioaccumulation or persistence of the pollutants to be discharged; (2) The potential transport of such pollutants by biological, physical or chemical processes; (3) The composition and vulnerability of the biological communities which may be exposed to such pollutants including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act or the presence of those species critical to the structure or function of the ecosystem such as those important for the food chain; (4) The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways or areas necessary for other functions or critical stages in the life cycle of an organism; (5) The existence of special aquatic sites including, but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs; (6) The potential impacts on human health through direct and indirect pathways; (7) Existing or potential recreational and commercial fishing, including finfishing and shellfishing; (8) Any applicable requirements of an approved Coastal Zone Management plan; (9) Such other factors relating to the effects of the discharge as may be appropriate; and (10) Marine water quality criteria developed pursuant to section 304(a)(1).

Factors 1, 2 and 3 relate to the composition of the pollutant to be discharged, the physical, chemical and biological transport of the pollutants, and the effects of the pollutants on biological communities, critical species, and endangered species. In determining the nature and extent of biological communities and the presence of critical or endangered species in the Gulf of Mexico, the Agency has conducted a review of the available literature identified in Part III B of this Fact Sheet and recommendations submitted to the Agency during the public comment period for the draft permits. In addition, the Agency has prepared an extensive analysis of the available information on the environmental fate and effects of drilling muds discharged from oil and gas facilities which includes drilling mud constitutents and toxicity. The support document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf" presents the scientific basis for the decision to issue these final general permits. Based on this review, the Regional Administrator has concluded that discharges from oil and gas facilities operating under these general permits will not pose a significant threat to the biological communities and critical or endangered species in the Gulf of Mexico. Howevet, this conclusion is predicated on the exclusion of productive and unique biological areas from the permit areas and on the two-year authorization to discharge.

Factors 5, 7, and 8 relate to the geographic areas covered by these general permits. The general permit areas are described in Part III A and B of the Fact Sheet. The Agency has identified special aquatic sites and potential recreational and commercial fishing areas in the general permit area and addressed the potential impact of these general permits on these sites. Federal lease blocks or portions of lease blocks located within the four (4) nautical mile boundary of the proposed Flower Garden Banks Marine Sanctuary are excluded from the general permit area; lease block operators within the sanctuary boundaries must apply for and obtain individual NPDES permits. Other areas in the Gulf of Mexico which have coral formations which may be construed as coral reefs have been identified as topographic highs and excluded from the general permit area for further evaluation. Areas identified as fishing banks and shrimp spawning grounds by the National Marine Fisheries Service, the Fish and Wildlife Service, the Texas Shrimp Association, and the National Oceanographic and Atmospheric Administration have also been excluded from these general permits. In addition, these organizations, along with the National Park Service and the Coastal Zone Management Program of the State of Louisiana, have provided comments stating that there should be no adverse impact from the discharges of oil and gas facilities operating under these general permits. The State of Texas does not have an approved Coastal Zone Management Program, and these permits do not authorize discharges into the territorial seas of the States of Mississippi or Alabama.

Factor 4 addresses the importance of the receiving water of the Gulf of Mexico to non-resident species and critical habitats. This factor is intended to ensure that potential impacts on spawning sites, nursery/forage areas, migratory pathways, or other critical functions are considered. In considering this factor, the Agency has reviewed information identified in Part III B of the Fact Sheet and completed a technical support document on the environmental fate and effects of drilling fluids and cuttings released onto the Outer Continental Shelf. These sources and the conclusions of the technical support document indicate that discharges from oil and gas facilities operating under the terms and conditions of these general permits will not adversely affect marine species or marine communities beyond the immediate areas of the discharges.

The potential impacts to human health (Factor 6) is examined in the technical summary 'Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf.' Oil and Gas discharges permitted by the general permits should not pose a threat to human health.

Factor 10 requires that the Agency identify conventional, non-conventional, and toxic pollutants in the discharge to be permitted and establish that the numeric limits in applicable marine water quality criteria will be met with permit limitations in place. The technical support document contains a thorough analysis of the components of drilling fluids and summaries of the applicable marine water quality criteria have been prepared from the EPA publication, *Quality Criteria for Water* (the "Red Book"), and from the water quality criteria for toxic pollutants published November 28, 1980 at 45 FR

79318—79370. An analysis of the concentrations of drilling fluid components, and the application of dispersion/dilution models from the technical summary indicates that the dilution of drilling fluid components within the mixing zone will be sufficient to reduce the concentrations of pollutants to levels below the numeric limits set in the marine water quality criteria. This analysis has been placed in the Administrative Record for these general permits.

Based on consideration of the criteria for unreasonable degradation, the Regional Administrator has determined that the discharges associated with oil and gas facilities located in the general permit area and operating in compliance with these permits will not cause unreasonable degradation of the marine environment.

H. Monitoring and Enforcement

These general permits require dischargers to monitor monthly, the concentrations of oil and grease in produced water discharges and the chlorine in sanitary waste discharges. In addition, monthly monitoring or estimates of the produced water flow rate is required. Monthly volume estimates are required for drilling fluids, drill cuttings, deck drainage, produced sand, and well treatment fluids. Discharge Monitoring Reports (DMR's) must be submitted annually. A chemical inventory of all materials actually added down the well must be maintained and all records retained for three years.

I. State Certification

Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable State water quality standards or limitations. Under section 401(a)(1) of the Act, EPA may not issue a NPDES Permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. Neither the States of Texas nor Louisiana certified any more stringent State water quality standards for the territorial seas for these general permits.

J. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. In the 1978 amendments to section 311, Congress clarified the relationship between this section and discharges permitted under section 402 of the Act. It was the intent of Congress that routine discharges permitted under section 402 be excluded from section 311. Discharges permitted under section 402 are not subject to section 311 if they are:

1. In compliance with a permit under section 402 of the Act;
2. Resulting from circumstances identified, reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit; or
3. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems.

To help clarify the relationship between discharges permitted under section 402 and section 311 discharges, EPA has compiled the following list of discharges which it considers to be regulated under section 311 rather than under a section 402 permit. The list is not to be considered all-inclusive.

1. Discharges from a platform or structure on which oil or water treatment equipment is not mounted,
2. Discharges from burst or ruptured pipelines, manifolds, pressure valves or atmospheric tanks,
3. Discharges from uncontrolled wells,
4. Discharges from pumps or engines,
5. Discharges from oil gauging or measuring equipment,
6. Discharges from pipeline scraper, launching, and receiving equipment,
7. Spills of diesel fuel during transfer operations,
8. Discharges from faulty drip pans,
9. Discharges from well heads and associated valves,
10. Discharges from gas-liquid separators, and
11. Discharges from flare lines.

K. Other Legal Requirements

The Endangered Species Act requires that each Federal Agency shall ensure that any of their actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of their habitats. EPA has determined that a request for consultation with the Secretary of the Interior is not necessary in this case since the Bureau of Land Management has undertaken endangered species reviews including full consultation with the Department of Commerce, the National Marine Fisheries Service and the Department of the Interior, Fish and Wildlife Service, with respect to all oil and gas leasing activities in the Gulf of Mexico. In response to the request for consultation, these Agencies have issued biological opinions stating that, with the exception of certain areas not covered by these general permits, oil and gas operations on current leases in the Gulf of Mexico will not jeopardize endangered or threatened species nor result in the destruction of critical habitat. EPA recognizes its obligation to comply with the requirements of the Endangered Species Act, and the Agency will join in any future consultation with the Secretary with respect to any lease activities not now covered by the Secretary's opinion. Additionally, EPA will initiate consultation should new information reveal impacts not previously considered, if the activities are modified in a manner beyond the scope of the original opinion or should the activities affect a newly listed species.

Section 306 of the Act directs the Administrator to promulgate standards of performance for categories of sources identified in 306(b)(1)(A) which reflects the greatest degree of effluent reduction achievable through best available demonstrated control technology. The Agency has not proposed nor finally promulgated such standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. These standards are currently under development. Until these standards, new source performance standards, are finally promulgated, the Agency is not required to conduct an environmental review for the issuance of these general NPDES permits under the National Environmental Policy Act (NEPA).

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.

Public notice of issuance of final general NPDES permits: The Regional Administrator of Region VI has decided to issue the following three general NPDES permits for certain dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, subject to certain effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act.

Dated: March 26, 1981.

Frances E. Phillips,

Regional Administrator, Region VI.

Appendix A—Public Comments

The following parties responded with comments regarding the August 15, 1980 proposed draft general NPDES permits for oil and gas operations in portions of the Gulf of Mexico on or before the September 29, 1980 close of the public comment period: Region IV

Environmental Protection Agency; Pennzoil Company; the Railroad Commission of Texas; National Park Service, U.S. Department of the Interior; Mid-Continent Oil and Gas Association; Sierra Club; Arco Oil and Gas Company, Eastern Region; Cities Service Company; Union Gas and Oil, Gulf Region Division; Shell Oil Company; Texaco Incorporated; Offshore Operators Committee; Liskow and Lewis, New Orleans for the American Petroleum Institute; Conoco Incorporated; Getty Oil Company; Marathon Oil Company; Exxon Company, U.S.A.; Felix D. Guerrero; Engineer's Council of Houston; Gulf Oil Exploration and Production Company; The Texas Shrimp Association; Natural Resources Defense Council, Incorporated; and McRoran Offshore.

The following parties responded with comments postmarked after the September 29, 1980 close of the public comment period: the National Oceanographic and Atmospheric Administration of the U.S. Department of Commerce; and the Coastal Area Board of the State of Alabama.

The following parties testified at the October 1, 1980 public hearing in New Orleans, Louisiana; Bill Berry, Offshore Operators Committee; and Robert Brooksher, Executive Vice President, Mid Continent Oil and Gas Association, Baton Rouge, Louisiana.

The following parties testified at the October 2, 1980 public hearing in Galveston, Texas; Jess Van Ert, Attorney for the American Petroleum Institute; John A. Queen, Water Task Group of the Texas Mid Continent Oil and Gas Association; F. Hermann Rudenberg, Ph. D., Coastal Affairs Chairman, Lone Star Chapter of the Sierra Club; Dr. D. Marrack, Houston Audobon Society; and Connie Davis, Transco Exploration.

Appendix B—Response to Public Comments

Part 1 Preamble and Fact Sheet

1. *Comment:* Objection to the two-year terms of the general permits, principally stating that there is sufficient information in the form of environmental studies to issue five-year term permits.

Response: In the development of the draft general permits, the Agency reviewed an extensive volume of industry studies, studies by Federal agencies, EPA studies, and the scientific literature. The scientific basis for the issuance of the draft general permits was presented in the technical summary. At this time, an extensive effort to revise the technical summary to include the environmental fate and effects of drilling fluids and cuttings has been completed. The final document, "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released Onto the Outer Continental Shelf," part of the Administrative Record, supports the issuance of the general permits, and additionally, supports the two-year term of the general permits. Several issues remain, including, but not limited to, bioaccumulation, food chain concentration, and the potential long term effects of drilling fluids and cuttings on biological communities. The final general permits are being issued with two-year terms to allow further evaluation of these issues.

2. *Comment:* The two-year terms of the general permits are inconsistent with Agency policy in the proposed Ocean Discharge Criteria (45 FR 9548–9555). Reference was made to a policy statement in this regulation under the section *Impact Analysis* (p. 9552) and under the topic heading Offshore Oil and Gas Operations (p. 9553): "For the approximately 2000 existing platforms the Agency assumes the current monitoring effort to be sufficient in meeting the requirements of the proposed section 403(c) regulation."

Response: Several points should be made to clarify the Agency's position.

1. The final general permits for the Gulf of Mexico are issued under the final section 403 Ocean Discharge Criteria (45 FR 65942–65954) guidelines which do not contain the statement cited above.

2. The "current monitoring" effort in the proposed regulation refers to efforts already underway in the Gulf of Mexico to evaluate the fate and effects of drilling muds and the long term effects of offshore oil and gas development on the Gulf of Mexico. These efforts include the Bureau of Land Management (BLM), the National Oceanographic and Atmospheric Administration (NOAA), and the EPA as well as industry studies.

3. Until the data and scientific conclusions from ongoing Federal and industry studies are available, the imposition of monitoring for the purposes of determining the effects of the permitted discharges on the waters of the Gulf of Mexico or on any component of the marine environment in the Gulf of Mexico would be potentially redundant and costly. Therefore, these final general permits *do not* impose additional enviornmental monitoring on owners or operators of oil and gas facilities in the general permit area. The monitoring imposed in these final general permits is primarily compliance monitoring; monitoring of an effluent to ensure that an effluent limitation in the permit is being met. Additional reporting requirements, such as the drilling fluids inventory and volume estimates on discharges of drilling muds, drill cuttings and produced waters, have been imposed to provide the Agency with further information to reevaluate these permits at the end of their two-year term.

3. *Comment:* The draft general permits should not have been issued until the final Ocean Discharge Criteria guidelines had been promulgated. Additionally, one commenter sought clarification of the impact of the final criteria on the issuance of the final general permits.

Response: As stated above, these final general permits are issued under the final section 403 Ocean Discharge Criteria guidelines. To ensure compliance with these guidelines two tasks have been completed by the Agency. First, the section of the fact sheet addressing these guidelines has been revised to include the ten criteria for a determination of unreasonable degradation with specific references to the appropriate portions of the Administative Record or the technical summary containing the scientific basis for the decision to issue these general permits. In some instances the new criteria required a more thorough review of the information in the Administrative Record and the development of new materials for the Record to provide the public with adequate information on the permitting decision. Secondly, the information reviewed in the technical summary has been expanded and the approach now includes the environmental fate and effects of drilling fluids and cuttings released onto the Outer Continental Shelf.

4. *Comment:* The Agency should require information on muds and mud plumes from the applicants.

Response: The regulations for general permits omit application requirements from individual dischargers. The assumption is that for a category of dischargers, information normally obtained in a permit application is available and sufficient to determine permit conditions. The Agency did find sufficient information on drilling mud discharges to address the section 403 Ocean Discharge Criteria for unreasonable degradation and to determine permit conditions and effluent limitations for these general permits. The technical summary in the Administrative Record contains a thorough review of the available information on drilling muds, drilling mud dispersion, and mud plume studies

and a discusssion of the Agency's conclusions on the fate and effects of discharged drilling muds on the Gulf of Mexico.

5. *Comment:* Objection to the two-year term of the general permits on the basis "that the Agency is encouraging the submission of thousands of renewal applications in just two years time."

Response: Since the regulatory provisions for the issuance of general permits eliminate an application requirement, the review of these general permits at the end of the two year term will *not* require dischargers to submit renewal applications. The Agency may require a notification of intent to be covered by a new general permit if the terms and conditions of the new general permit should be substantially different.

6. *Comment:* Clarification of the status of dischargers who have submitted applications but have not received final NPDES permits should be made. The commenter noted that the preamble to the draft general permit stated that "(b)ecause these offshore facilities have not been issued permits, they are not in compliance with the [Clean Water] Act and may be subject to enforcement actions, including citizens suits under section 505 of the Act." However, this commenter characterized previous statements of the Agency as providing that, pursuant to section 402(k) of the Act, dischargers who have submitted applications are not violators of the law. Although issuance of these final general permits renders this question moot with respect to those facilities subject to its provisions, clarification of this issue is appropriate.

Response: The Clean Water Act prohibits, in virtually all cases, the discharge of pollutants without an NPDES permit. However, section 402(k) does provide, among other things, that "until December 31, 1974," facilities which had pending, timely submitted, applications for permits could discharge without a permit. In a legal opinion dated July 23, 1974, EPA stated its opinion that *these* discharges (i.e., those previously subject to the immunity provisions of section 402(k)) would not lose their statutory immunity if the Agency had not issued their permits by the end of 1974. Neither section 402(k) nor this opinion applies to dischargers who filed permit applications after 1974. Additionally, dischargers who have not received timely action on their permit applications may, of course, commence a civil action under section 505 to compel action in issuing or denying their permits.

7. *Comment:* In the Fact Sheet published on August 15, 1980, the Agency stated that it had recently entered into a consent decree requiring it to promulgate new source performance standards for the offshore subcategory. It was also stated that subsequent permits will incorporate any additional discharge or technology-based limitations resulting from these efforts. The above statements caused some confusion among the commenters. One commenter requested that the Fact Sheet be modified to clarify that new source performance standards will be applied only to those facilities which can be lawfully defined as "new source." Another commenter was concerned that "EPA's automatic permitting of new sources is totally inconsistent with the environmental evaluation required by the National Environmental Policy Act and the Clean Water Act."

Response: Clearly the Agency does not intend to impose subsequently promulgated new source performance standards on facilities which are not "new sources" as defined in 40 CFR 122.66(a). These general permits do not authorize discharges from "new sources." The statements made in the August 15, 1980 Fact Sheet have been deleted from the Fact Sheet published today. However, they were made in the original proposal to indicate that facilities permitted in the future may be subject to additional environmental assessments and different permit limitations and conditions, including new source performance standards for facilities defined as "new sources" in 40 CFR 122.66(a).

8. *Comment:* One commenter asked EPA to reaffirm its policy that existing oil and gas operations conducted in the Gulf of Mexico are neither new sources nor new dischargers and are not subject to any enforcement action under relevant provisions of the Clean Water Act.

Response: EPA acknowledged in the Fact Sheet that applications for permits have been received from most of the facilities currently operating in the Gulf of Mexico. Under section 402(k) of the Clean Water Act, these dischargers were insulated from enforcement actions for discharging without permits until EPA acted on the applications or December 31, 1974, whichever came first. On July 23, 1974, EPA issued a legal opinion concluding that even after December 31, 1974, dischargers with pending applications did not suddenly become violators of the Act. Instead, their immunity would continue until EPA acted upon their application.

EPA has not classified the facilities permitted under these general permits as "new dischargers" or "new sources." On August 29, 1980, the United States District Court for the Western District of Louisiana enjoined the Agency from applying the "new discharger" definition (and certain related provisions contained in the consolidated permit regulations) to mobile drilling units operating in the offshore areas adjacent to the Gulf Coast. Accordingly, on October 15, 1980, the Agency suspended the new discharger definition (and certain related provision contained in the consolidated permit regulations) to mobile drilling units in areas specified in the Court's order, including the areas covered by these permits (45 FR 68391).

9. *Comment:* The requirement that new operators submit permit applications at least 180 days prior to commencement of discharge should not be waived.

Response: EPA does not agree with this comment. First the Agency has, by Court order, been enjoined from applying this requirement to offshore mobile drilling units operating in certain areas, including the areas covered by these permits. As a result of that order, the Agency suspended the requirement in 40 CFR 122.53(b) that proposed that new dischargers submit applications at least 180 days before the discharge is to begin, as it applies to offshore mobile drilling units operating in certain areas. See 45 FR 68391, October 15, 1980. Second, the consolidated permit regulations authorize the issuance of general permits without preceding applications. The Agency does not believe that permit applications from facilities entering the general permit areas after the date of issuance of the permits is necessary. The nature of these operations and discharges from these facilities will be similar to those currently operating in the general permit areas and they will be subject to the same limitations and conditions. It is for these reasons that EPA has determined that the submission of permit applications from such facilities is not necessary to determine appropriate permit conditions.

10. *Comment:* Part II.C.I of the permits requires clarification. This part lists six cases when the Regional Administrator may require a discharger authorized by a general permit to apply for and obtain an individual permit. The commenter suggested that the third criteria be clarified—cases in which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source. The commenter also suggested that a seventh criteria be added so as to enable the Regional Administrator to consider issuance of an individual

permit when the discharger or any interested person discovers a potentially productive or biologically unique area.

Response: Neither suggestion has been adopted for the following reasons: The criteria for requiring individual permits listed In Part II.C.I of the general permits are the criteria adopted by the Agency in 40 CFR 122.59(b)(2) of the consolidated permit regulations. Not all criteria may be appropriate to all categories of point sources that could be coverd by a general permit. The Agency has not added the seventh criterion to this list because it believes the general permit as issued already allows for this possibilility.

First, the last criterion in Part II.C.I would allow the Regional Administrator to require a discharger to apply for and obtain individual permits if the point source(s) no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Director, are more appropriately controlled under a general permit than under individual NPDES permits.

In addition, Part III of each permit contains a condition which would allow the permits to be modified to exclude from coverage any lease blocks which will require permit conditions and limitations different from those contained in the permit. These permit conditions give the Regional Administrator the authority to require individual permits in areas which may require different conditions due to the character of the receiving waters.

11. *Comment:* A provisions should be included in the permit to allow for public notice and comment in cases in which evidence can be presented which would indicate that these general permits should not apply (e.g. biologically unique areas) and when a source commences discharge in a general permit area after the effective date of these general permits. The commenters suggested that such a provision would allow interested persons to petition EPA to require individual permits when appropriate.

Response: The Agency has not modified the permits as suggested for several reasons: First, public notice has been given and public hearings have been held on these permits including the opportunity to comment on the geographic areas of these permits. In addition, any interested persons may request that the Regional Administrator (RA) require a discharger to obtain an individual permit after the effective date of these general permits if new information including information on productive or unique biological areas indicates that these general permits should not apply. In addition, 40 CFR 122.15 and section 16 of the Consolidated Permit Regulations provide that the RA may also require permit modification, revocation and reissuance, and termination of the general permits when new information indicates that the terms or conditions of the permits are not adequate.

12. *Comment:* Objection to the requirement that a vice-president sign and certify reports submitted on behalf of the corporation (e.g. discharge monitoring reports). The commenter suggested that reports be signed and certified by a duly authorized representative of a vice-president under 40 CFR 122.6(b).

Response: The general permits require reports to be signed and certified in accordance with § 122.6. Subsection (b) of § 122.6 gives permittees the option of delegating the signature requirements for reports to be submitted to a duly authorized representative. Nothing in these general permits precludes permittees from exercising that option.

13. *Comment:* Objection to the statement in Part III F of the fact sheet requiring that the facility operator "minimize the discharge of dispersants, surfactants, and detergents * * *," and particularly, the statement "This restriction is imposed because detergents disperse and emulsify oil thereby enhancing toxicity * * *."

Response: This requirement has been retained in the final general permits. The Agency has reviewed the scientific literature and believes that the toxicity of oil is increased when it has been dispersed or emulsified through the use of detergents. The literature supporting the Agency's position has been made a part of the Administrative Record.

14. *Comment:* EPA should request certification of these general permits from the States of Mississippi and Alabama in addition to Texas and Louisiana.

Response: Region VI did not request certification under 40 CFR 124.53 from Mississippi and Alabama because it is not permitting any discharge within the waters of either State. Permit No. TX 0085651 authorizes discharges within the territorial seas of the State of Texas. Permit No. LA 0060224 authorizes discharges within the territorial seas of the State of Louisiana. Permit No. TX 0085642 authorizes discharges located seaward of the outer boundaries of the territorial seas off the States of Texas and Louisiana and located west of 87°40' West Longitude. None of these permits authorize discharges within the territorial seas of Mississippi or Alabama. Under section 401(a)(i) of the Act state certification of NPDES permits is required by the State in which the discharge originates or will originate from.

15. *Comment:* The Agency should define the characteristics of the areas excluded from the general permits and provide the information in the fact sheet to allow the commenter to determine if the analysis is adequate to protect marine resources and determine if the analysis has been applied in relevant areas. Similarly, other comments addressed the fact that environmental mapping of the area is incomplete, that buffer zones around the excluded areas had not been used, and that these areas are not subject to the protection provided by the general permits.

Response: In the issuance of these final general permits the Agency has developed a listing of areas of biological concern as stated in Part III. B of the Fact Sheet. These areas have been excluded to allow for further evaluation including characterization, buffer zones, and determination of adequately protective permit conditions. The issuance of individual or general NPDES permits for these areas of biological concern will be based on an analysis of OCS sensitive areas including specific criteria to define sensitive areas and the identification of the information needs.

16. *Comment:* Facilities already operating in Federal lease blocks excluded from the general permit area will be prohibited from discharging by the issuance of these final general NPDES permits.

Response: The status of a discharger now operating in an area excluded from permit No. TX 0085642 is unchanged by the issuance of the final permits. With certain exceptions discussed in response to comment #8, point sources must have a NPDES permit before the discharge of a pollutant is lawful under the Act.

17. *Comment:* EPA failed to comply with the procedural requirements of the Endangered Species Act by relying on biological opinions rendered in response to another Agency's request.

Response: In the preamble to the draft general permit, EPA concluded that consultation under the Endangered Species Act was not necessary in this case since the Bureau of Land Management had undertaken endangered species reviews, including full consultation with the Department of Commerce, National Marine Fisheries Service, and the Department of the

Interior, Fish and Wildlife Service, with respect to all oil and gas leasing activities in the Gulf. In response to the requests for consultation, these Agencies have issued biological opinions stating that, with the exception of certain areas not covered by these general permits, oil and gas operations on current leases in the Gulf of Mexico will not jeopardize endangered or threatened species nor result in the destruction or adverse modification of critical habitat. No comment on the general permit was received which questioned the validity of this conclusion nor was any new information submitted on the effect of these activities on endangered species.

EPA recognizes its obligation to comply with the requirements of the Endangered Species Act, and the Agency will join in any future consultation with the Secretary with respect to any lease activities not now covered by the Secretary's opinion. Additionally, EPA will initiate consultation should new information reveal impacts not previously considered, should the activities be modified in a manner beyond the scope of the original opinion, or should the activities affect a newly listed species.

Part II Permit Conditions, Monitoring, and Reporting Requirements

1. *Comment:* Paragraph D.2 page 6 of all three permits incorrectly referred to Part I.B of the permit rather than Part I.C.

Response: This has been corrected to Part I.C in all three permits.

2. *Comment:* Paragraph 7, page 5 of all three permits referred to the Regional *Director* rather than the Regional *Administrator* as contained throughout the permit.

Response: All reference to the Regional Director in all three permits has been changed to Regional Administrator.

3. *Comment:* The permit areas described in draft permit LA0060224 (Louisiana Territorial Seas) and in the draft permit TX0085751 (Texas Territorial Seas) in Part III.A, page 16, was inconsistent with the description of the permit areas on page 1.

Response: The description of the permit area in Part III.A of the permits has been corrected.

4. *Comment:* The permit area in draft permit TX0085642 (Federal Waters) should be clarified if the location description contained on pages 1 and 16 were modified to include the word "located" in the phrase "and west of" to be "and located west of."

Response: The permit has been modified to include the word "located" in the description of the permit area of permit TX0085642.

5. *Comment:* The words "at reasonable times" should be inserted in Part I page 6 of the permits in reference to EPA access to the facility for the purposes of compliance sampling and inspections.

Response: The language contained in the inspection and entry conditions of the permit (Part I.C.9 at pages 5 and 6) is identical to 40 CFR 122.7(c)(i) of the Consolidated Permit Regulations. The regulation requires this condition to be contained in all NPDES permits. Consequently, the recommended change has not been made. This regulation and permit condition does limit access to copy records, to inspect, and to sample or monitor to "reasonable times." However, § 122.7(i)(1) and condition C.9 of the permits do not limit entry upon the permittee's premises to "reasonable times" for the reasons set forth in the preamble to the Consolidated Permit Regulations at 45 FR 33305 published on May 19, 1980.

6. *Comments:* Part III.C.2 of the three draft permits should be modified to change "Chemical Inventory" to "Drilling Fluids Inventory" with appropriate paragraph changes. In addition, one commenter suggested that the chemical inventory reporting requirement be modified to require reporting toxic pollutants only.

Response: The "Chemical Inventory" has been changed to "Drilling Fluids Inventory" as suggested. It is the intention of the Agency to obtain a listing of chemical substances added down the hole and actually discharged to provide further information for the reissuance of these general permits when they expire.

7. *Comment:* Several commenters questioned the fact that monitoring for oil and grease in produced waters was based on four grab samples in one draft permit but was left to the discretion of the discharger in two of the draft permits.

Response: All three permits have been modifed to allow sampling by either one grab sample or the average of four grab samples in a 24-hour period for oil and grease.

8. *Comment:* Part I.B.1, Floating Solids or Visible Foam should be modified to allow for floating solids from edible garbage and for natural foam formed from the mixing of produced water with sea water.

Response: EPA does not concur with any modification of the restriction on floating solids or visible foam. These are standard provisions of all NPDES permits.

9. *Comment:* Several new categories of outfalls should be added to the permits including blow-down, drains from boilers and steam generators, fire water systems, blowout preventer control fluid, and inedible domestic wastes.

Response: EPA does not concur with the addition of any new category of outfall for the purposes of monitoring and reporting.

10. *Comment:* Volume estimates on drilling fluids, drill cuttings, deck drainage, and well treatment fluids should be changed from gallons to barresl per month.

Response: The reporting requirement in the permits for volume estimates has been changed from gallons per month (gal/month) to barrels per month (bbl/month).

11. *Comments:* Numerous modifications should be made to Part II requirements dealing with the operation and maintenance of pollution controls, bypass of treatment facilities, prohibition of bypass, and bypass and upset conditions. These comments included conditions for excusable bypass, the requirements for use of back-up equipment, including treatment and retention facilities, and normal preventive maintenance programs.

Response: The provisions of Part II. are standard conditions for NPDES permits required by the regulations (40 CFR Part 122). These changes have not been adopted.

12. *Comment:* Questioned and/or recommended changes in the bypass regulation (40 CFR 122.60(g)) severe property damage particularly with regard to shutting-in of a well.

Response: EPA does not concur with the recommended changes. Again, the provisions of Part II are standard conditions for all NPDES permits required by the regulations (40 CFR Part 122). In addition, the regulation governing bypass is in litigation.

13. *Comment:* Part I.D.3 should be amended to reflect that no written follow-up report should be required if the noncompliance did not actually "endanger health or the environment."

Response: The 24-hour reporting requirement on discharges in noncompliance with the permit is established by regulation. These requirements can not be changed.

14. *Comment:* Part III.C.1 Samples of Wastes should be changed to require sampling of wastes on drilling wells only.

Response: The Agency's intent is to require sampling of all discharged wastes, not samples of drilling well

wastes only. The requirement has not been modified.

15. *Comment:* The annual reporting requirement is not adequate to monitor discharges or determine non-compliance, and should be changed to quarterly reporting.

Response: EPA believes that the annual reporting requirement required in the permits in conjunction with the monthly monitoring required on all discharges, and the 24-hour noncompliance reporting requirement, is in fact sufficient to monitor the facilities in the general permit areas. It should be noted that facilities operating in areas of biological concern, which may require more frequent monitoring and reporting of some discharges, are not governed by these general permits.

16. *Comment:* The 14-day notification requirement for a new discharger's intent to be covered by these general permits should be changed to 30 days prior to the commencement of a discharge.

Response: EPA does not concur with a change in the notification requirement for the general permit area.

17. *Comment:* The monthly monitoring requirements and the subsequent requirements for record keeping are excessive. Recommendations for monitoring and reporting deletions included deck drainage, drilling fluid materials, produced sands, and produced waters.

Response: The monthly monitoring requirement on produced waters is derived from the preamble of the effluent guidelines for best practicable control technology (BPT) for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435). Additional reporting requirements placed on drilling fluids, drill cuttings, deck drainage etc. are intended to provide the Agency with information to reissue these general permits at the end of the two-year term.

18. *Comment:* Telephone and/or radio communication should be allowed in meeting the notification requirement on anticipated bypass.

Response: Radio and/or telephone communication to meet the 24-hour notification requirement on bypass and upset is acceptable to the Agency. It is required that written follow-up be submitted to the Agency within five (5) days.

19. *Comment:* EPA should require notification of movement of exploratory rigs within the general permit areas.

Response: Such notification requirement on exploratory rigs does not provide the Agency with any additional information required for permitting or enforcement purposes. The location of facilities for compliance inspections and compliance sampling within lease block areas can readily be obtained from the industry, lease block operators, or from the U.S. Geological Survey. In addition, the required 24-hour reporting for noncompliance would provide the Agency with the location of the facility when a problem arises.

Appendix C—Permits

Authorization To Discharge Under the National Pollutant Discharge Elimination System

In Compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq; the "Act"), the following general permits are issued:

1. Permit No. TX0085642 covers operators of lease blocks in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located in lease areas seaward of the outer boundary of the territorial seas off the States of Lousiana and Texas, and located West of 87° 40' West Longitude, *less and except* facilities operating within the lease blocks identified in Part III B thereof.

2. Permit No. TX0085651 covers operators of lease blocks in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located landward of the outer boundary of the territorial seas of the State of Texas *less and except* facilities operating within the lease blocks identified in Part III B thereof.

3. Permit No. LA0060224 covers operators of lease blocks in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located landward of the outer boundary of the territorial seas of the State of Louisiana *less and except* facilities operating within the lease blocks identified in Part III B thereof.

These permits authorize discharge to receiving waters named the Gulf of Mexico in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

These permits shall become effective on April 29, 1981.

These permits and authorization to discharge shall expire at midnight, April 29, 1983.

Operators of lease blocks within the general permit area who fail to notify the Regional Administrator of their intent to be covered by these general permits are not authorized to discharge from those facilities to receiving waters named.

Signed this 30th day of March, 1981.

Diana Dutton,

Director, Enforcement Division.

PART I

A. Effluent Limitations and Monitoring Requirements

Serial numbers/outfalls	Effluent characteristic	Discharge limitations	Monitoring requirements: Measurement frequency	Monitoring requirements: Sample type
101 Drilling fluids[2]	Volume	Barrels/month[1]	Once/month	Estimate.
102 Drill cuttings[2]	Volume	Barrels/month[1]	Once/month	Do.
103 Deck drainage[2]	Volume	Barrels/month[1]	Once/month	Do.
104 Cooling water				
105 Desalinization unit discharge				
106 Produced Waters	Flow rate	MGD[1]	Once/month	Estimate.
	Oil and grease	72 mg/l Daily maximum	Once/month	Grab[3]
107 Produced sand	Quantity	Pounds/day[1]	Once/month	Estimate.
108 Well treatment fluids[2]	Volume	Barrels/month[1]	Once/month	Do.
109 Sanitary waste (10 or more)	Flow rate	MGD[1]	Once/month	Do.
	Residual chlorine	1.0 mg/l[4]	Once/month	Grab.
110 Sanitary waste (9 or fewer)				
111 Domestic waste[1]				

[1] Report.
[2] No discharge of free oil.
[3] Maybe based on four grab samples in a twenty-four hour period.
[4] Minimum of 1 mg/l and maintained as close to this concentration as possible.

NOTE.—Samples taken in compliance with monitoring requirements specified above shall be taken at a sampling point prior to commingling with any other waste stream or entering Gulf waters.

B. Other Discharge Limitations

1. *Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. *Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

3. *Oil-based Drilling Fluids.* There shall be no discharge of oil-based drilling fluids.

4. *Surfactants, Dispersants, and Detergents.* The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the U.S. Geological Survey.

5. *Sanitary Wastes.* Any facility using a marine sanitation device that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance

with permit limitations for sanitary waste discharges until such time as the device is replaced or is found not to comply with such standards and regulations.

For facilities continuously manned by nine (9) or fewer persons or only intermittently manned by any number of persons, there shall be no floating solids as a result of the discharge of these wastes.

C. Monitoring and Records

1. *Representative Sampling.* Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.

2. *Monitoring Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. *Reporting of Monitoring Results.* The operator of each lease block shall be responsible for submitting monitoring results for each facility within each lease block.

If there is more than one facility (platform, drilling ship, semi-submersible), the outfalls shall be designated in the following manner: 101, 102, 103 etc. for the first facility: 201, 202, 203 etc. for the second facility; etc.

If any category of waste has more than one discharge point, the limitations apply to each discharge point and shall be reported as XXXA, XXXB, XXXC, etc. (101A, 101B, 101C).

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1). In addition, the annual average shall be reported and shall be the arithmetic average of all samples taken during the reporting year. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration.

If any category of waste (outfall) is not applicable due to the type of operation (e.g. drilling, production) no reporting is required for that particular outfall. Only DMR's representative of the activities occurring need to be submitted. A notification indicating the type of operation should be provided with the DMRs.

The first report is due on the 28th day of the 13th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address: Director, Enforcement Division (6AE), Region 6, U.S. Environmental Protection Agency, P.O. Box 50708, Dallas, Texas 75250.

5. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

6. *Averaging of Measurements.* Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least 3 years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time.

8. *Record Contents.* Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements;

(b) The individual(s) who performed the sampling or measurements;

(c) The date(s) analyses were performed;

(d) The individual(s) who performed the analyses;

(e) The analytical techniques or methods used; and

(f) The results of such anlyses.

9. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals specified in Part I C of this permit.

3. *Twenty-four Hour Reporting.* The permittee shall report noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

(a) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(b) Any upset which exceeds any effluent limitations in the permit; and

(c) Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports should be made to telephone number (214) 767-2214. The regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Noncompliance.* The permittee shall report all instances of noncompliance not reported under Part I D-3 at the time monitoring reports are submitted. The reports shall contain the information listed in Part I D-3.

5. *Signatory Requirements.* All reports or information submitted to the Regional

Administrator shall be signed and certified in accordance with 40 CFR 122.6.

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

E. Notification Requirements

1. *Commencement of Operations.* Written notification of commencement of operations, including the legal name and address of the operator, the lease block number assigned by the Department of Interior or, if none, the name commonly assigned to the lease area, and the number and type of facilities located within the lease block, shall be submitted:

(a) Within 45 days of the effective date of this permit, by operators of lease blocks whose facilities are discharging into the general permit area on the effective date of this permit,

(b) Fourteen days prior to the commencement of discharge by operators facilities commencing discharge subsequent to the effective date of this permit.

2. *Termination of Operations.* Lease blocks operators shall notify the Regional Administrator upon the permanent termination of discharges from their facilities within the lease block.

PART II

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. *Duty to Halt or Reduce Activity.* Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. *Bypass of Treatment Facilities.* (a) Definitions: (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations: The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice: (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part I D–3 (24-hour notice).

(d) Prohibition of bypass: (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph c of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

4. *Upset Conditions.* (a) Definition: "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I D–3 (24 hour notice); and

(4) The permittee complied with any remedial measures required under Part II B–4 (duty to mitigate).

(d) Burden of proof: In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Removed Substances.* Solids, sludges, filter backwash, or other

pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

2. *Duty to Comply with Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. *Penalties for Violations of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part II A–3) and "Upsets" (Part II A–4), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

9. *Property Rights.* The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

C. Additional General Permit Conditions

1. *When the Regional Administrator May Require Application for an Individual NPDES Permit.* The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

(a) The discharge(s) is a significant contributor of pollution;

(b) The discharger is not in compliance with the conditions of this permit;

(c) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

(d) Effluent limitation guidelines are promulgated for point sources covered by this permit;

(e) A Water Quality Management Plan containing requirements applicable to such point source is approved; or

(f) The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Director, are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. *When an Individual NPDES Permit may be Requested.* (a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than (90 days after the publication).

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

PART III

A. General Permit Area

Permit No. TX 0085642: The area covered by this general permit includes that portion of the central and western Gulf of Mexico located in lease areas seaward of the outer boundary of the territorial seas off the States of Louisiana and Texas and located west of 87°40' West Longitude, *less and except* the lease blocks listed in Part III B hereof.

Permit No. TX 0085651: The area covered by this general permit includes that portion of the central and western Gulf of Mexico located landward of the outer boundary of the territorial seas of the State Texas *less and except* the lease blocks listed in Part III B hereof.

Permit No. LA 0060224: The area covered by this general permit includes that portion of the central and western Gulf of Mexico located landward of the outer boundary of the territorial seas of the State of Louisiana *less and except* the lease blocks listed in Part III B hereof.

B. Exceptions

Permit No. 0085642: Part III B of Permit TX 0085642 consists of all or portions of pages 16–18, respectively, of the text of that permit. Part is printed in Part III B of the Fact Sheet and Supplemental Information, which is a part of this Notice.

Permit No. TX 0085651: Part III B of Permit TX 0085641 consists of all or portions of page 16, respectively, of the text of that permit. Part is printed in Part

III B of the Fact Sheet and Supplemental Information, which is a part of this Notice.

Permit No. LA 0060224: Part III B of Permit LA 0060224 consists of all or portions of page 16, respectively, of the text of that permit. Part is printed in Part III B of the Fact Sheet and Supplemental Information, which is a part of this Notice.

C. Other Conditions

1. *Samples of Wastes.* If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

2. *Drilling Fluids Inventory.* The permittee shall maintain a precise chemical inventory of all constituents and their volume added downhole for each well. This inventory shall include diesel fuel and any drilling fluid additives used to meet specific drilling requirements.

D. Definitions

1. "Annual average" means the average of all discharges sampled and/or measured during a calendar year in which daily discharges are sampled and measured, divided by the number of discharges sampled and/or measured during such year.

2. "Cooling water" means once through non-contact cooling water.

3. "Daily maximum" means the average concentration of the parameter specified during any 24-hour period that reasonably represents the 24-hour period for the purposes of sampling.

4. "Deck drainage" means all waste resulting from platform washings, deck washings, and run-off from curbs, gutters, and drains including drip pans and wash areas.

5. "Desalinization unit discharge" means wastewater associated with the process of creating fresh water from seawater.

6. "Domestic waste" means discharges from galleys, sinks, showers, and laundries only.

7. "No discharge of free oil" means a discharge that does not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

8. "Drill cuttings" means particles generated by drilling into subsurface geological formations.

9. "Drilling fluids" means any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

10. "Produced waters" means waters and particulate matter associated with oil and gas producing formations. Sometimes the terms "formation water" or "brine water" are used to describe produced water.

11. "Produced sands" means sands and other solids removed from the produced waters.

12. "Sanitary waste" means human body waste discharge from toilets and urinals.

13. The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

14. "Well completion and treatment fluids" means any fluids sent down the drill hole to improve the flow of hydrocarbons into or out of geological formations which have been drilled.

[FR Doc. 81-10107 Filed 4-2-81; 8:45 am]
BILLING CODE 6560-33-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-637-DR]

American Samoa; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Territory of American Samoa (FEMA-637-DR), dated March 24, 1981, and related determinations.

DATED: March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of March 24, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Territory of American Samoa resulting from Typhoon Esau on March 2, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Territory of American Samoa.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under PL 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Territory of American Samoa to have been affected adversely by this declared major disaster. Swains Island and Manua Islands for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-10023 Filed 4-2-81; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0324]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Adoption of Fee Schedules for Check Clearing and Collection Services.

SUMMARY: The Monetary Control Act of 1980 (Title I of Public Law 96-221) requires that fees be set for Federal Reserve Bank services. The Board previously adopted a set of pricing principles for Federal Reserve Bank

services and has established implementation dates on which fees for each of the services will become effective. The Board has now adopted fees for commercial check clearing and collection services.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Assistant Director for Federal Reserve Bank Operations (202/452-2738); Morgan J. Hallmon, Program Manager (202/452-3877); Gilbert T. Schwartz, Associate General Counsel (202/452-3625); Lee S. Adams, Senior Counsel (202/452-3623); Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION:

Introduction

The Monetary Control Act of 1980 requires that fees be developed for Federal Reserve Bank services according to a set of pricing principles established by the Board. The Act provides that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981, and that services covered by the fee schedules are to be made available to all depository institutions. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689, Sept. 4, 1980). The period for public comment expired on October 31, 1980. On December 30, 1980, after considering the more than 230 comments received from the public, the Board took the following actions: adopted revised pricing principles; approved the fee schedules for the wire transfer and net settlement services to be effective January 29, 1981; approved a fee schedule for ACH services to be effective August 1, 1981; approved August 1, 1981 as the date when pricing of, and full access to, check clearing and collection services would begin; stated that a final fee schedule for check clearing and collection services would be published by March, 1981; scheduled full access to, and pricing of, the purchase, sale, safekeeping and transfer of securities services and the noncash collection services for October, 1981; and scheduled full access to, and pricing of the currency and coin transportation and coin wrapping services for January, 1982 (46 FR 1338). The Board has now adopted a fee schedule for commercial check clearing and collection services.

1981 Fee Schedule

The Monetary Control Act of 1980 requires that "over the long run, fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced * * * except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF).

The proposed fee schedule for Federal Reserve Bank commercial check collection services published by the Board in August, 1980 was based on estimates of the full direct and indirect costs during 1980 of providing these services, plus a 12 percent PSAF.

The revised fee schedule for commercial check services, which will become effective on August 1, 1981, when access to these services is opened to all depository institutions, is based on the estimated full direct and indirect costs of providing these services in 1981, plus a 16 percent PSAF, which was adopted by the Board on December 30, 1980 for use in calculating 1981 fee schedules. On average, for all services in all offices, the 1981 fees are 11 percent higher than those published for comment in August, 1980 due principally to the higher PSAF added to 1981 costs, operating costs increasing more rapidly than volume from 1980 to 1981, and the substantial increase in the surcharge for consolidated shipments (from 0.44 cent to 0.64 cent per item) which reflects the higher interoffice transportation costs associated with the System's float reduction effort. However, in the revised fee schedule, the private sector adjustment factor has not been applied to shipping costs because shipping services (interoffice air transportation and intraoffice ground courier deliveries to facilitate presentment) are provided under contract to the Federal Reserve from private companies whose prices include the cost of taxes and financing. Consequently, it would be inappropriate to impose an additional PSAF to such shipping costs.

The 1981 fee schedule was calculated by the Federal Reserve Banks using a methodology similar to that used to compute the fee schedule published by the Board in August, 1980. The methodology was standardized among Federal Reserve districts and offices and the derivation of full costs was based on the Federal Reserve's Planning and Control System (PACS). The cost accounting principles and procedures used by Reserve Banks are described in System accounting manuals available to the public.

The structure of the 1981 fee schedule differs from those published earlier in one respect: it shows a separate surcharge for consolidated shipments rather than a separate price for each consolidated shipment deposit type. To calculate the total fee for deposit by consolidated shipment the surcharge is added to the fee for direct deposits at the collecting Federal Reserve office. since the consolidated shipment service has been expanded from two to five deposit types, use of the surcharge simplifies the price schedule.

The 1981 fee structure may be regarded as an interim structure in two respects. First, while it covers the deposit types described in Appendix II, individual Federal Reserve offices may, in 1981, expand or repackage these services within this structure in response to local demand to improve the efficiency of the payments mechanism. For example, the group sort deposit option may be offered by a greater number of Federal Reserve offices, or additional services may be offered that are combinations of existing services. (E.g., the group sort, consolidated shipment and package sort deposit options may be combined for certain high volume payor bank endpoints so that the Federal Reserve office of first deposit could fine sort the deposit for final presentment in other Federal Reserve office territories.) Second, as stated in the Board's December 30, 1980 notice, this fee structure may be changed in 1982 to price separatedly return items and to provide price incentives to encourage more efficient utilization of resources in the check clearing and collection service.

Finally, the Federal Reserve Banks, as announced in the Board's August 28, 1980 pricing proposal, are engaged in the three-phase effort to reduce and/or price float. The fee schedule for 1981 does, in fact, reflect the higher costs of operational improvements undertaken in 1981 to reduce float. Further recommendations will be presented to the Board in 1981.

The 1981 fee schedule for commercial check services is set forth in Appendix I. The services shown in the schedule are described in Appendix II.

By order of the Board of Governors of the Federal Reserve System, March 28, 1981.

James McAfee,

Assistant Secretary of the Board.

BILLING CODE 6210-01-M

APPENDIX I
FEE SCHEDULE FOR FEDERAL RESERVE COMMERCIAL CHECK SERVICES
(in cents per item)
Effective August 1, 1981

TYPES OF CASH LETTER DEPOSITS[1]

Sent To: Federal Reserve Office	Accepted only from institutions located in the territory served by the F.R. office		Accepted at the collecting F.R. office from institutions located in any F.R. office territory[2]				
	Mixed	Other Fed	City	Country or RCPC	Package Sort	Group Sort	Non-Machineable[3]
BOSTON, LEWISTON, WINDSOR LOCKS	1.81	4.29	1.60	1.81	0.42	1.65	5.54
NEW YORK	2.87	5.30	2.74	2.87	0.47	--	9.04
BUFFALO, JERICHO, CRANFORD, UTICA	1.66	3.99	1.51	1.66	0.79	1.46	6.08
PHILADELPHIA	2.30	4.64	1.79	2.30	0.87	1.98	5.33
CLEVELAND, CINCINNATI, PITTSBURGH, COLUMBUS	1.92	4.16	1.48	1.92	0.82	--	5.12
RICHMOND	1.85	4.03	1.39	1.85	0.67	--	5.54
BALTIMORE	1.97	4.37	1.67	1.97	0.63	--	5.86
CHARLOTTE	1.50	3.96	1.29	1.50	0.49	--	5.24
COLUMBIA	1.52	4.01	1.37	1.52	0.44	--	4.68
CHARLESTON	1.75	4.10	1.40	1.75	0.52	--	5.30
ATLANTA, BIRMINGHAM, JACKSONVILLE, NASHVILLE, NEW ORLEANS, MIAMI	1.86	4.15	1.46	1.86	0.98	--	6.13
CHICAGO	2.94	5.02	2.36	2.94	0.94	--	6.29
DETROIT	1.57	3.98	1.46	1.57	0.56	--	3.97
DES MOINES	1.99	4.17	1.65	1.99	0.73	--	5.88
INDIANAPOLIS	1.50	3.79	1.24	1.50	0.48	--	3.23
MILWAUKEE	1.82	4.06	1.41	1.82	0.61	--	3.59
ST. LOUIS, LITTLE ROCK, LOUISVILLE, MEMPHIS	2.51	4.54	2.06	2.51	0.78	--	5.09
MINNEAPOLIS, HELENA	2.22	4.68	1.80	2.22	0.62	2.10	5.60
KANSAS CITY	2.80	4.67	2.12	2.80	0.45	0.89	7.55
DENVER	1.63	3.97	1.24	1.63	0.72	--	7.98
OKLAHOMA CITY	1.90	4.11	1.52	1.90	0.67	--	6.94
OMAHA	1.76	4.06	1.27	1.76	0.46	--	6.26
DALLAS, HOUSTON, SAN ANTONIO, EL PASO	2.22	4.64	1.74	2.22	0.80	1.64	7.19
SAN FRANCISCO, LOS ANGELES, PORTLAND, SALT LAKE CITY, SEATTLE	1.71	4.12	1.54	1.71	0.58	--	7.99
CONSOLIDATED SHIPMENT SURCHARGE PER ITEM FOR TRANSPORTATION FROM LOCAL F.R. OFFICE TO COLLECTING F.R. OFFICE			0.64	0.64	0.64	0.64	0.64

1. Depository institutions should consult with their local Federal Reserve office about the availability of check services at any F.R. office, since all services are not available at all offices.

2. Accepted by a F.R. office for presentment to depository institutions located within that F.R. office territory.

3. This fee applies to cash letters that cannot be computer processed by the Federal Reserve. It is not a surcharge. The availability schedule for non-machineable items is different from the availability schedule for comparable machineable items.

BILLING CODE 6210-01-C

Appendix II.—Description of Federal Reserve Check Clearing and Collection Service

A. Service Descriptions [1]

All checks collected through the Federal Reserve must ultimately be presented for payment by the Federal Reserve office responsible for serving the territory in which the paying institution is located. Depository institutions generally have two options for depositing check cash letters[2] with Federal Reserve offices. First, all check cash letters may be deposited at the local Federal Reserve office (i.e., the Federal Reserve office whose territory[3] includes the depositing institution). Second, appropriately sorted cash letters may be deposited at the Federal Reserve office which serves the territory in which the paying insitution is located. Not all services described below are available at all offices. An institution should consult with its local Federal Reserve office to ascertain the services available there.

Cash letters deposited at the local Federal Reserve office are referred to generally as intraterritory deposits, while cash letters deposited at other Federal Reserve offices are referred to as interterritory deposits. Interterritory deposits may be: (a) delivered to the local Federal Reserve office for shipping as "consolidated shipments" using transportation provided by the local Federal Reserve, or (b) shipped as "direct shipments" to another Federal Reserve office using transportation provided for by the sending depository institution. In all instances, credit for cash letter deposits is posted to accounts held at the Federal Reserve office of the depository institution even though these cash letters may have been deposited at another Federal Reserve office.

This description of services is not intended as a comprehensive guide on how to use Federal Reserve check collection services. Any depository institution desiring to use Federal Reserve services is urged to consult first with its local Federal Reserve office. A depository institution that has a small number of checks daily for collection may need to become familiar only with the mixed cash letter service offered by its local Federal Reserve office. Any institution wishing to perform some preliminary work such as sorting or interoffice shipping will have to become familiar with all of the services shown in the fee schedule.

The following types of cash letter deposit services are available:

1. *Cash letters accepted only from institutions located within the local Federal Reserve office territory.*

The fees for the services described below can be found on the fee schedule by reading across the row of fees listed for each local Federal Reserve office.

a. *Mixed.* Mixed cash letters contain unsorted checks that can be any mixture of city, country, and RCPC checks. These cash letters may also contain checks drawn on depository institutions in other Federal Reserve territories and U.S. Treasury checks and postal money orders. Each Federal Reserve office has established a maximum number of items (checks or other cash items) which may be included in mixed cash letters.[4] Only depository institutions with cash letter deposits, which on average do not exceed this maximum number of checks, are eligible to deposit mixed cash letters. Credit for checks in mixed cash letters is based on availability as calculated by the local Federal Reserve office.

b. *Other Fed.* "Other Fed" cash letters contain checks drawn on depository institutions located in Federal Reserve territories other than the local Federal Reserve territory. Prices for collecting these checks reflect the resources required to sort each check at two Federal Reserve offices and to transport the items between these offices. "Other Fed" cash letters may be deposited only at the local Federal Reserve office.

2. *Cash letters accepted from institutions located in any Federal Reserve territory.*

The fees for check cash letter deposits are determined according to the fees for check processing at the collecting Federal Reserve office, and can be found on the fee schedule by (1) location of the office and (2) type of cash letter deposit. For example, items drawn on designated city area institutions within the Boston office territory are "Boston city items", are identified by routing symbols[5] 0110 or 2110, and the fee for such items is 1.60 cents per item. In contrast, items drawn on institutions located in the Indianapolis office RCPC zone are "Indianapolis RCPC items", are identified by routing symbols 0749 or 2749, and the fee for such items is 1.50 cents per item. Consolidated shipments are subject to an additional .64 cent per item transportation fee.

a. *City.* City cash letters contain only checks drawn on depository institutions located within the collecting Federal Reserve office territory assigned city routing symbols. These institutions are generally located in an area which has been designated as the city check clearing zone by the collecting Federal Reserve office. When deposited at the collecting Federal Reserve office, credit for city cash letters is immediate (i.e., funds are available on the same day) if the cash letter is received prior to the cut-off hour established by the collecting Federal Reserve office.

b. *Regional Check Processing Center (RCPC).* RCPC cash letters contain only checks that are drawn on depository institutions in the collecting Federal Reserve office territory that are located in areas designated as RCPC zones[6] and assigned RCPC routing symbols. RCPC checks drawn on depository institutions in RCPC zones are usually transported by courier from the collecting Federal Reserve office for presentment. When deposited at the collecting Federal Reserve office, credit for RCPC cash letters is immediate (i.e., same business day) if the cash letters are deposited by 12:01 a.m.

c. *Country.* Country cash letters contain only checks that are drawn on depository institutions located in the collecting Federal Reserve office territory that are assigned country routing symbols. These institutions are located outside the designated city area of the collecting Federal Reserve office and are also outside any RCPC zone. Credit for coutry cash letters is available one day after timely deposit at the collecting Federal Reserve office.

d. *Package Sort.* Each package sort cash letter contains checks drawn only on a single institution located within the collecting Federal Reserve office territory and is packaged for delivery to that institution. Reflecting the sorting work done by the depositing institution, Federal Reserve involvement is limited

[1] Excludes Federal Reserve processing of U.S. Treasury checks and postal money orders deposited separately.

[2] A cash letter contains a listing of individual checks and the packaged checks.

[3] A depositing institution unfamiliar with Federal Reserve territories should contact any Federal Reserve office to determine the name and address of its local Federal Reserve office.

[4] An institution desiring to use this service should consult with its local Federal Reserve office for additional information.

[5] A routing symbol is defined as the first four digits of the routing transit number. For a listing of routing symbol assignments by deposit type within Federal Reserve territories, depository institutions should contact their local Federal Reserve office for a copy of the booklet entitled "Check Collection, Federal Reserve System." For a detailed discussion of routing numbers, depository institutions should consult the Rand McNally publication entitled "Key to Routing Numbers."

[6] RCPC zones are designated areas within the territories of Federal Reserve offices, but outside Federal Reserve cities. In these zones the Federal Reserve is able to present checks for payment and collection on the same day they are deposited at the local Federal Reserve office.

to presentment, settlement, adjustments and returns. As a result, the fee for package sorts is lower than the fees for all other categories of cash letters at the collecting Federal Reserve and later cut-off hours are applicable to package sort cash letters. Credit is passed by the local Federal Reserve office according to the same availability schedule for the type of items contained in the package sort cash letter (e.g., city, country, or RCPC).

e. *Group Sort.* Each group sort cash letter contains checks of a specific type (e.g., city, RCPC, or country) drawn on two or more depository institutions that are designated by the collecting Federal Reserve office. Because the depositing institution has already done some sorting, this service requires less handling by the Federal Reserve than some other deposit types and the fee reflects this difference. Later cut-off hours are applicable to group sort cash letters and credit is passed to depositing institutions by the local Federal Reserve office according to the schedule for the type of items in the cash letter—city, RCPC, and country items.

3. *Interterritory cash letters sent to other Federal Reserve offices.*

Before an attempt is made to use interterritory cash letter deposit services an institution must obtain prior authorization from its local Federal Reserve office to assure accurate and timely handling. After obtaining prior authorization, depositing institutions may send cash letters to the appropriate Federal Reserve office other than the local Federal Reserve office. The purpose of this method of deposit is to improve availability, generally. Such interterritory deposits of cash letters must be destined for the collecting Federal Reserve office; that is, the office responsible for presenting the items in the cash letters to the payor institutions within its territory.

Depositing institutions should consult with their local Federal Reserve office about the availability of each cash letter service at other Federal Reserve offices.

There are two ways in which transportation of interterritory deposits can be arranged: consolidated shipments and direct shipments. Descriptions of these arrangements are outlined on the following page:

a. *Consolidated Shipments.* Consolidated shipment cash letters are delivered to the local Federal Reserve office for shipment to the collecting Federal Reserve office. Since the items are not processed by the local Federal Reserve office, the total fee for these items is the sum of: (a) a surcharge for consolidated shipments to recover the cost of transporting these checks between Federal Reserve offices, and (b) the appropriate item fee at the collecting Federal Reserve office. Cash letters eligible for consolidated shipment are: city, RCPC, country, non-machineable, package sort, and group sort. Credit for these deposits is given by the local Federal Reserve office according to availability schedules for consolidated shipments.

b. *Direct Shipments.* Direct shipment ("direct sends") cash letters are those for which transportation to the collecting Federal Reserve office is arranged by the depositing institution. Fees for direct shipment cash letter deposits are the same as fees to be charged to local depository institutions for the respective class of items at the collecting Federal Reserve office. Cash letters eligible for direct shipment are: city, RCPC, country, non-machineable, package sort, and group sort. Credit for these deposits is given by the local Federal Reserve office based on availability schedules for direct shipments.

4. *Non-machineable cash letter deposits.*

Non-machineable cash letters contain checks which were rejected from the reader-sorter equipment of a depositing financial institution, as well as those checks that are mutilated or cannot be computer processed. Fees for non-machineable checks reflect the additional manual handling required to process these exception items. Credit for non-machineable checks is generally deferred one day beyond normal availability for the same type check (e.g., credit for a city non-machineable check would be available the day after timely deposit at the collecting Federal Reserve office).

B. Fee Schedules

Each fee in the check service fee schedule covers receiving, sorting, reconciling and delivery. These fees do not include charges for special intraoffice deposit arrangements that individual Reserve Banks may establish.

The per item fees include the costs associated with returns and adjustments. However, consideration is being given to the establishment of separate prices for return items. No charges will be made for postal money orders or U.S. Treasury checks deposited separately because such processing is conducted by the Federal Reserve as part of its fiscal agency responsibilities. When such items are not deposited separately, they will be assessed the same fee as commercial checks deposited in mixed cash letters.

The term "collecting Federal Reserve office," as used in the fee schedule, refers to the Federal Reserve office responsible for presenting cash letters to the institutions within its territory. Thus, the local Federal Reserve office would be the collecting Federal Reserve office if the institution on which the checks are drawn is located within the same Federal Reserve territory as the depositing institution.

[FR Doc. 81-9919 Filed 4-2-81; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Availability of Swine Influenza Vaccine for Research Purposes

The Centers for Disease Control (CDC) will make available to responsible researchers quantities of A/New Jersey/76 (Hsw1N1) vaccine (swine flu vaccine) for laboratory purposes. This vaccine is not licensed and cannot be used in humans. The potency of the vaccine cannot be guaranteed. It will be made available, in quantities up to 10 liters (20,000 doses), to researchers in university or Government settings or recognized research institutes. Shipping costs will be paid by CDC for transportation of this vaccine to researchers in the United States or Canada. Researchers in other countries must make shipping arrangements and pay shipping costs. Interested research investigators should send requests to: Director, Immunization Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

A separate letter from the director of the requesting institution must be submitted verifying that the researcher is affiliated with that institution. All request must be received by June 15, 1981.

Dated: March 25, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-10091 Filed 4-2-81; 8:45 am]
BILLING CODE 4110-86-M

Food and Drug Administration

[Docket No. 80N-0429]

Pembroke Elevator and Seed Co.; Withdrawal of Approval of Applications for Animal Feeds Bearing or Containing New Animal Drugs

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws

approval of applications for animal feeds bearing or containing a new animal drug (Form FD–1800) held by Pembroke Elevator and Seed Co., Box 89, Pembroke, KY 42266. This action is being taken because the firm failed to respond to a notice of opportunity for hearing proposing to withdraw the applications.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Frank G. Pugliese, Bureau of Veterinary Medicine (HFV–234), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3460.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 28, 1980 (45 FR 79165), FDA issued a notice of opportunity for hearing proposing to withdraw approval of the following applications for the manufacture of medicated feeds bearing or containing a new animal drug held by Pembroke Elevator and Seed Co.:

1. F 103–061 for animal feeds containing carbadox and pyrantel tartrate; approved January 22, 1976.

2. F 103–062 for animal feeds containing carbadox; approved January 23, 1976.

3. F 104–882 for animal feeds containing virginiamycin; approved May 26, 1976.

The notice stated that the Director of the Bureau of Veterainary Medicine was proposing to issue an order under section 512(m)(4)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(m)(4)(B)(ii)), withdrawing approval of the listed applications and all amendments and supplements thereto because new information showed that the methods used in, and the controls used for, the manufacture and processing of animal feeds bearing or containing new animal drugs were inadequate to ensure and preserve the identity, strength, quality, and purity of the new animal drugs contained therein, and that they were not made adequate within a reasonable time after receipt of written notice specifying the deficiencies. The firm was given until December 29, 1980, to file a written appearance requesting a hearing.

Pembroke Elevator and Seed Co. has failed to respond to the notice within the 30-day period provided, as required by § 51.200 *Contents of notice of opportunity for a hearing* (21 CFR 514.200). This failure is construed as an election by the firm not to avail itserf of the opportunity for hearing and is grounds for entering a final order without further notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(m), 82 Stat. 343–351 (21 U.S.C. 360b(m))), 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), approval of applications for animal feeds bearing or containing new animal drugs F 103–061, F 103–062, and F 104–882 held by Pembroke Elevator and Seed Co. is hereby withdrawn, effective April 13, 1981.

Dated: March 25, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–10012 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0076]

Calgon Corp.; Acrylamide-Acrylic Acid Resin

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the Calgon Corp. has filed a petition (FAP–2184) proposing that the regulations be amended to provide for the safe use of acrylamide-acrylic acid resin as a flocculant in nonmedicated aqueous suspensions intended for addition to animal feeds.

FOR FURTHER INFORMATION CONTRACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP–2184) has been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230, proposing that § 573.120 *Acrylamide-acrylic acid resin* (21 CFR 573.120) be amended to provide for the safe use of acrylamide-acrylic acid resin as a flocculant in nonmedicated aqueous suspensions intended for addition to animal feeds.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated March 25, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–10013 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0081]

Concentrados Marinos, S.A.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Concentrados Marinos, S.A., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of refined fish protein prepared from the edible portions of wholesome fresh fish by a process which removes viscera, bones, heads, and tails.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP) 1A3538) has been filed by the law offices of Weitzman & Rogal, 1320 19th St. NW., Washington DC 20036, on behalf of Concentrados Marinos, S.A., P.O. Box/Casilla 4441 Lima 100, Peru, proposing that Subpart D of Part 172 (21 CFR 172) of the food additive regulations be amended by adding a new section to provide for the use of refined fish protein as a food supplement.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 23, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–10011 Filed 4–2–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-3497, N-3762, N-4132, N-4355, N-4789, N-5411, N-5419, N-6941, N-6089, Nev-012427, N-9451, N-16675]

Nevada Order Providing for Opening of Public Lands

March 24, 1981.

In exchanges of lands under the provisions of section 8 of the Act of June 28, 1934, as amended, the following described lands were reconveyed to the United States:

(N-3497), Mount Diablo Meridian

T. 39 N., R. 24 E.,
Sec. 2, S½SW¼, NW¼SW¼;
Sec. 3, S½SW¼, NE¼SW¼, N½SE¼;
Sec. 9, NE¼NE¼, S½NE¼;
Sec. 10, NW¼NW¼.

The area described comprises 480 acres.

The lands lie within Humboldt County and are located approximately 1 to 3 miles northeast of High Rock Lake.

All minerals, except mines of gold, silver, copper, lead, cinnabar or other valuable minerals in existence at the time the State of Nevada originally transferred title to the land, were reconveyed through this exchange to the United States.

(N-3762), Mount Diablo Meridian

T. 47 N., R. 39 E.,
Sec. 21, E½NW¼.

The area described comprises 80 acres.

The lands lie within Humboldt County and are located approximately one mile southeast of the Fort McDermitt Indian Reservation and one-half mile west of Humboldt National Forest land.

All minerals in these lands were reconveyed to the United States.

(N-4132), Mount Diablo Meridian

T. 38 N., R. 41 E.,
Sec. 2, S½SW¼, SW¼SE¼;
Sec. 10, W½NE¼, SE¼NE¼, S½;
Sec. 11, all;
Sec. 13, all;
Sec. 14, N½;
Sec. 21, all;
Sec. 22, NE¼SW¼;
Sec. 23, all;
Sec. 27, all;
Sec. 28, NW¼NE¼;
Sec. 29, E½, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 33, all.

The area described comprises 5,280 acres.

All minerals were reconveyed to the United States on the following described lands:

T. 38 N., R. 41 E.,
Sec. 10, NW¼NE¼, SE¼, SE¼NE¼;
Sec. 14, W½NE¼, SE¼NE¼, NW¼.

The lands lie within Humboldt County and are located in the area of the Osgood Mountains approximately 20 miles northeast of Winnemucca.

(N-4355), Mount Diablo Meridian

T. 46 N., R. 35 E.,
Sec. 13, W½NW¼, SE¼SE¼;
Sec. 24, NE¼NE¼;
Sec. 25, NE¼NE¼.
T. 46 N., R. 36 E.,
Sec. 5, Lots 2, 3, 4;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼, NE¼NW¼, SW¼NW¼;
Sec. 30, Lot 1, NW¼NE¼, NE¼NW¼.

The area descirbed comprises 63.10 acres.

The lands lie within Humboldt County and are located in the Jordan Meadow Flat area approximately 10 to 15 miles southwest of McDermitt.

No minerals in these lands were reconveyed to the United States.

(N-4789), Mount Diablo Meridian

T. 33 N., R. 38 E.,
Sec. 11, all;
Sec. 25, all.
T. 33 N., R. 39 E.,
Sec. 15, all;
Sec. 21, all;
Sec. 29, E½NE¼, E½SW¼NE¼, NW¼, S½.

The area described comprises 3,140 acres.

The lands lie within Humboldt and Pershing Counties and are located in the Grass Valley and Sonoma Mountain Range approximately 20 miles south and southeast of Winnemucca.

No minerals in these lands were reconveyed to the United States.

(N-5411), Mount Diablo Meridian

T. 33 N., R. 37 3.,
Sec. 5, Lots 1, 5, 6, 8, 9, 10, S½NE¼, SW½, S½NW¼, S½NW¼NW¼;
Sec. 7, Lots 1, 2, E½SE¼SW¼, NE¼SW¼, E½NW¼, NE¼, E½SE¼, SW¼SE¼.
T. 33 N., R. 38 E.,
Sec. 1, Lots 2, 3, S½N½, S½;
Sec. 3, all.
T. 34 N., R. 38 E.,
Sec. 1, Lots 1, 2, 3, 4, S½NE¼, SE¼, E½SW¼, S½NW¼;
Sec. 3, all;
Sec. 9, N½, SE¼;
Sec. 11, all;
Sec. 13, all;
Sec. 15, E½, NE¼NE¼NW¼, W½NE¼NW¼, NW¼SE¼NW¼, W½NW¼;
Sec. 23, all;
Sec. 25, all;
Sec. 27, all;
Sec. 35, N½, N½SE¼SE¼, N¼SE¼, SE¼SE¼SE¼, W½SW¼SE¼, SW¼.
T. 32 N., R. 39 E.,
Sec. 5, Lots 1, 2, S½ of Lot 3, S½NE¼, SE¼NW¼, S½SW¼NW¼;
Sec. 7, NW¼.
T. 33 N., R. 39 E.,
Sec. 31, NE¼, N¼SE¼, W½.
T. 34 N., R. 39 E.,
Sec. 5, Lots 3, 4, SW¼, S½NW¼;
Sec. 7, all;
Sec. 17, W½;
Sec. 19, all;
Sec. 29, W½;
Sec. 31, all.
T. 35 N., R. 39 E.,
Sec. 31, Lots 1, 2, 3, 4, E½, E½W½.

The area described comprises 12,539.77 acres.

The lands lie within Humboldt and Pershing Counties and are located in the Grass Valley, Sonoma Mountain Range area approximately 10 to 20 miles southeast of Winnemucca.

No minerals in these lands were reconveyed to the United States.

(N-5419), Mount Diablo Meridian

T. 42 N., R. 37 E.,
Sec. 12, SE¼NE¼.
T. 43 N., R. 40 E.,
Sec. 14, SE¼SW¼.

The land described comprises 80 acres.

The lands lie within Humboldt County and are located approximately two miles southeast of Orovada and approximately 10 miles northeast of Paradise Valley.

All minerals, except mines of gold, silver, cooper, lead, cinnabar or other valuable minerals in existence at the time the State of Nevada originally transferred title to the land, were reconveyed through this exchange to the United States.

(N-6941), Mount Diablo Meridian

T. 39 N., R. 38 E.,
Sec. 10, SW¼NW¼.

The area described comprises 40 acres.

The lands lie within Humboldt County and are located approximately one mile south of the junction of Highways US 95 and A approximately 20 miles north of Winnemucca.

All minerals in these lands were reconveyed to the United States.

(N-6089), Mount Diablo Meridian

T. 11 N., R. 63 E.,
Sec. 13, SW¼SE¼, S½SW¼;
Sec. 23, N¼NE¼;
Sec. 24, NW¼NW¼;
Sec. 30, NE¼SE¼.
T. 13 N., R. 63 E.,
Sec. 2, Lots 3, 4, SE¼NW¼, SE¼;
Sec. 3, NE¼SW¼, NW¼SE¼;
Sec. 7, S½SE¼;
Sec. 8, W½NW¼SW¼;
Sec. 9, SE¼SE¼;
Sec. 10, N½N½, SW¼NW¼;
Sec. 11, N½NE¼, NW¼NW¼;
Sec. 12, W½NW¼;
Sec. 16, N½NE¼, SW¼NE¼, NW¼SW¼, SE¼;
Sec. 18, Lot 1, NE¼NW¼;
Sec. 21, NE¼;

Sec. 35, NE¼NE¼.

The area described comprises 1,780.28 acres.

The lands lie within White Pine County and are located 10 miles northeast of Preston and 6 miles southeast of Lund.

No minerals in these lands were reconveyed to the United States.

(Nev-012427)

T. 28 N., R. 58 E.,
Sec. 9, SW¼SW¼;
Sec. 16, W½NE¼.

The area described comprises 120 acres.

The lands lie within Elko County and are located approximately one-quarter mile south of Franklin Lake.

All minerals in these lands were reconveyed to the United States.

Subject to valid existing rights, all the land described above (24,452.15 acres) is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws where the minerals have been reconveyed to the United States, at 10 a.m. on May 8, 1981.

All valid applications received at or before 10 a.m. on May 8, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The following lands sold under the Public Land Sale Act of 1964 were reconveyed to the United States by Humboldt County:

(N-9451), Mount Diablo Meridian

T. 47 N., R. 30 E.,
Sec. 4, SE¼NW¼SW¼.

The area described comprises 10 acres.

The lands lie in Humboldt County and are located in close proximity to the town of Denio on the Nevada-Oregon border.

All minerals in these lands are reserved to the United States.

(N-16675), Mount Diablo Meridian

T. 39 N., R. 38 E.,
Sec. 4, S½S½SE¼SE¼.

The area described comprises 10 acres.

The lands lie within Humboldt County and are located in close proximity to the junction of US 95 and 8A approximately 20 miles north of Winnemucca.

All minerals in these lands are reserved to the United States.

Subject to valid existing rights, all the land described above (20 acres) is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws, at 10 a.m. on May 8, 1981.

All valid applications received at or before 10 a.m. on May 8, 1981., shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning this land should be addressed to Chief, Division of Technical Sevices, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief Division of Technical Services.

[FR Doc. 81-9876 Filed 4-2-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby amend the notices published in the **Federal Register** on July 22, 1980 (45 FR 48949) and September 16, 1980 (45 FR 61376) relating to the exhibit "The Search for Alexander" by adding one art object to the list of items covered and by adding to the places of exhibition or display. The Pella mosaic is of cultural significance and will be imported pursuant to an agreement between The National Gallery of Art and a foreign lender. The extension of the exhibition to the New Orleans Museum of Art, beginning on or about June 24, 1982, to on or about September 19, 1982, and the Metropolitan Museum of Art, New York, N.Y., beginning on or about October 30, 1982, to on or about February 20, 1983, is in the national interest.

Public notice of this amendment of the determination is ordered to be published in the **Federal Register.**

Dated: March 31, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-10106 Filed 4-2-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

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-Chicago, Milwaukee, St. Paul and Pacific Railroad Company located at 516 West Jackson Blvd., Chicago, IL 60606.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) The Milwaukee Motor Transportation Company, 10800 Franklin Avenue, Franklin Park, IL 60131 100% stock ownership.

(b) The Milwaukee Land Company, 516 West Jackson Blvd., Chicago, IL 60606 100% stock ownership.

(c) MTI, Inc., 10800 Franklin Avenue, Franklin Park, IL 60131 100% stock ownership by The Milwaukee Motor Transportation Company.

(d) Washington, Idaho & Montana Railway Company, 516 West Jackson Blvd., Chicago, IL 60606 100% stock ownership by The Milwaukee Land Company.

(e) MNT, Inc., 509 Midland Bank Bldg., Billings, MT 59101 100% stock ownership by The Milwaukee Land Company.

3. The Milwaukee Motor Transportation Company is the motor common carrier who will be providing the compensated trucking service for all the corporate family members of above described.

1. Parent corporation—The Coastal Corporation, Nine Greenway Plaza, Houston, TX 77046. State of Incorporation—Delaware.

2. Wholly owned subsidiaries participating in CHI operations:

Subsidiary corporation and State of incorporation

Belcher Co. of Alabama, Inc., Alabama
Belcher Co. of Georgia, Inc., Georgia
Belcher Co. of New York, Inc., Delaware
Belcher Co. of Tennessee, Inc., Tennessee
Belcher Co. of Texas, Inc., Delaware
Belcher New England, Inc., Massachusetts
Belcher Oil Company, Florida
Belcher Oil Co. of Pensacola, Florida
Belcher Terminals, Inc., Florida
Belcher Towing Company, Florida
Border Exploration Company, Texas
CIG Exploration, Inc., Delaware
Coastal Oil & Gas Corporation, Delaware
Coastal States Crude Gathering Co., Texas
Coastal States Energy Company, Texas
Coastal States Management Corp., Delaware
Coastal States Marketing, Inc., Texas
Coastal States Petroleum Co., Delaware
Coastal States Trading, Inc., Delaware
Coastal Uranium, Inc., Texas
Colorado Interstate Gas Co., Delaware
Cosbel Petroleum Corporation, Delaware
Coscol Marine Corporation, Texas
Derby Refining Company, Delaware
Intrepid Marine, Inc., Delaware
Pacific Refining Company, Delaware
Sequoia Tankers, Inc., Delaware
Southern Utah Fuel Co., Delaware
Texas Tank Ship Agency, Inc., Delaware

Texcol Gas Services, Inc., Texas
Utah Fuel Company, Delaware
Western Fuel Oil Company, California
Wycon Chemical Company, Delaware

1. The parent corporation and address of principal office: Color Tile, Inc. (a Delaware corporation), 1700 One Tandy Center, Fort Worth, Texas 76102.

2. The wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Color Tile Supermart, Inc., a Colorado corporation.

(ii) Color Tile Manufacturing, Inc., a Texas corporation.

1. Dana Corporation, 4500 Dorr Street, Toledo, Ohio, 43615, is the parent corporation.

2. Wholly-owned subsidiaries which will participate in the operations and State(s) of incorporation are—

i. Wix Corporation, a Delaware Corporation.

ii. Tyrone Hydraulics, Inc., a Delaware Corporation.

iii. Lantex Hydraulics, Inc., a Delaware Corporation.

iv. Gresen Manufacturing Company, Delaware Corporation.

v. Michigan Wheel Corporation, a Delaware Corporation.

vi. Wilson-Wichita, Inc., a Delaware Corporation.

vii. Omicron, Inc., a Michigan Corporation.

1. Parent corporation and address of principal office: Graham Engineering Corporation, 1420 Sixth Avenue, York, Pennsylvania 17405.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(i) Graham Architectural Products Corporation, 1551 Mt. Rose Avenue, York, Pennsylvania 17403, Incorporated in Pennsylvania.

(ii) Graham Container Corporation, 1420 Sixth Avenue, York, Pennsylvania 17405, Incorporated in Pennsylvania.

1. Parent corporation and Headquarters and address of principal office: Hitachi Metals International, Ltd., One Red Oak Lane, White Plains, New York 10604.

2. Divisions and wholly-owned subsidiaries which will participate in the operations, and addresses of their principal offices:

(a) Hitachi Metals America, Div. of Hitachi Metals International, Ltd., One Red Oak Lane, White Plains, New York 10604.

(b) Hitachi Maxco, 5920 E. Slauson Avenue, City of Commerce, California 90040.

(c) Hi-Specialty America, Arona Road, P.O. Box 442, Irwin, Pennsylvania 15642.

(d) Hitachi Magnetics Corp., Neff Road, Edmore, Michigan 48829.

(e) American Magnetics Company, Inc., 342 North County Road, 400 East, Valparaiso, Indiana 46383.

(f) Hitachi Magna Lock Corp., 1020 East Maple Street, Big Rapids, Michigan 49307.

1. Parent corporation and address of principal office: Munford, Incorporated, P.O. Box 7701, Station C, 1860–74 Peachtree Street, Atlanta, Georgia 30357.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(I) A.T.L., Inc. Division—Georgia.

(II) Majik Market Division—Georgia.

(III) World Bazaar Division—Georgia.

(IV) Munford Refrigerated Warehouses Division—Georgia.

1. Parent corporation and address of principal office: Patten Industries, Inc., 635 West Lake Street, Elmhurst, Illinois 60126.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) TransLift, Inc., an Illinois corporation.

(ii) Powertron, Inc., an Illinois corporation.

(iii) Wisconsin TransLift Inc., a Wisconsin corporation.

1. Parent corporation and address of principal office: Rapid-American Corporation, 888 Seventh Avenue, New York, New York 10106.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) McCrory Corporation, 888 Seventh Avenue, New York, New York 10106.

(b) J. J. Newberry Co., 888 Seventh Avenue, New York, New York 10106.

(c) Otasco, Inc., 11333 East Pine, Tulsa, Oklahoma 74116.

(d) Lerner Stores Corporation, 460 West 33rd Street, New York, New York 10001.

(e) Schenley Distillers, Inc., 36 East 4th Street, Cincinnati, Ohio 45020.

(f) Schenley Affiliated Brands Corp., 888 Seventh Avenue, New York, New York 10106.

(g) Tennessee Dickel Distilling Co., Tullahoma, Tennessee 37388.

(h) Anvil Brand, Incorporated, 888 Seventh Avenue, New York, New York 10106.

(i) The Botany Shirt Company, Inc., 1290 Avenue of the Americas, New York, New York 10019.

(j) Beau Brummell Ties, Inc., 440 East McMillan, Cincinnati, Ohio 45206.

(k) Gilead Manufacturing Corporation, 200 Madison Avenue, New York, New York 10016.

(l) Wonderknit Corporation, 350 Fifth Avenue, New York, New York 10001.

(m) McGregor-Doniger, Inc., 1290 Avenue of the Americas, New York, New York 10019.

(n) Rapid Distribution Service, Inc., 2392 N. DuPont Highway, Dover, Delaware 19901.

Additional Subsidiaries

(o) Melville Knitwear Co., Inc., 8 Freer Street (P.O. Box 877), Lynbrook, New York 11563.

(p) Shenandoah Corporation, P.O. Box 551, Charles Town, West Virginia 25414.

(q) Charles Town Turf Club, Inc., P.O. Box 551, Charles Town, West Virginia 25414.

(r) Plastic Toy and Novelty Corp., 5801 Second Avenue, Brooklyn, New York 11220.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10093 Filed 4-2-81; 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.

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. OP1-095

Decided March 25, 1981

By the Commission, Review Board No. 1, Members Parker, Chander, and Taylor.

MC 153990 (Sub-1), filed February 6, 1981. Applicant: PERSONAL MOVING & STORAGE SERVICE, INC., 88 Cambridge St., Burlington, MA 01803. Representative: W. H. Tomlinson, P.O. Box 7966, Columbus, GA 31906 (404) 563-1120. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Boyd Corporation of Woburn, MA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10097 Filed 4-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Correction

The following volumes were incorrectly published on March 6, 1981 under the nonfitness standards and are being republished this issue to reflect that the applications fall under the fitness guidelines.

The following applications, filed on or about July 3, 1981, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any any applicant upon request and payment to applicant of $10.

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 become unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume OPI-055

Decided: February 25, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 154161, filed February 4, 1981. Applicant: GEORGE A. MARTIN, 14 Jacobs Trail/Ames Lake, North Easton, MA 02356. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizes, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3-186

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 106775 (Sub-46), filed February 2, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 136844 (Sub-5), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877 Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10092 Filed 4-2-81; 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. Speical 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 repesentative upon request and payment to applicant's representative of $10.

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.

Finding

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. OP1–096

Decided: March 26, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 35320 (Sub-648), filed March 16, 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) 745–7263. Transporting *General commodities* (except classes A and B explosives), serving points in Phillips County, AR, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 35320 (Sub-649), filed March 16, 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) 745–7263. Transporting *general commodities* (except classes A and B explosives), serving points in Fannin County, GA, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 52921 (Sub-40), filed March 3, 1981. Applicant: RED BALL, INC., 801 North Mission, P.O. Box 520, Sapulpa, OK 74066. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135, (918) 496–3122. Transporting (1) *clay, concrete, glass or stone products*, and (2) *containers*, between points in Creek County, OK, on the one hand, and, on the other, points in the U.S.

MC 59150 (Sub-187), filed March 16, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clow Corporation of Oak Brook, IL.

MC 59150 (Sub-188), filed March 16, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives), between the facilities of Johns-Manville Corporation, at points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 60430 (Sub-37), filed March 4, 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 NJ, and those in PA on and east of U.S. Hwy 15, on the one hand, and, on the other, points in CT, MA, and RI.

MC 104430 (Sub-65), filed February 9, 1981, and previously noticed in FR issue of March 16, 1981. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *commodities in bulk*, between points in Peoria County, IL, Jackson County, MS, Rock County, WI, and St. John the Baptist Parish, LA, on the one hand, and, on the other, points in FL, GA, LA, MS, NC, SC, and TX. Note: This republication shows Peoria County, IL in lieu of Tazewell County, IL, in the radial territory.

MC 111401 (Sub-614), filed March 16, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant) (405) 234–4663. Transporting *chemicals*, between points in Cameron County, TX, on the one hand, and, on the other, points in Brazos County, TX.

MC 135231 (Sub-57), filed March 2, 1981. Applicant: NORTH STAR TRANSPORT, INC., Route 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 *ores and minerals*, and *chemicals and related products*, between the facilities of Morton Salt Division of Morton-Norwich Products, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135381 (Sub-9), filed March 13, 1981. Applicant: DRUM TRANSPORTATION COMPANY, a Corporation, R.D. #1, Montogomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *lumber and wood products, metal products, and machinery*, between points in the U.S. under continuing contract(s) with Pohl Corporation of Reading, PA.

MC 135691 (Sub-56), filed March 13, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE

68506, (402) 489–3585. Transporting *containers and container accessories*, between points in Lowndes, Clinch and Clayton Counties, GA, Pearl River County, MS, and Duval County, FL, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-57), filed March 13, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Dr., Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6645, Lincoln, NE 68506, (402) 489–3585. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tenneco West, Inc., of Bakersfield, CA.

MC 143351 (Sub-5), filed March 17, 1981. Applicant: DANTRAC, INC., 602 Airport Road, Greenville, SC 29606. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *textile mill products*, between points in GA, NC, and SC, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA (except HI and AK).

MC 145441 (Sub-147), filed March 12, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant), (501) 945–4103. Transporting *pulp, paper and related products*, between points in Ouahita County, LA, on the one hand, and, on the other, points in the U.S.

MC 145930 (Sub-10), filed February 10, 1981, and previously noticed in the **Federal Register** issue of March 4, 1981. Applicant: WILLIAM E. BOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting *cleaning abrasives*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the commodity description.

MC 146360 (Sub-26), filed March 6, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 26656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *furniture and fixtures*, between Los Angeles, CA, and points in Hartford County, CT, and Wayne County, IN, on the one hand, and, on the other, Memphis, TN, and points in OK, TX, NM, CO, KS, WY, MT, NE, and IA.

MC 147941 (Sub-6), filed March 16, 1981. Applicant: WAYNE MOLES TRUCKING CO., 1313 Southwest 3rd St., Oklahoma City, OK 73108 Representative: Wayne Moles (same address as applicant), (800) 654–4545. Transporting (1) *lumber and wood products*, (2) *metal products*, and (3) *machinery*, between points in the U.S., under continuing contract(s) with Acme Fence and Iron of Norman, OK, Sooner Tank & Pipe Supply, of Edmond, OK, and Garrett Oilfield Supply, of Bethany, OK.

MC 148380 (Sub-9), filed March 16, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Picoma Industries, Inc., of Martins Ferry, OH.

MC 148800 (Sub-2), filed March 13, 1981. Applicant: ATLANTA-CHARLOTTE EXPRESS, INC., P.O. Box 31004, Charlotte, NC 28231. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westransco Freight Company of Los Angeles, CA. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 149351 (Sub-3), filed March 13, 1981. Applicant: HEYMAN TRUCKING, INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *food and related products*, between points in Chester County, PA, on the one hand, and, on the other, points in CA.

MC 149591 (Sub-2), filed March 13, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in Cass County, ND, on the one hand, and, on the other, points in the U.S.

MC 150050, filed March 10, 1981. Applicant: FLEET ROAD SERVICE, INC., 558 West 20th Place, Chicago, IL 60616. Representative: Gilbert J. Green, 5957 South Rutherford Ave., Chicago, IL 60638, (312) 254–4500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Midas International Corporation of Chicago, IL, (b) Dresser Industries, Hand Tool Division of Franklin Park, IL, and (c) CR Industries of Elgin, IL.

MC 150221 (Sub-7), filed March 12, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Beverage-Air, a Company of Tannetics, Inc., of Spartanburg, SC.

MC 150221 (Sub-8), filed March 12, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tietex Corporation, and Tietex Fabrics, Ltd., of Spartanburg, SC.

MC 150231 (Sub-11), filed March 13, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Steve Williams (same address as applicant), (501) 773–7638. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Slaughter Brothers, Inc., of Dallas, TX.

MC 151330, filed March 12, 1981. Applicant: ANGEL TOURS, INC., 880 Oradell Ave., Oradell, NJ 07649. Representative: Betty Cogliser (same address as applicant), (201) 967–1614. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in NJ, NY, and PA, and extending to points in the U.S.

MC 151471 (Sub-7), filed March 17, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *general comodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Smitty's Super Valu, Inc., of Phoenix, AZ.

MC 152161 (Sub-2), filed March 13, 1981. Applicant: PONSELL SUPPLY CO., INC., 1702 Swan St., Jacksonville, FL 32204. Representative: Norman J. Bolinger, 3100 University Blvd. So., Suite 225, Jacksonville, FL 32216, (904) 724–7539. Transporting *building materials*, between points in FL, GA, and SC.

MC 152941 (Sub-1), filed March 9, 1981. Applicant: GENE ELLIS BARKER, JR., d.b.a. BARKER TRANSPORTATION, P.O. Box 12067, El Paso, TX 79912. Representative: Gene Ellis Barker, Jr. (same address as applicant). Transporting *used household goods, personal effects, and used motor vehicles,* between points in the U.S., under continuing contract(s) with ITO–El Paso—International Transport Organization, Inc., of El Paso, TX.

MC 153311 (Sub-1), filed March 13, 1981. Applicant: C & D TRANSPORT, INC., P.O. Box 687, Fruitland, ID. Representative: George Christoffersen, P.O. Box 416, Homedale, ID, (208) 337–3634. Transporting *lumber and wood products,* and rubber and plastic products, between points in ID, on the one hand, and, on the other, points in the U.S.

MC 154261 (Sub-1), filed March 16, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Ave., Cleveland, TN 37311. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402, (615) 756–3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Industrial Chemical Co., Inc., of Birmingham, AL, (2) Specialty Chemical Co., Inc., of Cleveland, TN, and (3) S & S Mills, Inc., of Dalton, GA.

MC 154580 (Sub-1), filed March 9, 1981. Applicant: MEL-RO TRANSPORT, INC., Route 8, Old Cheney Rd., Lincoln, NE 68501. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *lumber and wood products, metal products, and building materials,* between points in Lancaster County, NE, on the one hand, and, on the other, points in the U.S.

MC 154670, filed March 10, 1981. Applicant: STUDENT SERVICES—TIDEWATER, INC., 211 Water St., Charlottesville, VA 22901. Representative: Charles K. Chandler (same address as applicant), (804) 977–2705. Transporting *household goods* between Charlottesville, VA, and points in Albemarle, Nelson, Buckingham, Fluvanna, Louisa, Orange, Greene, Rockingham, and Augusta Counties, VA, on the one hand, and, on the other, points in MD, DE, NJ, NY, MA, PA, WV, NC, SC, GA, FL, TN, OH, and DC.

MC 154680, filed March 5, 1981. Applicant: BARR TRAVEL SERVICE, Route 2, Box 285, King, NC 27021. Representative: Rachael Napier Barr (same address as applicant), (919) 983–9242. *As a broker* at King, NC, in arranging for the transportation of *passengers and their baggage,* in round-trip, special or charter operations, beginning and ending at points in Forsyth County, NC, and extending to points in the U.S.

MC 154691, filed March 13, 1981. Applicant: C & P TOWING, INC., 1504 Philadelphia Road, Joppa, MD 21085. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, (301) 587–8656. Transporting *transportation equipment and machinery,* between those points in the U.S. in and east of WI, IL, KY, TN, MS, and LA.

MC 154721, filed March 13, 1981. Applicant: DOLORES GALLEGOS JOHNSTONE and WILLIAM E. JOHNSTONE, a Partnership, 6126 N.E. 60th, Portland, OR 97218. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products,* between Portland, OR, on the one hand, and, on the other, points in Los Angeles County, CA.

MC 154741, filed March 13, 1981. Applicant: HENRY C. KESSLER, III, d.b.a. HENRY KESSLER TRUCKING, 701 Pennsylvania Ave., York, PA 17404. Representative: Norman T. Petow, 43 North Duke St., York, PA 17401, (717) 843–8004. Transporting *lumber and wood products,* between points in York County, PA, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, ME, NC, NJ, NY, OH, RI, SC, TN, WV, VA, and DC.

MC 154760, filed March 13, 1981. Applicant: JEFFREY C. GALANTE, d.b.a. GALANTE'S MARINE TRANSPORT, 1812 Grantwood Dr., Toms River, NJ 08753. Representative: Jeffrey C. Galante (same address as applicant), (201) 270–0605. Transporting *boats, boat trailers, and marine equipment,* between points in NJ, NY, CT, RI, MA, DE, MD, VA, NC, SC, GA, FL, PA, OH, IL, IN, MI, WI, and AL.

MC 154720, filed March 16, 1981. Applicant: GARDEN STATE TOURS, 300 Chester Ave., Moorestown, NJ 08057. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in NJ and PA, and extending to points in ME, NH, VT, NY, PA, CT, MD, DE, VA, FL, WY, MI, TN, and CO.

MC 154780, filed March 17, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10095 Filed 4-2-81; 8:45 am]

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[Volume No. 52]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 30, 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 4687 (Sub-30)X, filed March 9, 1981. Applicant: BURGESS & COOK, INC., P.O. Box 458, 21 N. 2nd St., Fernandina Beach, FL. Representative: W. T. Waas (same address as applicant) Applicant seeks to remove restrictions in its Sub-Nos. 5, 11, 14, 17F, 18F, 20F, 23F, 25F and 26F certificates to (1) broaden the commodity descriptions (a) from clay, in bags to "clay, concrete,

glass or stone products", in Sub-No. 5 (b) from paint in Sub-No. 11 and polyethylene products (except commodities in bulk) in Sub-No. 17F to "chemicals and related products", (c) from waste products intended for refuse or recycling, except commodities in bulk, and used pallets to "waste or scrap materials not identified by industry producing and lumber and wood products" in Sub-No. 14, (d) from plastic articles and materials (except commodities in bulk) and equipment and supplies used in the manufacture and distribution of those commodities to "rubber and plastic products", and Sub-Nos. 18F and 25F, (e) from insulation and insulation materials (except commodities in bulk) in Sub-No. 20F, and insulation in Sub-No. 26F to "building materials", and (f) from paper and paper products and materials and supplies used in the manufacture and distribution of those commodities (except in bulk) to "pulp, paper and related products" in Sub-No. 23F; (2) broaden the territorial description by substituting county-wide authority for named points and substitute radial authority for existing one-way authority: in Sub-No. 5, between Jefferson, Bibb, and Wilkinson Counties, GA (Wrens, Macon, McIntyre, GA) and Duval County, FL (Jacksonville, FL); in Sub-No. 11, between Newton County, GA (Covington, GA) and FL; in Sub-No. 14, between AL, GA, FL, GA, SC and Duval and Nassau Counties, FL (Jacksonville and Fernandina Beach, FL); in Sub-No. 17F, between Duval County, FL (Jacksonville, FL) and AL, FL, and GA; in Sub-No. 20F, between Jefferson County, AL (Leeds, AL) and FL and GA; in Sub-No. 25F, between AL, NC, SC, TN, TX, VA and FL; and, in Sub-No. 26F, between Nash County, NC, and AL, FL, GA, SC, MS, KY, LA, and TN; and (3) delete plantsite restrictions in Sub-Nos. 11 and 18F.

MC 95612 (Sub-7)X, filed March 23, 1981. Applicant: M. W. LEAHY CO., INC., P.O. Box 187, Ayer, MA 01432. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Applicant seeks to remove restrictions in its Sub-Nos. 5 and 6 permits to: (1) broaden the commodity description in each from prestressed and precast concrete products to "clay, concrete, glass or stone products"; (2) expand the territorial authority to "between points in the US" under continuing contract(s) with a named shipper.

MC 96633 (Sub-6)X, filed March 25, 1981. Applicant: UNITED DRAYAGE COMPANY, 2425 Porter Street, P.O. Box 21156, Market Station, Los Angeles, CA. Representative: Michael P. Beidleman (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 5 certificate which authorizes the transportation of general commodities (with exceptions) between points in Los Angeles and Los Angeles Harbor, CA, commercial zones and portions of three California Counties by removing a restriction which limits operations authorized therein to traffic originating at or destined to points in HI and territories or possessions of the United States.

MC 109633 (Sub-51)X, filed March 18, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North La Salle St., Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 12, 18, 20, 21, E1, 22, 23, 24, 25, 26, 27, 31F, 32F, 34F, 35F, 36F, 38F, 40F, 42F, 43F, and 44F certificates to (1) broaden its commodity descriptions (a) from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in the regular and irregular route portions of its lead certificate and in Sub-Nos. 18, E1, and 25, (b) from pulpboard paper, waste paper, paper bags and wrapping paper, to "pulp paper, and related products," in Sub-Nos. 4, 23, and 24, (c) from canned vegetables, cereals, and corn and corn products (except commodities in bulk in Sub-Nos. 12, 35F, and 42F, to "food and related products", (d) from flour, edible mixes, and bases for mixes (except commodities in bulk), to "food and related products, and supplies used in the manufacture and distribution thereof", in Sub-No. 43F, (e) from plastic articles (except in bulk), "to rubber and plastic products", in Sub-Nos. 20, 26, 27, 32F, and 44F, and (f) from cabinets, cabinet accessories, and materials and supplies used in the installation of cabinets, to "lumber and wood products, and furniture and fixtures, and materials and supplies, used in the installation thereof", in Sub-No. 22; (2) replace its facilities and cities with cities or county-wide authority: in Sub-No. 4, Coshocton, OH, with Coshocton County, OH; in Sub-No. 12, facilities at Belvidere, IL, with Belvidere, IL; in Sub-No. 20, facilities at or near Frankfort, IL, with Frankfort, IL; in Sub-No. 22, facilities at or near Moorefield, WV, and Berryville, VA, with Hardy County, WV, and Clarke County, VA; in Sub-No. 23, facilities at or near South Holland, IL, with Cook County, IL; in Sub-No. 24, facilities at Elizabeth, NJ, with Elizabeth, NJ; in Sub-No. 26, facilities at Frankfort, IL, with Will County, IL; in Sub-No. 31F facilities at Evansville, IN, and Clyde, Marion, and Findlay, OH, with Vanderburgh County, IN, and Sandusky, Marion, and Hancock Counties, OH; in Sub-No. 32F, facilities at Jacksonville and Springfield, IL, with Morgan and Sangamon Counties, IL; in Sub-No. 34F, facilities at Newton, IA, with Jasper County, IA; and in Sub-No. 36F, Herber Springs, AR, with Cleburne County, AR; (3) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service on any regular route authorities and change its one-way authority to radial authority: in the regular route portion of the lead certificate, part (4), between Van Wert, OH, and Fort Wayne, IN, and part (5) between Van Wert, OH, and Williamstown, OH; in Sub-No. 4, regular routes between Coshocton, OH, and Chicago, IL; in Sub-No. 12, between Belvidere, IL, and specified points in 4 eastern States; in Sub-No. 18, between 21 counties in OH, and specified points in MI; in Sub-No. 20, between Frankfort, IL, and points in 5 eastern States; in Sub-No. 22, between Hardy County, WV, and Clarke County, VA, and points in 16 counties in IL, 8 counties in IN, and 7 counties in WI; in Sub-No. 23, between Cook County, IL, and points in 7 mideastern States, and points in 14 counties in PA; in Sub-No. 24, between Elizabeth, NJ, and points in IL, IN, and OH; in Sub-No. 26, between Will County, IL, and points in 18 eastern and mideastern States; in Sub-No. 27, between 3 counties in NY, and points in the U.S.; in Sub-No. 31F, between Vanderburgh County, IN, 3 counties in OH, and St. Louis, MI, and points in 16 eastern States; in Sub-No. 34 F, between Jasper County, IA, and points in 13 eastern States; in Sub-No. 35F, between Battle Creek, MI and Lancaster, OH, Davenport and Clinton, IA; and in Sub-No. 36F, between Walnut Ridge, AR, and Cleburne County, AR and points in the U.S.; (4) eliminate (a) the originating at and destined to restrictions, in Sub-Nos. 23, 24, 26, 32F, 38F, 40F, 42F, and 44F, and (b) the AK and HI exceptions, in Sub-Nos. 27, 32F, 36F, 38F, and 44F.

MC 113009 (Sub-9)X, filed March 20, 1981. Applicant: L. J. BEAL & SON, INC., 212 S. Main Street, Brooklyn, MI 49230. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5 and 8 certificates to (1) remove the commodity restrictions (a) "in bulk, in tank vehicles, and in paper and cloth sacks" and "for manufacturing purposes only" in the lead; (b) "in bulk, in tank vehicles" in Sub-No. 5; and (c) "in bulk" in Sub-No. 8; (2) eliminate the facilities limitation at Lansing, MI, in Sub-No. 8;

(3) expand city-wide to county-wide authority from Cement City to Lenawee County, MI, and Paulding and points within 5 miles thereof to Paulding County, OH, in the lead; Albion to Calhoun County, MI, in Sub-No. 5; and Lansing to Ingham County, MI, in Sub-No. 8; and (4) change one-way authority to radial authority between (a) Lenawee County, MI, and points in described parts of Indiana and Ohio, in the lead; (b) Paulding County, OH, and points in Indiana and those in the Lower Peninsula of Michigan, in the lead; (c) points in Michigan and points in IN and OH, in the lead; (d) points in a part of Ohio and Brooklyn, MI, in the lead; (e) Calhoun County, MI, and points in OH and IN in Sub-No. 5; and (f) Ingham County, MI, and points in OH and IN, in Sub-No. 8.

MC 113158 (Sub-51)X, filed March 18, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Main Street, Secretary MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 9, 16, 21, 25, 31F, 32F, 33F, 35F, 37F, 42F, 43F, and 46F certificates to (1) broaden its commodity descriptions (a) in the lead certificate, from canned goods, oysters, fish, fresh fruits, and oysters, shucked or in the shell, to "food and related products", from agricultural commodities, to "food and related products and farm products", and from empty containers for agricultural commodities, to "containers", and (b) in Sub-Nos. 3, 9, 16, 25, 31F, 32F, 33F, 35F, 37F, 43F, and 46F, from canned goods, and foodstuffs except in bulk or frozen, to "food and related products"; (2) replace its facilities and cities with county-wide authority: in the lead, Hebron and Salisbury, MD, with Wicomico County, MD, Scranton and Wilkes-Barre, PA, with Lackawanna and Luzerne Counties, PA, Long Island, NY, with Nassau and Suffolk Counties, NY, and Landisville and Rosenhayn, NJ, with Atlantic and Cumberland Counties, NJ; in Sub-No. 3, Newark, DE, with New Castle County, DE; in Sub-No. 6, facilities at Philadelphia, PA, with Philadelphia, PA; in Sub-No. 9, facilities in the Township of West Sadsbury, PA, with Chester County, PA; in Sub-No. 16, Hurlock, MD, with Dorchester County, MD, and the City of Johnstown, PA, with Cambria County, PA; in Sub-No. 21, facilities at Lancaster, PA, with Lancaster, PA; in Sub-No. 25, facilities at Parkesburg, PA, with Chester County, PA; in Sub-No. 37F, facilities at Buffalo, and Rochester, NY, with Erie and Monroe Counties, NY; in Sub-No. 42F, facilities at Philadelphia, PA, with Philadelphia, PA; and in Sub-No. 43F, Parkesburg, PA, and Fruitland, MD, with Chester County, PA, and Wicomico County, MD; (3) change its one-way authority to radial authority in each sub-number, between the above named cities and counties, and several specified eastern cities, counties, and states in the U.S.; (4) remove the originating at and destined to restrictions in Sub-Nos. 9, 25, 32F, 33F, 35F, and 43F, and (5) eliminate the restriction against the transportation of liquid commodities in bulk, in Sub-No. 6.

MC 113855 (Sub-527)X, filed March 13, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 171, 237, 250, 256, 264, 265, 283, 287, 291, 295, 297, 299, 321, 322, 326, 335, 347, 362, 363, 365, 367, 379, 385, 399, 407, 408, 410, 411, 412, 414, 417, 426, 429, 431, 434, 436, 438, 442, 444, 445, 446, 448, 451, 459, 462, 472, 479, 491, 489, 494, and 509 certificates to (1) broaden the commodity description from various types of machinery and equipment such as mining, construction, earth moving, agricultural, rotary fans, pollution control, farm, road building, etc. to "machinery", in all Sub-Nos.; and from various types of metal articles such as metal working presses, tractor attachments, machinery parts, structural steel, etc. to "metal products", in Sub-Nos. 287, 436, 438, 444, 448, 459, 462, 479, and 489; (2) remove the facilities limitations in Sub-Nos. 171, 237, 256, 287, 291, 297, 299, 326, 362, 363, 365, 367, 379, 399, 407, 408, 431, 434, 436, 438, 444, 448, 462, 472 and 491, and replace authority to serve specified facilities at named points to city-wide or county-wide authority, Cache County, UT and Adams County, CO, in Sub-No. 171; St. Paul, MN and Big Stone County, MN for Ortonville, MN, in Sub-No. 237; Storey County, NV for Sparks, NV, in Sub-No. 250; King County, WA for Seattle, WA, in Sub-No. 256; Warren County, MO for Warrenton, MO, in Sub-No. 287; Spokane County, WA, in Sub-No. 291; Spotsylvania County, VA, in Sub-No. 297; Horry County, SC, in Sub-No. 299; Warren County, KY for Bowling Green, KY, in Sub-No. 321; Buncombe County, NC for Skyland, NC, in Sub-No. 362; Gwinnett County, GA, in Sub-No. 363; Clay County, FL for Orange Park, FL, in Sub-No. 365; Richland County, SC, in Sub-No. 367; Adams County, CO, in Sub-No. 379, Ontario County, NY for Honeoye, NY and Glynn County, GA for Brunswick, GA, in Sub-No. 399; Moline, IL, in Sub-No. 407; Milwaukee, WI, in Sub-No. 410; Montgomery County, PA for King of Prussia, PA, in Sub-No. 431; Bernalillo County, NM for Albuquerque, NM, in Sub-No. 434; Columbia County, OH for Salem, OH, in Sub-No. 436; Jackson County, OR, for Medford, OR, in Sub-No. 438F; Mahoning and Stark Counties, OH for Youngstown and Canton, OH, Westmoreland, Lawrence and Allegheny Counties, PA, for Export, Pulaski and Pittsburg, PA, Cook County, IL for Bedford Park, IL, in Sub-No. 444; Dutchess County, NY for Beacon, NY, in Sub-No. 448; Monmouth County, NJ for Fairfield, NJ, in Sub-No. 462; Morris County, NJ, in Sub-No. 472; Venango County, PA for Franklin, PA, Birmingham, AL, Sullivan County, NH, for Claremont, NH, Niagara and Erie Counties, NY, for Buffalo, NY, LaPorte County, IN for Michigan City, IN, Wilson County, NC, for Wilson, NC, Tuscarawas County, OH, for New Philadelphia, OH, El Paso County, CO for Colorado Springs, CO, Denver, CO, Ohio and Marshall Counties, WV for Wheeling, WV, in Sub-No. 491, (4) replace city-wide authority with county-wide authority: in Sub-No. 250, Storey County, NV for Sparks, NV; in Sub-No. 264, Delta County, MI for Rock, MI; in Sub-No. 283, Livingston County, NY for Nunda, NY; in Sub-No. 321, Jefferson County, OR for Madras, OR; in Sub-No. 322, Boulder County, CO for Broomfield, CO; in Sub-No. 347, Union County, NC for Monroe, NC; in Sub-No. 385, Union County, MS for New Albany, MS; in Sub-No. 411, Crawford County, PA, for Meadville, PA; in Sub-No. 426, Lebanon County, PA for Lebanon, PA, Northampton County, PA, for Nazareth and Bath, PA, Forsyth County, NC for Winston-Salem, NC, Cuyahoga County, OH for Cleveland, OH, Warren and Greene Counties, MO for Warrenton and Springfield, MO, Allen County, IN for New Haven, IN, Bexar County, TX, for San Antonio, TX; in Sub-No. 429, Auglaize County, OH, for New Breman, OH; in Sub-No. 442, Multnomah County, OR and Clark County, WA for Portland, OR; in Sub-No. 445, Davis County, UT, for Clearfield, UT; in Sub-No. 446, Monroe County, PA, for East Stroudsburg, PA; and in Sub-No. 494, Wake County, NC, for Wake Forest, NC, (5) remove the originating at restriction in Sub-Nos. 264 and 283, (6) remove the HI exceptions in Sub-Nos. 265, 264, 283, 291, 295, 297, 299, 321, 322, 335, 347, 362, 365, 379, 408, 412, 414, 429, 431, 434, 442, 444, 446, 448, 451, 459, 462, 472, 479, 489, and 509, (7) remove AK and HI exceptions in Sub-Nos. 237, 250, 256, 287, 367, 385, 399, 407, 410, 411, 417, 426, 436, 445, 491 and 494 and (8) authorize radial

authority in place of one-way authority in Sub-Nos. 171, 237, 250, 256, 264, 265, 283, 287, 291, 295, 299, 321, 322, 335, 347, 363, 365, 367, 385, 399, 407, 408, 410, 411, 412, 414, 417, 429, 436, 438, 442, 446, 451 and 494 between various combinations of the above cities and counties and points in the U.S.

MC 115841 (Sub-782)X, filed March 18, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). Applicant seeks to remove restrictions from its Sub-Nos. 192, 337, 343, 366, 376, 393, 409,412, 345, 439, 466, 483, 522, 564, 608, 643, 711, and 713 certificates and its letter notices 8, 28, 41, 46, 60, 62, 83, 85, 86, 87 and 109, to: (1) broaden the commodity descriptions from foodstuffs and various specified foodstuffs such as confectionery, frozen catfish, frozen foods and bakery products to "food and related products" in each of the above subnumbers except Sub-Nos. 376 (part 2 and 3), 446, 522, 713, (except the commodities named after foodstuffs); (2) remove the commodities in bulk, in mechanically refrigerated vehicles, and mixed load restrictions wherever they appear in each of the above subnumbers; (3) replace the facilities limitations or specific point authority with city or county-wide authority as follows: In Sub-No. 337, facilities at North East, PA and Westfield, NY with Erie County, PA, and Chautauqua County, NY; in Sub-No. 366, facilities at McGehee, AR, with Desha County, AR; and facilities at North Little Rock, AR, with Pulaski County, AR; in Sub-No. 393, facilities at East Brunswick, NJ, with Middlesex County, NJ; in Sub-No. 412, Freehold, NJ, with Monmouth County, NJ; and King of Prussia, PA, with Montgomery County; in Sub-No. 435, Parsippany, NJ, with Morris County, NJ; in Sub-No. 483, Roswell, NM, with Chaves County, NM; in Sub-No. 643, Tampa, FL with Hillsborough County, FL; and Charleston, SC with Charleston County, SC; in Sub-No. 711, Westfield, NY with Chautaugua County; and North East, PA, with Erie County, PA; and in Sub-No. 713, facilities at Sturgis, MI, with St. Joseph County, MI; remove the "originating at or destined to" restrictionis in Sub-Nos. 337, 343, 366, 376, 393, 435, 439, 466, 483, 522, 564, 608, and E-41; (4) expand its one-way authority to radial authority as follows: In Sub-No. 192, between the lower peninsula of MI, and, points in TN, AL, MS, and LA; in Sub-No. 337, between Chautauqua County, NY and Erie County, PA, and, points in DE, MD, NJ, NY, PA, WV, and DC; in Sub-No. 343, between Middlesex and Essex Counties, NJ, and, points in 17 States and part of KY on and west of U.S. Hwy 127 (except points in 3 counties in KY); in Sub-No. 366, between Desha County, AR, and, points in 22 States and DC; and between Pulaski County, AR, and, points in 16 States and DC; in Sub-No. 376, between Columbus, OH, and (a) points in the U.S. in and east of the Mississippi River (except points in MN and WI) and points in AR, IA, KS, LA, MO, NE and OK, (b) points in AR, IA, KS, LA, NE, OK and MO (except points in MO within the St. Louis, MO CZ), and (c) St. Louis, MO; in Sub-No. 393, between Middlesex County, NJ, and, points in 16 States and Denver and Pueblo, Co, Sparks, NV and Salt Lake City, UT; in Sub-No. 409, between points in NC, and, 5 States; in Sub-No. 412, between (a) Middlesex County, NJ, and, points in 11 States and part of PA on and west of U.S. Hwy 15, (b) Monmouth County, NJ, and, points in 11 States and part of PA on and west of U.S. Hwy 15, and (c) Montgomery County, PA, and, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH and WI; in Sub-No. 435, between Morris County, NJ, and, points in 29 States; in Sub-No. 439, between St. Louis, MO, and, points in 12 States; in Sub-No. 466, between Cincinnati, OH, and, points in 10 States; in Sub-No. 483, between Chaves County, NM, and, points in 33 States and DC; in Sub-No. 522, between Cincinnati, OH, and, points in AZ, AR, CA, LA, NV, NM, OK, TX and UT; in Sub-No. 564, between Kansas City, MO, and, points in IN, MI and OH; in Sub-No. 608, between Kansas City, MO, and, points in AL, GA, IA, KY, NC, SC, TN, VA and WV; in Sub-No. 643, between Hillsborough County, FL, and Charleston County, SC, and, points in 13 States; in Sub-No. 711, between Chautauqua County, NY and Erie County, PA, and, points in KS, MO and NM; in Sub-No. 713, between St. Joseph County, MI and Columbus, OH, and, points in GA, NC, SC and TX; E-8 part 1 and 2, between New York, NY, and, points in 11 States and points in GA on and west of Interstate Hwy 75; E-28, 60, 62, 83, 85, 86, and 87 between points in NC, and, 19 States; E-41, between Columbia, Duchess, and Ulster Counties, NY, and, points in CA and OR; E-46, between New York, NY, and Philadelphia, PA, and, points in AR, CA, OR and points in WA on and west of U.S. Hwy 97; and E-109, between Kansas City, KS/MO, and points in CT, FL, MA, NJ, NY, PA and RI, and (5) remove the restriction limiting service to traffic originating at points in NC in Sub-No. 409.

MC 116519 (Sub-99)X, filed March 16, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R. R. #6, Chathan, Ontario, Canada. Representative: Jeremy Kahn, suite 733 investment Building, Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-No. 27 certificate to (1) broaden the commodity description from dry commodities in bulk to "commodities in bulk", (2) remove restrictions (a) against the transportation of refractory products, refractories, and materials and supplies used in the production and installation of refractories, (b) against the transportation of shipments (1) originating at or destined to named Canadian facilities, (2) to and from the Province of Quebec, Canada, other than via the ports of entry on the U.S.-Canada Boundary line in MI and along the Niagara River in NY, (3) moving to or from cyonamid of Canada Limited at Niagara Falls and Port Robinson, Ontario, Canada and (c) remove a restriction limiting service to the transportation of traffic originating at or destined to points in Canada.

MC 119176 (Sub-33)X, filed March 17, 1981. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 1108 Continental Life Buidling, Fort Worth, TX 76102. Applicant seeks to remove restrictions in its Sub-No. 16 certificate to (1) broaden the commodity description to "machinery" from cooling towers, and accessories, materials, and supplies for cooling towers; (2) remove the "except commodities in bulk" restriction; (3) remove the restriction prohibiting service to AK, OK and HI; (4) remove the plantsite restriction; and (5) replace one-way service with radial authority between Tulsa, OK, and points in the U.S.

MC 119619 (Sub-150)X, filed March 12, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Esq., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3, 7, 9, 13, 15, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 32, 33, 34, 36, 38, 39, 40, 42, 48, 52, 54, 56, 57, 59, 60, 62, 64, 67, 72, 75, 76, 80, 82, 85, 86, 87, 88, 89, 93, 94, 95, 96, 98, 99, 100, 103, 104, 105, 107, 109, 111, 112, 119, 121, 124F, 128F, 132F, 134F, 138F, 140F, 145F, 146F, and 148F to (A) broaden the commodity descriptions as follows: (1) in the lead from malt and cereal beverages and advertising matter and ice, as well as empty malt and cereal beverage containers and rejected

shipments of malt and cereal beverages; packinghouse products, canned goods, materials, equipment and supplies used in packinghouse business; malt beverages, empty malt beverage containers; packinghouse products, packinghouse by-products and fresh meats; such supplies and materials as are used in the operation and maintenance of packinghouses; and malt beverages, to "food and related products and printed matter"; (2) in Sub-Nos. 1, 2, 7, 9, 13, 15, 18, 19, 20, 23, 25, 27 (includes cheese products), 32, 34, 36, 38, 40, 42, 48, 52, 54 (includes meats, with or without other ingredients, in hermetically sealed containers), 56, 62, 72, 80, 88, 89, 98, 103 (includes foodstuffs in mixed loads with meat, in vehicles equipped with mechanical refrigeration), 121, and 132, from meats, meat products and meat by-products, as defined by the Commission in Appendix I (A) and/or (C) and (D) to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 except commodities in bulk, hides, and skins, in tank vehicles; in Sub-Nos. 3 and 5, from cheese, and in Sub-No. 17, from bananas and agricultural commodities exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed loads with bananas to "food and related products"; (3) in Sub-No. 21, from meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), (a) buckwheat flour, maple syrup and cheese, and (b) advertising materials used in the promotion and sale of the commodities set forth in (a) and (b) above, to "food and related products and printed matter"; (4) in Sub-Nos. 26, 28, 39, 57, 59, 67, 75, 93, 94, 104, 105, 107, 128, 134, 140, 145, 146, and 148 from food and/or foodstuffs, (except frozen foodstuffs and commodities in bulk) and/or materials, supplies and equipment used in the manufacture and distribution of foodstuffs, and/or in vehicles equipped with mechanical refrigeration; in Sub-No. 29, from edible meats, canned goods, gelatins, tails, vegetable oils and vegetable oil shortening (except commodities in bulk), dairy products (except commodities in bulk), in vehicles equipped with mechanical refrigeration; in Sub-No. 33, from frozen meat; in Sub-No. 60, from edible meats, glands, gelatins, tails, vegetables, oils, vegetable oil shortening canned goods and dairy products, in vehicles equipped with mechanical refrigeration, as well as foodstuffs, in vehicles equipped with mechanical refrigeration; in Sub-Nos. 64, 86, 111, and 124, from frozen foods; in Sub-No. 76, onion products, prepared fish, prepared scallops, prepared oysters and fish products; and in Sub-No. 82, from meats ot "food and related products"; (5) in Sub-No. 85, from glass and glass glazing units and materials, equipment and supplies used in the manufacture and distribution of such commodities (except in bulk), to "glass and glass glazing units and material, equipment, and supplies used in the manufacture, etc."; (6) in Sub-No. 87, from meats, meat products, meat by-products (except hides and commodities in bulk); in Sub-No. 95, from fresh meats and prepared meats; in Sub-No. 96, from (a) flour, donut and pastry icings, toppings and coatings, and pastry fillings (except commodities in bulk and (b) canned goods when moving in mixed shipments with the commodities described in (a) above; and in Sub-No. 99, from foods, animal foods and meat by-products (except foods and commodities in bulk) to "food and related products"; (7) in Sub-No. 100, from (a) medical, hospital and surgical supplies and (6) drygoods, to "medical, hospital and surgical supplies and textile mill products; (8) in Sub-No. 102, from chemical compounds, chemical compound tanks, plastic film and plastic film dispensing and packaging equipment, except commodities in bulk, to "chemical and related products, rubber and plastic products, pulp, paper and related products"; (a) in Sub-No. 110, from pneumatic tires and tire tubes, antifreeze (except in bulk, in tank vehicles), batteries, to "chemicals and related products, rubber and plastic products and batteries"; (10) in Sub-No. 112, from cornstarch (except in bulk in tank vehicles); in Sub-No. 119, from canned foodstuffs; in Sub-No. 138F, from (a) flour, donut and pastry icings, toppings and coatings, and pastry fillings (except commodities in bulk and frozen foods) and (b) canned goods when moving in mixed shipments with the commodities described in (a) above, to "food and related products"; (B) to broaden the territorial scope in the authorities listed below by (a) replacing one-way authority with radial and (b) removing restrictions to named facilities and those limiting traffic to that originating at or destined to named facilities, and/or replacing such facilities with county-wide authority as follows: in the lead, St. Joseph and Grant Counties for South Bend and Marion, IN; in Sub-No. 2, Cook County for Lemont, IL; in Sub-No. 5, Greene County for Monroe, WI; in Sub-No. 7, no city change; in Sub-No. 9, Brown County for Green Bay, WI; in Sub-No. 13, Seneca and Wyandot Counties for New Riegel and Carey, OH; in Sub-No. 15, Allamakee County for Postville, OH; in Sub-No. 17, no city change; in Sub-No. 18, Page, Allamakee and Buena Vista Counties for Clarinda, Postville and Storm Lake, IA; in Sub-No. 19, Warren County for Monmouth, IL; in Sub-No. 20, Cass County for Logansport, IN; in Sub-No. 21, Jefferson County for Fort Atkinson, WI; in Sub-No. 23, Tazewell and Peoria Counties for Pekin and Peoria, IL; in Sub-No. 25, Dane County for Madison, WI; in Sub-No. 26, Tippecanoe County for Lafayette, IN; in Sub-No. 27, Vanderburgh and Daviess Counties for Evansville and Washington, IN; in Sub-No. 28, Fulton County for Archbold, OH; in Sub-No. 29 and 60, Eau Claire, Columbia, Wood and Green Counties for Eau Claire, Portage, Marshfield and Monroe, WI, Martin, Nobles, Stearns, Winona, Freeborn and Rice Counties for Fairmont, Worthington, St. Cloud, St. Charles, Albert Lea and Twin Lakes, and Fairbault, MN; in Sub-No. 32, Freeborn County for Albert Lea, MN; in Sub-No. 33, Tippecanoe County for Lafayette, IN; in Sub-No. 34, Linn County for Cedar Rapids, IA; in Sub-No. 36, no city change; in Sub-No. 38, Tazewell and Peoria Counties for Pekin and Peoria, IL; in Sub-No. 39, Middlesex County for East Brunswick, NJ; in Sub-No. 40, Rock County for Joslin, IL; in Sub-No. 42, no city change; in Sub-No. 48, Cass County for Logansport, IN; in Sub-No. 52, Texas County for Guymon, OK; in Sub-No. 54, Lee County for Fort Madison, IA; in Sub-No. 56, Cane County for St. Charles, IL; in Sub-No. 57, Champaign County for Champaign, IL; in Sub-No. 59, Hamilton County for Noblesville, IN; in Sub-No. 62, Tazewell County for Pekin IL; in Sub-No. 64, Coles County for Matton, IL; in Sub-No. 67, Lehigh County for Fogelsville, PA; in Sub-No. 72, Kenosha County for Kenosha, WI, and McHenry County for Hebron, IL; in Sub-No. 75, no city change; in Sub-No. 76, Jefferson County for Atkinson, WI; in Sub-No. 80, Alleghany County for Pittsburgh, PA; in Sub-No. 82, no city change; in Sub-No. 85, Worcester County for Webster, MA; in Sub-No. 86, Dutchess and Columbia Counties for Read Hook and Germantown, NY; in Sub-No. 87, Elkhart County for Elkhart, IN; in Sub-No. 88, Fulton, Defiance and Miami Counties for Archbold, Defiance and Troy, OH; and King George County for King George, VA; in Sub-No. 89, Eau Claire and Chippewa Counties for Eau Claire and Chippewa Falls, WI; in Sub-No. 93, Kent and Sussex Counties for Clayton and

Milford, DE, and Worcester County for Pocomoke City, MD, and Henry County for Napoleon, OH; in Sub-No. 94, same as Sub-No. 93, except for last entry; in Sub-No. 95, Hillsboro County for Bedford and Manchester, NH; in Sub-No. 96, Hillsdale County for Hillsdale and Jonesville, MI; in Sub-No. 98, and 99 no city change; in Sub-No. 100, Norfolk and Franklin Counties for Walpole and Griswoldville, MA, and Windham County for Windham, CT; in Sub-No. 102, Worcester County for Wilkinsonville, MA; in Sub-No. 103, Dane County for Madison, WI; in Sub-No. 104, Hillsborough County for Manchester, NH; in Sub-No. 105 no county change; in Sub-No. 107, Windham County for Pomfret Center, CT; in Sub-No. 109, Eau Claire County for Eau Claire, WI; in Sub-No. 111, Cayuhoga County for Solon, OH; in Sub-No. 112, Bucks County for Morrisville, PA; in Sub-No. 119, Burlington County for Delran, NJ; in Sub-No. 121, 124, 128, 132 and 134 no city change; in Sub-No. 138, Hillsdale County for Hillsdale and Jonesville, MI; in Sub-No. 140, Hancock County for Findlay, OH; in Sub-No. 145 and 148, Fulton and Henry Counties for Archbold and Napoleon, OH; in Sub-No. 146, Dodge County for Mayville, WI; (C) to remove the restriction limiting service to movements having a prior movement by water in Sub-No. 3 and Sub-No. 17; (D) to amend the territorial scope in carrier's Permit in Sub-No. 110 to read between all points in the United States, under continuing contract(s) with a named shipper

MC 120737 (Sub-82)X, filed March 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 26 and 32 certificates to (1) broaden the commodity descriptions in both from agricultural machinery and implements, attachments for agricultural machinery and implements, such merchandise as is dealt in by lawn and garden stores (except chemicals and commodities in bulk) and parts for items named above to "machinery, metal products, and such merchandise as is dealt in by lawn and garden stores", (2) remove the restriction in both subs limiting service to the transportation of traffic originating at named facilities, (3) remove the restriction in Sub-No. 32 against the transportation of parts destined to named facilities, (4) in Sub-No. 26 remove restriction against AK and HI, and (5) change one way to radial authority (a) in Sub-No. 26 between Louisville, KY, and, points in the U.S. and (b) in Sub-No. 32 between Memphis, TN and points in the U.S. (except ME, MA, VT, CT, NH, NY, RI, NJ, DE, MD, VA, and DC).

MC 127031 (Sub-6)X, filed March 19, 1981. Applicant: E.W. HUNDLEY d.b.a., ALASKA COAST TRANSPORT, 4501 West Marginal Way S.W., P.O. Box 3963, Seattle, WA 98124. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives); (2) remove the restriction against the transportation of traffic originating at or destined to Tok Junction, AK, Blaine or Sumas, WA; and (3) remove the restriction limiting service to the transportation of traffic originating or destined to points in AK.

MC 129387 (Sub-121)X, filed March 17, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its Sub-Nos. 30 and 103F certificates to (1) broaden its commodity descriptions in both certificates from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) replace Seattle, WA, with King County, WA, in both certificates; (3) change its one-way authority to radial authority (a) in Sub-No. 30, between King County, WA, and points in MN, NE, ND, and SD, and (b) in Sub-No. 103F, between King County, WA, and points in MT, WI, and Chicago, IL; and (4) eliminate the restriction prohibiting transportation of traffic having an immediately prior movement by water, in both certificates.

MC 134477 (Sub-441)X, filed March 23, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicant seeks to remove restrictions in its Sub-No. 357F certificate to broaden the commodity description in part (1) from cleaning compounds, caulking compounds, roof and concrete sealer, fertilizer and petroleum products, to "chemicals and related products, and petroleum, natural gas and their products", delete the except commodities in bulk restrictions; replace the facility restriction at or near Shakopee, MN with county-wide authority to serve Scott County, MN; and remove the "except AK and HI" restriction.

MC 134477 (Sub-442)X, filed March 23, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicant seeks to remove restrictions in Sub-Nos. 246F, 354F, and 362F certificates by (1) broadening the commodity descriptions in Subs 246F and 354F, from toilet preparations and in Sub 362F from chemicals to "chemicals and related products", (2) delete the facility limitation in Subs 246F and 354F, (3) delete the originating at and destined to restriction in Sub 362F, (4) eliminate except in bulk restriction all Sub-Nos.; (5) broaden the one way authorities to radial authority between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennyslvania, Rhode Island, South Carolina, South Dakota, Tennesse, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columiba.

MC 136916 (Sub-25)X, filed March 19, 1981. Applicant: LENAPE TRANSPORTATION COMPANY, INC., P.O. Box 227, Lafayette, NJ 07848. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 3, 5, 6, 9, 10, 11, 13, 15, 16, 18, 20F and 23F certificate to (1) broaden the commodity description from (a) salt and salt products, materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, damaged or rejected shipments, pepper and animal and poultry feed supplements, to "food and related products, chemicals and related products, and ores and minerals" in the lead and Sub-Nos. 4, 5, 6, 11, 15, 18, and 20, (b) from sand, gravel, stone, limestone to "clay, concrete, glass or stone products and ores and minerals" in Sub-Nos. 1, 7, and 10, (c) from top soil, potting soil, humus, to "ores and minerals" in Sub-Nos. 3 and 9, (d) from cement additives and soil stabilizing compounds to "clay, concrete, glass, and stone products and chemicals and related products" in Sub-No. 13, (e) from hard ferrites to "ores and minerals and chemicals and related products" in Sub-No. 16, (f) from cullet to "clay, concrete, glass, or stone products" in Sub-No. 23; (2) eliminate in bulk, mixed loads,

vehicle and commodity restrictions in the lead and Sub-Nos. 1, 3, 4, 5, 6, 7, 9, 10, 11, 13, 15, 16, 18, 20, and 23; (3) replace city-wide authority with county-wide authority: in the lead and Sub-Nos. 1, 6, 7, and 18, Middlesex County for Perth Amboy, NJ; in Sub-No. 5, Yates County for Milo, NY; in Sub-No. 6, Sussex County for Newton, NJ; in Sub-No. 11, Wyoming County for Silver Springs, NY; in Sub-No. 16, Bergen County for Edgewater, NJ, and Ulster County for Saugerties, NY; in Sub-Nos. 5 and 20, Newark, NJ, for the port of Newark, NJ; and in Sub-No. 11, remove the exception of points in NJ located in the NY commercial zone to authorize service to New York, NY, and its commercial zone, without restriction; (4) eliminate the facilities restriction in the lead and Sub-Nos. 4, 5, 6, 11, and 13; (5) delete the restriction of shipments having a prior movement by rail in Sub-Nos. 5 and 6; (6) eliminate the restriction of traffic originating at or destined to named points in Sub-Nos. 4 and 11; and (7) authorize radial service in lieu of existing one-way authority between various combinations of the counties named above and points in CT, MA, RI, NY, PA, DE, MD, DC, ME, NH, NJ, OH, VT, VA, WV, KY, in the lead and Sub-Nos. 1, 3, 4, 5, 6, 7, 9, 10, 11, 13, 15, 16, 18, 20, and 23.

MC 143509 (Sub-4)X, filed March 16, 1981. Applicant: ROY V. BRECKENRIDGE, d.b.a. BRECKENRIDGE TRUCKING, 6108 Denver Circle, Las Vegas, NV 89107. Representative: Leonard A. Jaskiewicz, Robert R. Harris, 1730 M Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 2 permit to (1) broaden the commodity description to "food and related products" from beverages, flavoring syrups and flavoring compounds, in containers, and (2) broaden its territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 144541 (Sub-2)X, filed March 17, 1981. Applicant: BALDWIN LEASING CO., INC., 801 Industrial Boulevard, Bay Minette, AL 36507. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from used and new furniture (except shipments from a personal residence to another personal residence) to "furniture and fixtures"; (2) remove the restriction against the transportation of new furniture from points in Worcester County, MA, and Chittenden and Bennington Counties, VT, to points in KY, SC, and TN, and (3) remove the AK and HI exceptions.

MC 145583 (Sub-6)X, filed March 23, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler Street, Philadelphia, PA 19137. Representative: Anthony A. Cerone (same address). Applicant seeks to remove restrictions from its Sub-No. 4 certificate to eliminate the ex-rail or water restriction.

MC 146802 (Sub-4)X, filed March 20, 1981. Applicant: C.E.D. TRANSPORTATION, INC., 4004 Taylor Avenue, Baltimore, MD 21236. Representative: Thomas N. Willess, 1000 16th Street NW., Suite 502, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F permits to (1) broaden the commodity description from stone granules and stone dust to "clay, concrete, glass, or stone products" in Sub-No. 2, and (2) authorize service between all points in the U.S., under continuing contract(s) with named shippers in Sub-Nos. 2 and 3.

MC 148200 (Sub-6)X, filed March 13, 1981. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F permits to (1) broaden the commodity descriptions from (a) plastic containers and materials, equipment and supplies used in the manufacture of plastic containers, to "rubber and plastic products, and materials, equipment and supplies used in the manufacture thereof," in Sub-No. 3F, and (b) acetylene cylinders, and medical supplies, to "metal products and instruments and photographic goods," in Sub-No. 4F; and (2) broaden its territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in both permits.

MC 148616 (Sub-5)X, filed March 18, 1981. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97402. Representative: Gene E. Cook (same as applicant). Applicant seeks to remove restrictions in its MC-136476 (Sub-No. 8) permit to (1) broaden the commodity description from lumber and lumber mill products to "lumber and wood products" and (2) broaden the territorial description to between points in the U.S. under continuing contracts with named shippers.

MC 151809X, filed March 16, 1981. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Representative: Bruce J. Robbins, 18 East 48th Street, New York, NY 10017. Applicant seeks to remove restrictions in its MC-141363 Sub-Nos. 5, 7F and 11F permits to (1) broaden the commodity description from paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper products (except commodities in bulk) to "pulp, paper and related products" and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 151516 (Sub-5)X, filed March 19, 1981. Applicant: JOSEPH W. HYDE, d.b.a. H. D. DELIVERY SERVICE, 130 24th St., Ogden, UT 84402. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. This application seeks to remove restrictions in its Sub-No. 3F certificate by removing all exceptions to its general commodity authority except classes A & B explosives; and eliminating the restriction to the transportation of traffic having an immediately prior or subsequent movement by rail.

[FR Doc. 81-10187 Filed 4-2-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: March 26, 1981.

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 service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for autority to operate as a motor common carrier in interstate or foreign commerce over irreglar routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1-097

Decided: March 26, 1981.

By The Commission, Review Board No. 1, members Parker, Chandler and Taylor.

MC 154730, filed March 16, 1981. Applicant: TRUCKLOADS ASSOCIATES, INC., 875 Providence Hwy., Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10096 Filed 4-2-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29565]

Southern Pacific Transportation Co. & St. Louis Southwestern Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: On January 27, 1981, The Southern Pacific Transportation Company (SPT) and its subsidiary, St. Louis Southwestern Railway Company (SSW) jointly filed a petition under 49 U.S.C. 10505, seeking to be exempted from the Commission's regulation over a proposed trackage rights agreement. The involved transaction was entered into with The Kansas City Southern Railway Company (KCS) and its subsidiary, Louisiana & Arkansas Railway Company (L&A) on December 17, 1980. Upon review of the evidence, and applicable precedents, we conclude that the transaction is a relocation of a railroad line which does not disrupt service to shippers, and hence, exempt from our regulation under 49 CFR 1111.5(c)(5). Accordingly, the petition will be treated as one invoking class exemption pursuant to 49 CFR 1111.5(c).

DATE: This transaction may be consummated as of the date of this publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

SUPPLEMENTAL INFORMATION: In Ex Parte No. 282 (Sub-No.3), *Railroad Consolidation Procedures*, 363 I.C.C. 200, 45 FR 62991, (September 23, 1980), we adopted final procedural rules amending our regulations governing the processing of applications filed by railroads under 49 U.S.C. 11343, 49 CFR Part 1111. Included in these rules, at § 1111.5(c), is a description of rail consolidation transactions which we have exempted from regulation. The enumerated classes of transactions were found to be exempt because our prior review and approval of them (1) is not necessary to carry out the transportation policy of 49 U.S.C. 10101; (2) would be an unreasonable burden on interstate commerce, and (3) would serve little or no useful purpose.[1] One such exempt transaction is a "joint project involving the relocation of a line of railroad which does not disrupt service to shippers."

In this proceeding, petitioners seek to alleviate congestion and to reduce delays on movements of through trains and excess dimension cars over a small segment of rail line at Shreveport, LA. Use of this line, which is owned by the Illinois Central Gulf Railroad Company (ICG) and operated under trackage rights, requires routing traffic through SSW's small Shreveport Yard. The presence of through trains in the yard frequently interferes with yard operation. Moreover, due to restricted clearances in the SSW yard pilots are required to detour movements of excess dimension cars.

Petitioners propose to divert four through trains daily away from the yard (which because of physical limitations cannot be enlarged) to 2.3 miles of new (parallel) track owned by KCS and L&A. At it furthest point, the "substitute" line would be within three blocks of petitioners' current route. This relocation will result in expedited movement of through trains and increased switching efficiency, and would reduce the blocking of road crossings at Shreveport and Bossier City, LA. Additionally, excess dimensions cars would be rerouted.

Petitioners do not intend to abandon their operations over their existing route through the yard at Shreveport. They merely seek to facilitate operations involving through trains and excess dimension cars. The use of an alternate route will not in any way alter service to shippers, or affect competition, nor is it likely to affect railroad employees.

Petitioners intend to consummate the involved transaction as soon as possible. The trackage rights agreement is for a 2 year term, subject to termination by either party on 6 months' notice. In exchange for appropriate consideration, petitioners would be granted the right to operate only through freight trains and yard engines handling excess dimension cars over the new track. The agreement also contains

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[1] The basis for the promulgation of this rule lies in the Commission's exemption authority at 49 U.S.C. 10505. Section 10505, as since amended by the Staggers Rail Act of 1980 [Pub. L. 96-448, 94 Stat. 1895 (1980)], provides that the Commission shall exempt a person, class of persons, or a transaction or service when [it] finds that the application of a provision of this subtitle—

(1) is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either (A) the transaction or service is of limited scope, or (B) the application of a provision of this subtitle is not needed to protect shippers from the abuse of market power.

Although the Commission's identification of exempt transactions, in Ex Parte 282 (Sub-No. 3), was based on section 10505 prior to the Staggers Act, all transactions so identified also meet the lesser standard applicable after amendment.

provisions relating to the management and maintenance of the line, liabilities of the parties, and expenss related to the construction of the crossover between the involved routes.

Discussion

The salient question in this proceeding is whether the proposed relocation of certain operations by SPT and SSW is a "relocation" within the meaning of 49 CFR 1111.5(c)(5), and thus already exempt from out regulation by our final Railroad Consolidation Procedures. If the transaction comes within the purview of section 1111.5(c)(5), we need not consider petitioners' request for an *ab initio* exemption determination under 49 U.S.C. 10505 (See footnote 1, *supra.*)

The relocation of railroad operations frequently does not affect matters with which the Commission has a regulatory interest (such as service to shippers or intramodel competition). A railroad's decision to relocate certain operations may merely reflect pracitical considerations (such as exist in this proceeding). The Commission has long recognized tht, although these "relocations" would ordinarily come within the purview of our jurisdiction, Congress never intended that we should review and give prior approval to relocation transactions. Therefore, even prior to Congress' adoption of exemption authority in 49 U.S.C. 10505, we have, in appropriate circumstances entertained petitions for dismissal of applications related to relocations. Our adoption of the regulation at 49 CFR 1111.5(c)(5) is, in effect, a logical extension of a long standing practice. See *Public Convenience Certificate to P., N. & N.Y.R.R.*, 67 I.C.C. 252 (1921).

Our past determinations of whether to assert jurisdiction over transactions related to a relocation have been made in light of a variety of factors. These include the effect of a relocation upon (a) service to shippers; (b) the development of new traffic areas; (c) the existing competitive structure; and (d) rail transportation generally. See *Missouri Pac R. Co. Trustee Construction*, 282 I.C.C. 388 (1952).

The *Missouri Pac.* and *P., N. & NY RR* cases resemble the proceeding now before us, insofar as the relocations arose from practical considerations having no bearing upon service to shippers or competition. They are distinguishable, however, in that the applicants in those cases sought to abandon operations over their existing line segments. [The Commission determined in each case that the involved "abandonment" was not a transaction within the meaning of 49 U.S.C. 10903, formerly section 1(18) of the Interstate Commerce Act.] Trackage rights were not involved in those cases, as each applicant intended to relocate operations onto their own, newly constructed lines.

A relocation involving an abandonment, new line construction and a trackage rights agreement was considered by the Commission in *Sacremento N. Ry. Trackage Rights*, 290 I.C.C. 145 (1953). The Commission asserted jurisdiction over the entire transaction even though the relocation failed to result in any changes respecting service to shippers or competition.[2] The Commission was concerned that, otherwise, the railroad (by exchanging a perpetual right to operate over one line for a right to operate for a limited period of time over a second line) could subsequently disable itself from fulfilling its common carrier obligation under the terms of the trackage rights agreement. See also *Illinois Term. R. Co. Abandonment*, 327 I.C.C. 74(1958).

The facts before us clearly are distinguishable from those which gave rise to the Commission's concern in the *Sacramento* case. SPT and SSW are not discontinuing service over their existing line. Consequently, if the proposed trackage rights agreement is terminated in the future, operations will not be disrupted. In essence, the use of an alternate route (rather than a substitute line) for through service and excess dimension cars pursuant to the operating agreement will not result in a diminution of petitioners' control over these operations.

The relocation proposed, in light of its potential consequences, does qualify the related trackage rights transaction for exemption under 49 CFR 1111.5(c)(5). Moreover, a broad construction of the definition of a "rail relocation" within the meaning of 49 CFR 1111.5(c)(5) comports with the Congressional policy underlying the recent amendment of 49 U.S.C. 11344 by the Staggers Rail Act of 1980 [Pub. L. No. 96–448, 94 Stat. 1895 (1980).][3]

We conclude, therefore, that a transaction subject to 49 U.S.C. 11343, when related to a relocation which will not disrupt service to shippers, falls within the class of exempt transactions under 49 CFR 1111.5(c)(5).[4] Hereafter, railroads involved in such transactions need only comply with the notice requirements set forth at 49 CFR 1111.4(g).

In granting an exemption, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *Norfolk and Western Railway Company—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), meet the requirements of 49 U.S.C. 11347 for employees involved in trackage rights transactions under 49 U.S.C. 11343. Accordingly, these protective provisions will be imposed here as a condition to exercise of this exemption.

We find that the proposed railroad relocation is one which comes within the meaning of 49 CFR 1111.5(c)(5) and, therefore, that the related (trackage rights) transaction is exempt from our regulation. This decision will not significantly affect energy conservation or the quality of the human environment. This decision will not operate to relieve any rail carrier from an obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV.

(1) The petition filed by SPT and SSW for exemption of the trackage rights agreement from the requirements of 49 U.S.C. 11343 will be treated as a notice of exemption pursuant to 49 CFR 1111.4(g).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

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[3] In *Sacremento, supra*, applicant sought a determination that the abandonment and construction were not transactions within the meaning of 49 U.S.C. 10901 and 10903 (formerly section 1(18) of the Interstate Commerce Act) in light of the consequences of the proposed relocation. Applicant did file a trackage rights agreement pursuant to 49 U.S.C. 11343 (formerly Section 5(2) of the Interstate Commerce Act). The latter filing was necessary since, at the time, the Commission did not have exemption authority.

[3] Section 11344 provides, as pertinent, that the Commission "shall" approve any transaction "which does not involve the merger or control of at least two class I railroads . . . unless it finds that

(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs."

Thus under this section, the Commission is required to approve a proposed trackage rights agreement whenever it finds that the agreement would not likely have a significant adverse competitive impact.

[4] Congress has stated that the policy underlying the exemption authority of the Commission (49 U.S.C. 10505) is to allow us to examine "specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress." See H.R. REP. No. 96–1430, 96th Cong. 2d. Sess 105 (1980).

Decided: March 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9998 Filed 4-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29598]

Chesapeake & Ohio Railway Co.—Trackage Rights—Over Seaboard Coast Line Railroad Co. and Richmond, Fredericksburg & Potomac Railroad Co. in and Near Richmond, Va.; Exemption

March 30, 1981.

On March 5, 1981, the Chesapeake and Ohio Railway Company (C&O) filed a notice of exemption of proposed trackage rights acquisitions under 49 CFR 1111.5(c)(3), as amended by *Railroad Consolidation Procedures*, 363 ICC 200, 225–226 (1980), 45 FR 6299 (September 23, 1980). C&O, Seaboard Coast Line Railroad Company (SCL), and Richmond, Fredericksburg and Potomac Railroad Company (RFP), are members of a corporate family. See *CSX Corp.—Control—Chessie and Seaboard CLI*, 363 ICC 518 (1980).

Under the terms of an agreement dated March 4, 1981 between C&O and RFP, C&O will acquire trackage rights over two track segments of RFP aggregating approximately 7.81 miles between RFP's connection with SCL at Seaboard Junction and its connection with SCL at Pier 5 on the James River, via the north (4.14 miles) and south (3.67 miles) legs of Wye and Wye Junction. All of this trackage is within the city limits of Richmond, VA.

C&O's trackage rights over SCL amends an earlier agreement between the parties in which C&O acquired trackage rights over SCL's line extending between Richmond and Portsmouth, VA, via Weldon, NC, a total distance of 166.35 miles. See *CSX Corp.—Control—Chessie and Seaboard CLI, supra.* Under the terms of a supplemental agreement dated March 4, 1981, C&O will acquire trackage rights over two additional SCL lines between Seaboard Junction and SCL's Brown Street Yard in Richmond (2.7 miles) and between Pier 5 and Centralia, in Chesterfield County, VA (11.2 miles).

The transaction will give C&O an alternate route to SCL lines, and thus expedite C&O trains through Richmond, resulting in operating economies and efficiencies, and saving C&O the expense of raising the level of a railroad bridge to provide necessary additional clearance.

This is a transaction within a corporate family that will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. See 49 CFR 1111.5(c)(3).

Any employee affected by the C&O-RFP or C&O-SCL trackage rights is entitled to protection under *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 ICC 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 ICC 653 (1980). C&O's failure to comply with these requirements may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10158 Filed 4-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: March 31, 1981.

In our decisions of February 25, March 3, 10, 17, and 24, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 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. April 3, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

March 30, 1981 ..... 135.1¢

	Transportation performed by—			
Owner operator [1]	Other [2]	Bus carrier		UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.9	3.3	7.1	[1] 3.0
Percent surcharge allowed	19.0	3.3	7.1	[2] 2.2

[1] 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).

[2] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-10189 Filed 4-2-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated February 12, 1981, and published in the **Federal Register** on February 19, 1981; (46 FR 13051), Arenol Chemical Corporation, 40–33 23rd Street, Long Island City, N.Y. 11101, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Amphetamine	II
Methamphetamine	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: March 30, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-10120 Filed 4-2-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Advisory Council on Unemployment Insurance; Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held on April 22, 1981, from 9:00 A.M. to 5:00 P.M. and on April 23, from 8:30 A.M. to 12:30 P.M. The meeting will be held in Room N-3437 B&C, Frances Perkins Labor Building, which is located at 200 Constitution Avenue, NW., Washington, D.C.

Major topics that will be considered by the Council are current legislative and budget proposals, and a discussion of selected recommendations of the National Commission on Unemployment Compensation.

Members of the public are invited to attend the proceedings. Written data, views, or arguments pertaining to the business before the Council must be received by the Council's Coordinator prior to the meeting date. Twenty duplicate copies are needed for distribution to the members and for inclusion in the meeting minutes.

Telephone inquiries and communications concerning this meeting should be directed to: Darla White, Coordinator for the Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213, Telephone No. 202/376-7034.

Signed in Washington, D.C., this 27th day of March, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81-10196 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Arkansas

This notice announces the ending of the Extended Benefit Period in the State of Arkansas, effective on April 4, 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 Arkansas on June 8, 1981, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Arkansas 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 March 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 terminates with the week ending on April 4, 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 Arkansas should contact the nearest State Employment Office of the Arkansas Department of Labor in their locality.

Signed at Washington, D.C., on March 31, 1981.

Lawrence E. Weatherford,

Acting Deputy Assistant Secretary for Employment and Training.

[FR Doc. 81-10144 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-9-C]

Black Creek Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Black Creek Coal Company, Inc., Box 45, Gordon, Pennsylvania 17936 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Buck Mountain Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method petitioner proposes to operate the man cages or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 4, 1981. Copies of the petition are available for inspection at that address.

Dated: March 26, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-10198 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-53-C]

Jewell Smokeless Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jewell Smokeless Coal Corporation, P.O. Box 70, Vansant, Virginia 24656 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles; general) to its Coronet Jewell Number 3 Preparation Plant located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that refuse piles not be located over abandoned openings.

2. In the area planned to be filled with refuse, eight mine openings to the abandoned mines exist; no water seepages have been observed from any of the openings.

3. As an alternate method, petitioner proposes to dispose of coal refuse by filling over four abandoned underground mine entrances.

4. In support of this proposed alternate method, petitioner states:

a. Three of the mines have been abandoned for years; no future plans exist for reopening;

b. The fourth mine opening is to an abandoned mine; petitioner's Youngs Branch No. 15 mine has recently cut entries into this mine;

c. A ventilation fan has been installed at the abandoned mine entrance to establish a bleeder ventilation system;

d. Before overfilling these two openings, the two mines will be separated by building bulkheads where the Youngs Branch No. 15 mine cuts into the abandoned mine;

e. The entrances next to the bulkheads in Youngs Branch No. 15 mine will remain return air courses; prior to construction of the bulkheads, three new mine openings will be established;

f. All remaining Red Ash reserves will be mined from the Youngs Branch No. 15 mine and the other mine permanently abandoned. Before filling over these abandoned openings with refuse, the petitioner will backfill each opening with a minimum of four feet of relatively impermeable noncombustible and compacted soil; and

g. To relieve any tendency for water pressure to build up in these openings, a six-inch diameter pipe will be installed to transport any water drainage from the mine openings to the refuse embankment diversion ditches.

5. Petitioner states that the proposed alternate method will at all times provide the same measure of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 4, 1981. Copies of the petition are available for inspection at that address.

Dated: March 26, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-10197 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal Standards. By letters dated September 8, 1980, September 29, 1980, December 30, 1980 and January 13, 1981, from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.20, Access to employee exposure and medical records, 45 FR 35277, Friday, May 23, 1980 and 29 CFR 1913.10, Rules of agency practice and procedure concerning OSHA access to employee medical records, 45 FR 35294, Friday, May 23, 1980.

These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newsapapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The standards for 29 CFR 1910.20, Access to Employee Exposure and Medical Records, were adopted by the Industrial Commission of Utah, Archives File Number 4584 on December 22, 1980, effective on January 15, 1981. The standard for 29 CFR 1913.10, Rules of Agency Practice and Procedure Concerning OSHA Access To Employee Medical Records, were adopted by the Industrial Commission of Utah, Archives

File Number 4583 on December 22, 1980, effective on January 15, 1981. Both standards were pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and the Office of State Programs, Occupational Safety and Health Administration, Room N3613, 3rd & Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective April 3, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 23rd day of February 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81-10141 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Alpha Portland Cement Co., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 13, 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 13, 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 30th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petition: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alpha Portland Cement Co. (UCLGU)	Jamesville, NY	3-23-81	3-17-81	TA-W-12,525	Portland cement.
Cape Horn Shake (workers & company)	Sedro Wooley, WA	3-20-81	3-14-81	TA-W-12,526	Cedar shakes.
Finetone Knitting Mills (workers)	Jackson Heights, NY	3-23-81	3-17-81	TA-W-12,527	Knit sweaters, jackets, skirts.
Micro Devices, Div. of Emerson Electric Co. (company)	Dayton, OH	3-20-81	3-17-81	TA-W-12,528	Automobile pressure switches.
Tilton Spongers Corp. (company)	Hammonton, NJ	3-20-81	3-17-81	TA-W-12,529	Pre-shrinking of piece goods for Wm Kessler.
Warner $ Swasey Co. (IAM&AW)	Cleveland, OH	3-23-81	3-16-81	TA-W-12,530	Numerically controlled turning machines.
Wasser & Fluhrer Inc. (workers)	Kalama, WA	3-23-81	3-16-81	TA-W-12,531	Red cedar shingles.
Wm. B. Kessler, Inc. (company)	Hammonton, NJ	3-20-81	3-17-81	TA-W-12,532	Mfg. men's clothing.
Decision Makers Inc. (company)	Hammonton, NJ	3-20-81	3-17-81	TA-W-12,533	Data processing for Wm. Kessler.
Abbot Fabrics, Inc. (UAW)	Dunellen, N.J.	3-20-81	3-13-81	TA-W-12,534	Warehouse (distributor).
Chrysler Manhattan (workers)	New York, New York	3-23-81	3-17-81	TA-W-12,535	Sale and service of Chrysler, Dodge and Plymouth automobiles and trucks.
Cincinnati Rubber Manufacturing Co., Inc. (URW)	Cincinnati, Ohio	3-24-81	3-20-81	TA-W-12,536	Mechanical rubber products.
Day Mines, Inc., Victoria Nevada Copper Mine (company)	Victoria, Nevada	3-24-81	3-18-81	TA-W-12,537	Copper concentrate.
Federal Screw Works (UAW)	Romulus, Michigan	3-24-81	3-20-81	TA-W-12,538	Nuts.
Federal Screw Works (UAW)	Detroit, Michigan	3-24-81	3-20-81	TA-W-12,539	Bolts.
Knit Studios (UAW)	Carlstadt, N.J.	2-11-81	2-6-81	TA-W-12,540	Ladies' apparel.
Lacks Industries, Inc. (workers)	Grand Rapids, Mich.	3-23-81	3-5-81	TA-W-12,541	Automobile parts.
R. Jackson Manufacturing Corporation (company)	New York, New York	3-24-81	3-20-81	TA-W-12,542	Kiddie bags, muff bags.
Sun Electric Corp. (workers)	Chicago Ill.	3-24-81	3-17-81	TA-W-12,543	Meters and testers for autos light sub assembly, balancing, coil winding, testing inspection.
American Medical Instrument Corporation (UAW)	Flushing, New York	3-24-81	3-20-81	TA-W-12,544	Surgical instruments.
General Electric Company (IUE)	Linton, Indiana	3-23-81	3-9-81	TA-W-12,545	Fractional H.P. motors.
H.W. Gossard Co., Central Distribution Center (ILGWU).	Batavia, Illinois	3-23-81	3-19-81	TA-W-12,546	Warehouse & distribution center for H.W. Gossard.
Jo-Gal Shoe Company (company)	Lawrence Mass.	3-25-81	3-20-81	TA-W-12,547	Infant's children's & women's non-athletic footwear.
Scranton Foods, Inc. (company)	Dunmore, Pa.	3-24-81	3-20-81	TA-W-12,548	Hamburgers & minute steaks.

Appendix—Continued

Petition: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Spring Valley Garment Company (ILGWU)	Spring Valley, Ill.	3-23-81	3-19-81	TA-W-12,549	Ladies' dresses & pantsuits.
Venice Industries (UAW)	Carlstadt, N.J.	2-11-81	2-6-81	TA-W-12,550	Ladies' apparel.
White Motor Corp., Autocar Trucks Div. (UAW)	Exton, Pa.	3-25-81	3-20-81	TA-W-12,551	Assemble heavy duty trucks.
Electronic Memories & Magnetics Corp., Indiana General Magnets Products Div. (USWA).	Valparaiso, Indiana	3-25-81	3-16-81	TA-W-12,552	Cast metal, fired metallic and cerar magnets.
Gianna's Originals (ILGWU)	Jersey City, New Jersey	3-9-81	2-27-81	TA-W-12,553	Ladies' coats.
Hudson Pants Company (ACTWU)	Jersey City, N.J.	3-35-81	3-23-81	TA-W-12,554	Men's and boys' pants.
International Harvester Company (UAW)	Springfield, Ohio	3-27-81	3-22-81	TA-W-12,555	Medium trucks, fabricate cabs and components for other divisions.
Jacana Sportswear, Inc. (ACTWU)	Bayshore, N.Y.	3-25-81	3-23-81	TA-W-12,556	Men's & boy's outerwear.
Tapemark (workers)	St. Paul, Minn.	3-27-81	3-20-81	TA-W-12,557	Printer and labor converter, stripping and auto decorative trim.
Trifine Trouser Co., Inc. (company)	New York, New York	3-25-81	3-23-81	TA-W-12,558	Boy's and some men's pants.
ARP Instrument, Inc. (workers)	Lexington, Mass.	3-27-81	3-24-81	TA-W-12,559	Music synthesizers and electronic pianos.

[FR Doc. 81-10143 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,274, 11,275, 11,276, and 11,477]

Anaconda Copper Co. and Butte, Anaconda & Pacific Railway Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That 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 investigations were initiated on October 7, 1980 (TA-W-11,274-11,276) and October 14, 1980 (TA-W-11,477) in response to petitions which were filed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, and the United Transportation Union, respectively, on behalf of workers at the following locations of Anaconda Copper Company: Denver, Colorado, Great Falls, Montana and Anaconda, Montana and on behalf of workers at the Butte, Anaconda & Pacific Railway Company, Anaconda, Montana. The workers are engaged in employment related to the production of refined copper.

The investigation revealed that criterion (3) has not been met.

U.S. imports of refined copper declined both absolutely and relative to domestic production in 1979 compared to 1978. Although U.S. imports increased both absolutely and relative to domestic production in the January through September period of 1980 compared to the same period of 1979, this increase is partially attributable to the industry-wide strike by U.S. miners of copper ore in 1980.

The Great Falls, Montana refinery and Anaconda, Montana smelter of Anaconda Copper Company refined both copper produced by domestic mines of Anaconda and copper supplied by outside customers. This relationship, where customers supply copper to be refined, is called tolling. The U.S. Department of Labor surveyed toll customers of Anaconda Copper Company. The survey results revealed that none of the responding toll customers had copper refined abroad in the 1978 through October 1980 period.

In addition, the Department of Labor also surveyed Anaconda's other customers of refined copper. These survey results revealed that the majority of responding customers did not purchase imported refined copper in 1978 or 1979. Those customers who reported buying imported refined copper in 1978 or 1979, increased purchases from Anaconda and/or increased purchases from other domestic sources in 1979 compared to 1978. For the January through October period in 1980 compared to the same period in 1979 the survey revealed that most customers did not purchase imported refined copper. Of those customers who reduced purchases of refined copper from Anaconda and increased purchases of imported refined copper, the majority also reported increased purchases from other domestic sources. Customers' purchasing patterns can be partially attributed to the industry-wide strike by U.S. miners of copper ore in 1980 which reduced the availability of domestically produced copper.

An analysis by Anaconda Copper Company concluded that it would not be cost-effective to retrofit the smelter to comply with government mandated environmental, health and safety regulations. This conclusion was due in part to the unusually high level of arsenic content in the copper ore from Anaconda's mine in Butte, Montana (this mine was a main source of the smelter's feed) and the difficulty of meeting various regulations applying to arsenic. Another factor was the high cost of production at the Butte mine; this high cost resulted from the grade of copper ore fed to the smelter and made it economically unfeasible to continue operations. Therefore Anaconda suspended operations at both the smelter and the refinery.

Anaconda explored the possibility of having its copper refined by domestic sources; however, domestic companies either did not have the capacity to refine copper for Anaconda or could not refine the copper under terms acceptable to Anaconda. After the operations were suspended at the Anaconda, Montana smelter and the Great Falls, Montana refinery, Anaconda signed a contract to send approximately 80 percent of its domestic copper mine production to Japan for refining. It is estimated that a substantial portion of the concentrates from Anaconda's domestic mines will be purchased by the Japanese and the remainder will be refined for Anaconda on a toll basis. This toll copper will be imported into the United States, however, imports are not anticipated until the latter part of 1981 even though Anaconda has already sent some

concentrates to Japan for refining. The magnitude of these future imports is indeterminable at present since the Japanese might purchase a substantial portion of the concentrates for use in Japan and the Far East.

The Trade Act of 1974 does not permit certification of eligibility to apply for adjustment assistance to be based on anticipated increased imports nor on the anticipation that such possible imports may contribute importantly to existing unemployment. Consequently, it is concluded, that increased imports are not an important factor in the layoffs at the Anaconda Copper Company.

The workers at the Denver, Colorado headquarters of Anaconda Copper Company provide support services for all non-ferrous metal operations. The investigation indicated that no workers at the Denver, Colorado headquarters have been separated or are threatened to be separated as a result of the closure of the smelter and refinery.

Conclusion

After careful review, I determine that all workers at the following locations of Anaconda Copper Company: Denver, Colorado, Great Falls, Montana and Anaconda, Montana, and all workers of the Butte, Anaconda & Pacific Railway Company, Anaconda, Montana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-10210 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8716]

Bernel Foam Products Co.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Bernel Foam Products Company, Buffalo, New York. The workers produce urethane foam blocks and a variety of foam products for both automotive and non-automotive uses.

The investigation revealed that criterion (3) has not been met.

Petitioners alleged that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Bernel Foam Products Company, Buffalo, New York. Although imported autmobiles incorporate foam padding and foam cushions, imports of the whole products are not like or directly competitive with their component parts. Imports of foam padding and foam cushions must be considered in determining import injury to workers producing foam padding and foam cushions.

Sales of foam toys, air conditioner filters, packaging material, mattresses, and chair and seat cushions increased from 1978 to 1979 and during the first half of 1980 compared to the same period in 1979.

U.S. imports of urethane foam account for a negligible proportion of the domestic market for urethane foam.

The Department surveyed the subject firm's major customers purchasing seat cushions, dashboard padding and foam gaskets. Responding customers accounted for a majority of Bernel's decline in sales of each of these three products. Automobile seat cushion customers which increased purchases of imported seat cushions also increased their purchases from domestic sources. None of the responding customers increased purchases of imported dashboard padding and none of the respondents purchased imported foam gaskets.

Conclusion

After careful review, I determine that all workers of the Bernel Foam Products Company, Buffalo, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-10211 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9134]

Bethlehem Steel Corp., Seattle, Wash.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 30, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Seattle, Washington plant of Bethlehem Steel. Workers at the plant produce steel and steel products.

The investigation revealed that criterion (3) has not been met.

U.S. imports of hot rolled carbon steel bars, carbon steel plate and railroad spikes declined absolutely and relative to domestic production in 1979 compared to 1978.

Department of Labor surveys revealed that none of the surveyed customers reduced purchases of hot rolled carbon steel bars, carbon steel plate, or railroad spikes from the Seattle, Washington plant while increasing purchases of imported hot rolled carbon steel bars, carbon steel plate, or railroad spikes in

the first nine months of 1980 compared to the same period of 1979.

A Department of Labor survey revealed that none of the surveyed customers purchased imported reinforcing bars in 1979 or in the first nine months of 1980.

Production of industrial fasteners at the Seattle plant increased in 1979 compared to 1978.

A Department of Labor survey revealed that the Seattle plant's surveyed customers reduced their overall purchases of imported industrial fasteners in the first nine months of 1980 compared to the same period in 1979. Customers with reduced purchases of industrial fasteners from the Seattle plant and increased purchases of imported industrial fasteners in the first nine months of 1980 compared to the same period of 1979 accounted for a small portion of the plant's decline in the sales of that product.

Workers engaged in the production of structural shapes were previously certified eligible to apply for adjustment assistance on January 16, 1978. The certification remained in effect until January 16, 1980.

A Department of Labor survey revealed that the Seattle plant's customers reduced their overall reliance on imported carbon steel structural shapes in the first nine months of 1980 compared to the same period of 1979.

All of the basic steel produced at the Seattle, Washington plant is used internally in the production of the finished steel products. The Seattle, Washington plant does not import basic steel, so that the workers engaged in basic steel making operations could be certified as eligible to apply for adjustment assistance benefits only if the reduction in the plant's demand for basic steel is directly related to finished products adversely affected by increased imports.

Department of Labor surveys have revealed that imported steel products like or directly competitive with the finished steel products manufactured at the Seattle plant have not contributed importantly to the employment declines at the plant.

Conclusion

After careful review, I determine that all workers of the Seattle, Washington plant of Bethlehem Steel Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-10212 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9792, 9793, 9800, 9808, 9909, 9822-9836, 9838, 9839, 9883, 9885-9890, 9893-9900, 9902, 9905-9909, 9915, 9918-9920, 9922, 9924-9930, 9932-9934, 9936, 9938-9940]

General Motor Corp., Detroit, Mich.; Affirmative Determination Regarding Application for Reconsideration

On February 9, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Ajustment Assistance for workers and former workers at certain support facilities of the Buick Motor Division, the Cadillac Motor Car Division, the Oldsmobile Division, and the Pontiac Motor Division of General Motors Corporation. 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 62 instant regional and/or zone sales offices 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 24th day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-10213 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9566]

General Motors Corp., Hydra-Matic Division, Ypsilanti, Mich.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance of October 22, 1980, applicable to all workers of certain designated component plants of the General Motors Corporation, Detroit, Michigan, including the Hydra-matic Division, Ypsilanti, Michigan. The Certification was published in the **Federal Register** on October 31, 1980 (45 FR 72361). The Department also issued a Notice of Amended Determinations of Eligibility to Apply for Worker Adjustment Assistance covering workers at 85 assembly and auxiliary plants of the General Motors Corporation, Detroit, Michigan, whose separations were related to import competition. This Amended Determination was published in the **Federal Register** on September 9, 1980 (45 FR 54952) and amended again on December 10, 1980 (45 FR 83694) to include seven more component plants of General Motors including the Hydra-matic Division in Ypsilanti, Michigan. A later Correction appeared in the **Federal Register** on February 20, 1981 (46 FR 13429).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the Certification. The additional information revealed that significant layoffs occurred prior to the November 1, 1979 impact date for workers at General Motors Hydra-matic Division in Ypsilanti, Michigan. These layoffs were not covered by the impact date set in the certification for workers at the Hydra-matic Division in Ypsilanti, Michigan.

The intent of the certification is to cover all workers at the General Motors component plant in Ypsilanti, Michigan who were affected by the decline in production of import impacted GM vehicles. The Certification, therefore, is amended to include a new impact date of August 1, 1979 for workers at General Motors Corporation's Hydra-matic Division in Ypsilanti, Michigan (TA-W-9566).

The Certification applicable to TA-W-9566 is hereby amended and issued as follows:

"All workers of the General Motors Corporation's Hydra-matic Division at Ypsilanti, Michigan who became totally or partially separated from employment on or after August 1, 1979 and before November 15, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 13th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-10214 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,277]

ITT Higbie Manufacturing Co., Avon Division, Rochester, Mich.; Negative Determination Regarding Application for Reconsideration

By an application dated February 23, 1981, the United Auto Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing pushrods and automotive seamless tubing at ITT Higbie's plant in Rochester, Michigan. The determination was published in the **Federal Register** on January 30, 1981. (46 FR 10029).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that imports of automobiles and trucks and imports of tubing from two of ITT Higbie's competitors in Canada have affected employment and the production and sales of pushrods and tubing.

The Department's review showed that the petition for workers at ITT Higbie's plant in Rochester, Michigan did not meet the "contributed importantly" test of the Trade Act of 1974. Surveyed customers representing virtually all of ITT Higbie's sales reported that they had not purchased imported pushrods or seamless tubing during the period under investigation.

Further, ITT Higbie's foreign competitors named in the application for reconsideration, reduced their sales of tubing to firms in the U.S. in 1980 compared to 1979 due to the recession in the auto industry.

The Department has already addressed the union's allegation concerning imports of automobiles and trucks contributing importantly to the declines in sales, production and employment at ITT Higbie's plant in Rochester. The Department in its original denial indicated that although imported autos and trucks may incorporate pushrods and seamless tubing, imports of finished products e.g. automobiles are not "like or directly competitive with" their component parts, e.g. pushrods. Only imports of pushrods and seamless tubing which are not incorporated in final articles can be considered in determining under the adjustment assistance program import injury to workers who produce directly competitive products at ITT Higbie. The courts have held that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 507 F 2d. 174 (1974). In that case, the court held that imported finished women's shoes were not like or directly competitive with shoe counters, a component of footwear.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 24th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-10215 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

Hutson Machine Products, et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 23–27, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number 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-9595; Hutson Machine Products, Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9069; Ohio Rubber Co., Hose Division, Elkhart, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9425; R.B. & W Fabricated Metal Products, Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9148; Sheller-Globe Corp., Norwalk Assembly Division, Norwalk, 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-8737; King-Seeley Thermos Co., Fabricators Division, Utica, 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-9189; Clark Engineering Co., Haslett, 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-9202; Petoskey Mfg. Co., Petoskey, 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-9620; Reddiform, Inc., Redform, 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-9123; Cape Industries, Inc., 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-9039 & 10,506; Janesville Products, Norwalk, OH and Franklin, 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-9081 & 9559; M&S Mfg. Co., Morenci, MI and M&S Mfg. Co., Hudson, 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-8873; Precision Plastic and Die Co., Ithaca, 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-8379; Color Custom Compounding, Inc., 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-9981; Midwest Rubber Co., Deckerville, 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-9166; Sterling Diamond Tool, Inc., 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-9733; Cantrick Corporation, Lexington, 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-9395; Firestone Synthetic Rubber and Latex Co., Orange, TX

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-9137; Powder Metal Products, Inc., St. Marys, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9129; Van Wormer Industries, St. Clair Shores, 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-9073; Lemar Products, Inc., Cleveland, 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-8968; Kay Screen Printing Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8893-5, 8896, 8896A, & 8897; Atwood Vacuum Machine Co., Rockford, 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-11,336; Pickford Mills, Inc., Brooklyn, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-11,292; Tecumseh Products Co., Somerset, KT

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,451; Barnabo Steel Corp., Canton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,390; Johnson Stamping & Fine Blanking Co., Plymouth, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,381; Warrendale Mfg. Co., Dearborn, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,372; Hooker Chemical Co., Kenton, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of phenolic resins and phenolic compounds are negligible.

TA-W-10,307; Wickes Forest Industries, Grangeville, ID

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,254; Roland LaRose Industries, Inc., Mount 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.

TA-W-10,178; Carr Tool Co., Farmington Hills, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible. With respect to die details for non-automotive use, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9778; Stalwart Rubber Co., Bedford, 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-9230; Marx Mfg. Corporation, Taylor, 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 subject firm.

TA-W-8959; Tecumseh Products Co., Tecumseh, 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-TA-W-11,814; Koppers Co., Toledo, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coke did not increase as required for certification.

TA-W-11,763; John A. Roebling Steel Corp., Roebling, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of alloy and carbon steel did not increase as required for certification.

TA-W-11,623; Lincoln Metal Products, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of prototype parts are negligible.

TA-W-11,286; Lynchburg Foundry Co., Campbell County, VA (Archer Creek Plant)

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,962; Portland Labadie Sheet Metal Co., Troy, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of heating and air conditioning ducts are negligible.

TA-W-10,914; J.L. Sherk Co., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of air conditioning and heating ducts are negligible.

TA-W-10,913; J. Brodie & Sons, Inc., Oak Park, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of air conditioning and heating ducts are negligible.

TA-W-10,485; Vaungarde, Inc., Owosso, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,335; North Miami Tool and Die, North Miami, FL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,299; Tri State Engineering Co., Springport, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling and storage containers are negligible.

TA-W-10,289; Midland-Ross Corporation, Midland Brake Division, Owosso, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,248; Davis Tool and Engineering Co., Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,239; Diversified Engineered Products, Inc., Lansing, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling containers are negligible.

TA-W-9661; 3M Company, Sign Shop of the Decorative Products Div., Cottage Grove, MN

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-9333 & 10,685; General Tire and Rubber Co., Lawrence, MA and Reading, MA

Investigation revealed that criterion (3) has not been met. With respect to vinyl-coated fabrics, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to wallcoverings, the investigation revealed that criterion (2) has not been met.

TA-W-TA-W-9608; Cresent Tool and Machine Co., Inc., Melvindale, 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-9537; Cadillac Products, Inc., Sterling Heights, MI

Investigation revealed that criterion (3) has not been met. With respect to automotive trims, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to custom packaging materials, the investigation revealed that criterion (2) has not been met.

TA-W-9210; Puritan Fashions Corp., Sample Room, New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9190; Dana Corporation, Parish Div., Berwick, PA

Investigation revealed that criterion (3) has not been met. With respect to leaf springs, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to suspensions, the investigation revealed that criterion (2) has not been met.

TA-W-9146; Motor Wheel Corp., Ypsilanti, 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-9041; Eaton Corporation, Engine Components Div., Battle Creek, 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-8743; Prescott Industrial Products Company, Prescott, AR

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-8657; Phoenix Steel Corporation, Claymont, DE

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-8631; United Technologies Corp., Automotive Products Div. Administrative Offices, Dearborn, 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-10,417; The Exylin Co., Miami Sakes, FL

A certification was issued covering all workers of the firm separated on or after December 8, 1979.

TA-W-8290 & 11,287; Lynchburg Foundry Co., Lower Basin Plant, Lynchburg, VA and Radford Plant, Radford, VA

A certification was issued covering all workers of the subject firm separated from employment on or after October 1, 1979.

TA-W-9410; Buckbee-Mears Co., Cortland, NY

A certification was issued covering all workers of the firm separated on or after April 4, 1980.

I hereby certify that the aforementioned determinations were issued during the period March 23–27, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: March 30, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-10142 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7772, 8617, 8858, 8870, 8942, 9306]

Kelsey-Hayes Co. Plants, Jackson, Mich., Fremont, Ohio, Detroit, Mich., Brighton, Mich., Fremont, Ohio, Sedalia, Mo.; Negative Determination Regarding Application for Reconsideration

By an application dated January 30, 1981, counsel for the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America requested administrative reconsideration of the Department of

Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the cases of former workers producing automotive wheels and drums at the Kelsey-Hayes Company plants in Jackson, Michigan; Fremont, Ohio; Detroit, Michigan; Brighton, Michigan; and Sedalia, Missouri. The determination will be published in the Federal Register shortly.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the workers cited other firms whose workers were certified by the Department of Labor for adjustment assistance who were engaged in the manufacture of automotive wheels and drums. He maintained, therefore, that Kelsey-Hayes workers who are engaged in the manufacture of automotive wheels which compete with the wheels produced by the cited firms, should also be certified.

The review of the investigative file shows that the petitioners did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of customers of the various petitioning plants (except for the Sedalia, Missouri plant, TA-W-9306) showed that most customers either did not purchase imports or decreased purchases of imported disc brakes and parts thereof, drum brakes and parts thereof, transmission bands, rotors, hubs and brake proportioning valves. With respect to the claim that workers producing automotive wheels and drums in some firms were certified, case files of the cited firms show that workers producing drums were denied adjustment assistance while workers producing automotive wheels were certified. None of the workers in the above-indicated Kelsey-Hayes plants (except the Sedalia plant) produced automotive wheels.

Regarding the workers producing automotive wheels at the Sedalia, Missouri plant, the case file shows that employment and sales, in both quantity and value, increased in each quarter of 1979 through the first quarter of 1980. A tornado severely damaged the Sedalia plant in May, 1980. However, the plant was scheduled to reopen November 3, 1980.

A second application for reconsideration from a worker representative in a letter dated January 27, 1981 (copy attached), claims that (1) Kelsey-Hayes Company, like other companies, is producing hub and drum assemblies, hub and rotor assemblies, hubs, drum, rotors and other component brake parts in Canada, Mexico and other Latin American countries and is importing these products into the United States, and (2) there is an after-market loss of sales due to imports of replacement brake component parts.

A further review of the case file reveals that Kelsey-Hayes imported rotors and wheels in the period under investigation. Company imports of rotors decreased absolutely in 1979 compared to 1978 and in the first five months of 1980 compared to the same period in 1979, and over the same periods declined relative to company sales of rotors. With respect to the after-market sales of replacement brake component parts, these represent an insignificant share of total sales. The customer survey covered almost all of Kelsey-Hayes subject plants' sales of brake components in 1979.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of facts or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 24th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-10216 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8860]

Tru-Fit Products Corp., Tru-Fit Division, Tri-Weld Division, Medina, Ohio; 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; 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.

The investigation was initiated on June 16, 1980 in response to a petition which was filed on behalf of workers at Tru-Fit Products Corporation, Tru-Fit Division and Tru-Weld Division, Medina, Ohio. The workers at the Tru-Fit Division produce industrial fasteners and the workers at the Tru-Weld Division produce weld studs.

The investigation revealed that criterion (3) has not been met.

U.S. imports of bolts and screws decreased both absolutely and relative to domestic production in 1979 compared to 1978 and decreased absolutely in the first three quarters of 1980 compared to the same period in 1979.

A Department of Labor survey of the customers who represented a major portion of Tru-Fit Division's sales in 1978, 1979, and January–June 1980 indicated that most of the customers do not purchase imported screws and bolts. Those that did indicate import purchases comprised an insignificant proportion of Tru-Fit Division's total sales in 1978 and 1979.

Sales and production at the Tru-Weld Division of Tru-Fit Products Corporation increased in 1979 compared to 1978 and increased in the first two quarters of 1980 compared to the same quarters of 1979. The employment declines at the Tru-Weld Division during the first quarter of 1980 were short term in nature and the results of a temporary shift in the product mix by the division. Employment increased during the second quarter of 1980 compared to the previous quarter and compared to the same quarter of the previous year.

Conclusion

After careful review, I determine that all workers of Tru-Fit Products Corporation, Tru-Fit Division and Tru-Weld Division, Medina, Ohio are denied eligibility to apply for adjustment

assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-10217 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

Tripartite Advisory Panel on International Labor Standards; Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is hereby given of a meeting of the Tripartite Advisory Panel on International Labor Standards, which is a subcommitee of the President's Committee on the International Labor Organization.

Name: Tripartite Advisory Panel on International Labor Standards.
Date: April 20, 1981.
Time: 2 p.m.
Place: Department of Labor, 3rd and Constitution Ave., N.W., Room S-2217, Washington, D.C. 20210.

This meeting will be closed to the public under authority of Section 10(d) of the Federal Advisory Committee Act, as amended. The meeting will involve discussion of information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. It is not practicable to segrate a portion of the meeting to permit public participation.

All communications regarding this subcommittee should be addressed to Ronald G. Whiting, Acting Deputy Solicitor of Labor, U.S. Department of Labor, 3rd and Constitution Ave., NW., Washington, D.C. 20210, telephone (202) 523-7684.

Signed at Washington, D.C. this 1st day of April, 1981.

T. Timothy Ryan, Jr.,

Solicitor of Labor.

[FR Doc. 81-10286 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension Welfare Benefit Programs

[Application No. D-1910]

Proposed Exemption for Certain Transactions Involving Hesselbart & Mitten and Related Companies Profit Sharing Plan and Trust, Located in Akron, Ohio

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the modification effective November 1, 1979 (1979 Modification), of a lease of real property located in Akron, Ohio (the Property) by the Hesselbart & Mitten and Related Companies Profit Sharing Plan and Trust (the Plan) to Arocom, Inc. (Arocom), a party in interest to the Plan; (2) the continuation of a sublease (the Sublease), effective on the date the exemption is granted, of a portion of the Property by Arocom to Hesselbart & Mitten, Inc. (H & M), a party in interest to the Plan; and (3) the proposed lease (the Proposed Lease) of the Property by the Plan to Arocom to commence on the date the exemption is granted. The proposed exemption, if granted, would affect the Plan trustee, Plan participants and beneficiaries, H & M, Arocom and other persons involved in the transactions.

EFFECTIVE DATE: November 1, 1979 for the 1979 Modification and the date the exemption grant is published in the **Federal Register** for the Sublease and the Proposed Lease.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 18, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1910. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by H & M and Arocom, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan with 46 participants and approximately $1.7 million in total assets as of August 22, 1980. Arocom and H & M are contributing employers to the Plan. Robert Mitten, president of both Arocom and H & M, owns 90% and 100%, respectively, of the issued and outstanding stock of Arocom and H & M. From the time the lease of the property was entered into in 1973 (1973 Lease) until the present time, BancOhio, the Plan trustee (Trustee), who is independent of the parties to the transactions, has served as Plan Trustee and has had and will continue to have complete and exclusive authority to make investment decisions for the Plan.

2. The property is used as an office building by Arocom and H & M and is located at 2680 West Market Street, Akron, Ohio. The 1973 Lease initially had a term of ten years and provided for an annual rental of $43,200 for the building (Building) on the Property, which contained approximately 10,000 square feet. Arocom was required to pay all operating expenses attributable to the property. When the 1973 Lease was executed, the Sublease, an oral lease, was simultaneously entered into between Arocom and H & M, whereby approximately forty-two percent (42%) of the Building was subleased to H & M. The Sublease is an indirect lease between the Plan and H & M and an exemption is therefore requested for its continuation. The applicants agreed that the rental paid by H & M to Arocom under the Sublease would never exceed the amount paid by Arocom to the Plan and that Arocom would remain fully liable to the Plan under the 1973 Lease

despite the Sublease. The Trustee has monitored the 1973 Lease and sublease on the Plan's behalf since the Plan entered into them and would continue to monitor them.

3. The 1979 Modification of the 1973 Lease occurred as follows. Due to the continued growth and expansion of both Arocom and H & M, the necessity for expanded facilities required an addition to the Building, which was financed by the Plan. The addition was completed in the fall of 1979, increasing the rentable square footage of the Building from 10,000 to 14,309 square feet. The 1979 Modification resulted in an increase in the annual rental, effective November 1, 1979, from $50,700 to $76,620 to reflect the increased rentable square footage. In addition, the 1979 Modification resulted in the term of the 1973 Lease being increased by two years, terminating as of Octoer 31, 1981. The Trustee, who made the determination on the Plan's behalf to enter into the 1979 Modification, states that the rental and all other terms and conditions of the 1979 Modification are at least as favorable to the Plan as would be available under a lease to independent third parties in a normal commercial setting.

4. The applicants represent that the 1973 Lease, until the 1979 Modification, was covered by the transitional rules of section 414(c)(2) of the Act. An exemption is therefore requested for the 1979 Modification. The applicants further represent that the Sublease is covered by the transitional rules of section 414(c)(2) of the Act. However, an exemption is requested for the Sublease that would extend beyond the expiration of the transitional rules on June 30, 1984.

5. The Plan and Arocom also propose to enter into the Proposed Lease, the effective date of which shall coincide with the date the exemption grant is published in the **Federal Register**. The Trustee has stated that the Proposed Lease is favorable to the Plan and in the Plan's best interests. The Proposed Lease would supersede and void the 1973 Lease. The terms of the Proposed Lease are substantially identical to the 1973 Lease. The fair market rental value of the Property, as determined in an appraisal dated March 8, 1980 performed by James E. Morgan, an independent M.A.I. appraiser, was $5.00 to $5.25 per square foot per year. The annual rental charge under the Proposed Lease is the amount currently paid under the 1973 Lease, $5.35 per square foot for a total of $76,620 per year, which amount is in excess of the fair market rental value. Arocom represents that rental paid to the Plan in excess of fair market rental value will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code. Mr. Morgan also stated that the Property is readily saleable or rentable to third parties.

6. The Proposed Lease contains two separate five year option periods. The rental for each five year option period would be the fair market rental value at the beginning of the period, as determined by an independent appraisal, provided that the rental in the option periods would not be less than the rental in the initial term. The Plan's only obligation as lessor is to maintain the roof, exterior walls and structural elements of the Property in good repair. Arocom agrees to hold the Plan harmless from all loss, costs or damages regarding the Property. As of October 31, 1979, Arocom's net worth was approximately $800,000.

8. In summary, the Trustee represents that the transactions satisfy the statutory criteria of section 408(a) of the Act due to the following:

a. The Trustee states that the transactions are in the best interests of Plan participants and beneficiaries;

b. With regard to the 1979 Modification:

(1) the Trustee made the determination on the Plan's behalf to enter into the 1979 Modification and has monitored the 1979 Modification since the plan entered into it; and

(2) the Trustee represents that the terms and conditions of the 1979 Modification are as favorable to the Plan as would be available under a lease to independent third parties in a normal commercial setting;

c. With regard to the Proposed Lease:

(1) the Trustee has made the determination on the Plan's behalf to enter into the Proposed lease and would monitor the Proposed Lease;

(2) the rental to be paid under the Proposed Lease exceeds the fair rental value as determined by and independent appraiser;

(3) the rental would be adjusted in the fifth and tenth years of the Proposed Lease to reflect the fair market rental value, but would not be less than the rental in the initial term;

(4) Arocom would remain fully liable under the Proposed Lease despite the Sublease; and

(5) Arocom would hold the Plan harmless regarding loss or damages to the Property.

d. With regard to the Sublease:

(1) the Trustee would monitor the Sublease; and

(2) the rental paid by H & M to Arocom under the Sublease would never exceed the rental paid by Arocom to the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons, including all active and retired participants, terminated participants who have a nonforfeitable interest in the Plan, beneficiaries of deceased participants, all employees of H & M and Arocom and all other parties in interest. Notice will be given by first class mail within 15 days of the date the proposed exemption is published in the **Federal Register**. The notice will contain a copy of the proposed exemption and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inpsection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1), 406(b)(2), 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply: (1) effective November 1, 1979, to the 1979 Modification, provided that the terms and conditions of the 1979 Modification have at all times been at least as favorable to the Plan as those it could have secured from an unrelated third party; (2) to the Sublease between Arocom and H & M; and (3) to the Proposed Lease, provided that the terms and conditions of the latter two transactions are at least as favorable to the Plan as those with an unrelated third party would be.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 30th day of March, 1981.

Ian D. Lanoff,

Administration for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-10222 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-28; Exemption Application Nos. D-2134 and D-2135]

Exemption for Certain Transactions Involving Ness & Co. Profit Sharing Plan and Northwest Food Brokers, Inc. Employees' Profit Sharing Plan Located in Portland, Oreg.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits (1) the proposed sale of a land sale contract (the Contract) to the Ness-NWFB Employees' Retirement Trust (the Trust), which holds the assests of the Ness & Co. Profit Sharing Plan and the Northwest Food Brokers, Inc. Employees' Profit Sharing Plan (the Plans), by Ness & Co., a contributing employer to the Trust; and (2) the extension of credit resulting from Ness & Co.'s agreement to indemnify and hold the Trust harmless regarding the Contract.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2428) of the pendency before te Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the applications for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons as required in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being graned solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer

maintaining the plan and their beneficiaries.

(2) this exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of sections 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the proposed sale of the Contract by Ness & Co. to the Trust provided that the terms and conditions of the proposed sale are at least as favorable to the Trust as those it could obtain from an unrelated third party; and (2) the extension of credit resulting from Ness & Co.'s agreement to indemnify and hold the Trust harmless regarding the Contract.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-10223 Filed 4-3-81; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[Application No. D-2444]

Proposed Exemption for Certain Transactions Involving Scudder, Stevens & Clark and Related Organizations Located in New York, New York, and Several Other Cities

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the investment of plan assets on behalf of employee benefit plans with respect to which Scudder, Stevens and Clark or any related organization (the Applicants) is a fiduciary by the Applicants in a venture capital company that receives investment advisory services from Applicants. The proposed exemption, if granted, would affect participants and beneficiaries of the employee benefit plans that receive investment advisory services from Applicants, fiduciaries of those plans and the Applicants.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 8, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2444. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Carol D. Gold of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1). The proposed exemption was requested in an application filed on behalf of Scudder, Stevens & Clark (Scudder); Scudder, Stevens & Clark Inc. of Chicago, Illinois; Scudder, Stevens & Clark Incorporated of Los Angeles and San Francisco, California; Scudder Stevens & Clark of Canada Ltd. of Toronto, Ontario, Canada; and Scudder Realty Advisors, Inc. of Los Angeles, California (collectively referred to as the Applicants). The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption that are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the Applicants.

1. The Applicants are investment advisers registered under the Investment Advisers Act of 1940. Scudder is a partnership with offices in Boca Raton, Florida; Boston, Massachusetts; Cleveland and Cincinnati, Ohio; Dallas and Houston, Texas; New York, New York; and Philadelphia, Pennsylvania. Scudder provides certain administrative and research support services to the other Applicants, all of whose common stock is beneficially owned by Scudder and its general partners.

2. Applicants render investment advisory services to individuals and institutions, including registered investment companies, employee benefit plans, banks, charitable and educational institutions, trust accounts, corporations and insurance companies. Generally, such services involve continuous advice as to the investment of funds on the basis of the individual needs of the clients. Frequently, Applicants exercise discretionary authority or control respecting the investment management of clients' assets. When such services are rendered to employee benefit plans, Applicants are fiduciaries within the meaning of section 3(21) of the Act with respect to the assets of such plans that are the subject of Applicant's advice.

3. Applicants believe that it may be appropriate from time to time to invest

assets of certain larger employee benefit plans with respect to which it is a fiduciary (client-plans) in one or more venture capital company designed to meet the conditions set forth in proposed regulation 29 CFR 2550.401b-1(e)(1)(ii). Compliance with these proposed conditions would have the effect of preventing the assets of the venture capital company from being considered plan assets (these companies are hereinafter referred to as qualifying venture capital companies). Because Applicants may be retained to render certain investment advisory services to a qualifying venture capital company by the general partners (or persons serving functions similar to general partners) of the company, investments of client-plan assets in that company may be prohibited by the Act.

4. Applicants represent that they are prepared to consent to the imposition by the Department of several conditions which will assure that the contemplated transactions are consistent with the policy and purposes of the Act and the standards set forth in section 408(a). The conditions are as follows:

a. Neither Applicants (collectively or individually) nor their shareholders, partners or employees will be officers, directors or general partners of any qualifying venture capital company in which Applicants invest assets of a client-plan.

b. Applicants' services to the qualifying venture capital company will be limited to investment advisory services, including but not necessarily limited to:

(i) Providing managers of the company with direct access to Applicants' research, personnel and other professional resources;

(ii) Referring appropriate investment opportunities for consideration by the company,

(iii) Advising on management of cash and money market instruments;

(iv) Advising on general economic conditions; and

(v) Advising on developments in industries identified by the company.

c. No sales commission will be psid by client-plans in connection with the purchase of any interest in the qualifying venture capital company.

d. The client-plan will not pay a redemption fee or penalty inconnection with the resale of its interests in the company to the qualifying venture capital company.

e. The client-plan will not pay Applicants an investment management fee, investment advisory fee, or similar fee with respect to the plan assets invested in a qualifying venture capital company that employs Applicants. This will not preclude payment to Applicants of investment advisory fees by the venture capital company. If, during any fee period for which the client-plan has prepaid its fee, the plan invests in a qualifying venture capital company that employs Applicants, the requirement of this condition shall be deemed met with respect to such prepaid fee if, by a method resonably designed to accomplish the same, the amount of the prepaid fee that constitutes the fee with respect to the plan assets invested in the company (a) is anticipated and subtracted from the prepaid fee at the time of payment of the fee, (b) is returned to the plan no later than during the immediately following fee period, or (c) is offset against the prepaid fee due for a fee period not later than the second fee period subsequent to the investment.

f. A fiduciary with respect to the client-plan, who is independent of the Applicants and has no financial interest in these investments:

(i) Authorizes investment of plan assets in venture capital companies;

(ii) Receives an offering memorandum describing material information about the qualifying venture capital company in which Applicants will invest plan assets, including a description of the services to be rendered by Applicants to the company and the compensation to be received by Applicants therefor;

(ii) Approves in writing any fee differential to be earned by Applicants by reason of the investment (the fee differential is the fee to be received by Applicants for services to be rendered to the qualifying venture capital company attributable to the client-plan's investment, less the investment management fee otherwise payable to Applicants in connection with the management of those assets);

(iv) Is thereafter notified of any proposed change in fees to be paid by the qualifying venture capital company to Applicants and approves in writing any fee differential resulting therefrom; and

(v) Receives periodic statements concerning the performance of the venture capital company, including timely receipt of an audited annual report by an independant public accounting firm as well as quarterly unaudited reports showing the cost and fair market value of each holding as determined by the venture capital company's valuation committee.

(vi) Receives a copy of this notice of pendency and resulting exemption prior to any investment by Applicants of the assets of the plan in a venture capital company.

5. The applicants believe that some of the considerations that justified the issuance of Prohibited Transaction Exemption 77-4 (PTE 77-4) (42 FR 18732, April 8, 1977), including the following, are present in the instant matter:

a. It is often preferable for reasons such as investment diversification, for plans to invest in a registered open-end investment company rather than investing directly in portfolio securities of the type held by the investment company. Similarly, it is often preferable (and perhaps necessary) for a plan to engage in the venture capital business indirectly through its ownership of an interest in a venture capital company. The business of a venture capital company, as the Department has recognized (45 FR 38084 (June 6, 1980)), involves acting as an investment intermediary and also taking an active role in the management of many of the portfolio companies. This business could not be undertaken directly by most plan trustees or other fiduciaries, as it involves experience and expertise not normally requied of such persons.

b. Investment advisers who are also advisers to mutual funds have employed the flexibility afforded them by PTE 77-4 to invest plan assets in companies with which they are familiar because of their continuing advisory relationship. Client-plan fiduciaries accept this and, in the case of the Applicants, have never objected when Applicants have exercised their discretionary authority in keeping with the terms of PTE 77-4. Similarly, an investment adviser will have confidence in a venture capital enterprise with which it is associated. Indeed, an investment adviser will be able to fulfill its fiduciary responsibilities best by continuous awareness of the operations of the venture capital company. It is also reasonable that an independent plan fiduciary would expect the adviser to invest in a qualifying venture capital company that it advises rather than in a similar business advised by a competitor.

6. In summary, the Applicants represent that the requested exemption would satisfy the statutory criteria contained in section 408(a) of the Act because:

(a) The requested exemption is administratively feasible in that the conditions to which Applicants have consented would be specific, require review and approval of any fee differential by an independent fiduciary, and would not require any further action by the Department. Moreover, there are independent checks on the transactions covered by this request since several other investors, unrelated to Applicants, will also be investors in qualifying

venture capital companies, as would be required pursuant to proposed regulation § 2550.401b–1(e)(1)(ii)(B)(2).

(b) The Applicants believe the requested exemption would be in the interests of plans and their participants and beneficiaries because investments in qualifying venture capital companies may be appropriate for certain employee benefit plans as part of a program of diversification of their portfolios. Selection of potential venture capital company investments may be difficult, and, therefore, it is in the interests of certain plans and participants and beneficiaries that Applicants be permitted to make such selections for plans. The requested exemption would not only assure the availability of this service through Applicants, but would also make available to client-plans the advantages of diversification of venture capital investments through venture capital companies as contrasted with limited, direct venture capital investments, and would further serve to permit Applicants to invest plans assets in companies with which they are most familiar.

(c) The exemption, as requested, would be protective of the rights of participants because:

(i) Applicants are selected to manage plan assets by a plan fiduciary independent of the Applicants;

(ii) Applicants will be retained and compensated by the qualifying venture capital company solely on the basis of the quality of investment advisory services they will provide to such company; and

(iii) Applicants' decision to invest plan assets in the qualifying venture capital company must be made in a manner consistent in all ways with section 404(a)(1) of the Act and the Department's regulations thereunder.

(d) Moreover, the Applicants represent, the exemption would be protective of the rights of participants because it would be conditioned on the following:

(i) Approval by independent fiduciaries of the concept of investing plan assets in a qualifying venture capital company;

(ii) Receipt by independent fiduciaries of a detailed offering memorandum describing all material aspects of any proposed investment;

(iii) Consideration and approval by independent fiduciaries of any differential that may exist at the time of investment (or subsequently, if the differential is subject to change by reason of any increase in fees to be paid by the venture capital company) in the fees paid to Applicants by the client-plan and the fee to be paid to Applicants by the qualifying venture capital company in which the plan may invest;

(iv) Disclosure to independent trustees or fiduciaries of statements on the performance of any qualifying venture capital company in which their plans invest. These statements shall include an audited annual report by an independent public accounting firm as well as such other information as the fiduciary may reasonably request concerning the operations and investments of the qualifying venture capital company.

(v) Receipt by an independent fiduciary of this notice of pendency and any resulting exemption prior to any investment by Applicants of plan assets in a venture capital company.

Notice to Interested Persons

Applicants will notify the investment committees or trustees of any client-plan or behalf of which it intends to invest in a qualifying venture capital company of the pendency of this exemption. Notice will include a copy of the notice of pendency and will be delivered by hand or by first class mail.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code shall not apply to the investment by Applicants of the assets of an employee benefit plan with respect to which one or more of the Applicants is a fiduciary within the meaning of section 3(21) of the Act (client-plan), in a venture capital company: (a) That meets the conditions set forth in proposed regulation 29 CFR 2550.401b–1(e)(1)(ii) (qualifying venture capital company) and (b) that receives investment advisory services from any one or more of the Applicants: *Provided*, That the following conditions are met:

1. Neither Applicants (collectively or individually) nor their shareholders, partners or employees are officers, directors or general partners of any qualifying venture capital company in which Applicants invest assests of a client-plan.

(2) The services provided to the qualifying venture capital company by any one of the Applicants are limited to investment advisory services, including but not necessarily limited to:

(a) Providing mangers of the company with direct access to Applicants' research, personnel and other professional resources;

(b) Referring appropriate investment opportunities for consideration by the company;

(c) Advising the company on management of cash and money market instruments;

(d) Advising the company on general economic conditions; and

(e) Advising the company on developments in industries identified by the company.

3. No sales commission is paid by the client-plan in connection with the purchase of any interest in the qualifying venture capital company.

4. The client-plan does not pay a redemption fee or penalty in connection with the resale of its interests in the qualifying venture capital company to that company.

5. The client-plan does not pay to any of the Applicants an investment management fee, investment advisory fee or similar fee with respect to the plan assets invested in the qualifying venture capital company that receives services from any one of the Applicants. This condition shall not preclude payment by the venture capital company to any of the Applicants of investment advisory fees. If, during any fee period for which the client-plan has prepaid its investment management, investment advisory or similar fee, the client-plan invests in a qualifying venture capital company that receives services from any of the Applicants, the requirement of this condition shall be deemed met with respect to such prepaid fee if, by a method reasonably designed to accomplish the same, the amount of the prepaid fee that constitutes the fee with respect to the plan assets invested in such company (a) is anticipated and subtracted from the prepaid fee at the time of payment of such fee, (b) is returned to the client-plan no later than during the immediately following fee period, or (c) is offset against the prepaid fee due for a fee period not later than the second fee period subsequent to the investment.

6. A fiduciary with respect to the client-plan, who is independent of each of the Applicants and has no financial interest in these investments:

(a) Authorizes the investments of the client-plan's assets in qualifying venture capital companies generally;

(b) Receives an offering memorandum describing material information about the qualifying venture capital company in which Applicants will invest the client-plan's assets, including a description of the services to be rendered by Applicants to the company and the compensation to be received by Applicants therefor;

(c) Approves in writing any fee differential (i.e. the fee to be received by Applicants for services to be rendered to the qualifying venture capital company attributable to the client-plan's investment, less the investment management fee otherwise payable to Applicants in connection with the management of those assets) to be earned by Applicants by reason of the investment;

(d) Is thereafter notified of any proposed change in fees to be paid by the qualifying venture capital company to Applicants and approves in writing any fee differential resulting therefrom; and

(e) Receives timely periodic statements concerning the performance of the venture capital company, including an audited annual report by an independent public accounting firm as well as such other information as the fiduciary may reasonably request concerning the operations and investments of the venture capital company.

(f) Receives a copy of this notice of pendency and the resulting exemption prior to any investment by the Applicants of the client-plan assets in a venture capital company.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-10224 Filed 4-2-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-33]

Rust-Oleum Corp. and Shane Associates, Inc.; Intent To Grant Partially Exclusive Patent Licenses

Notice is hereby given that consideration is being given to grnting both Rust-Oleum Corporation, Vernon Hills, Illinois, and Shane Associates, Inc., Springfield, Virginia, limited, partially exclusive, revocable licenses to practice the inventions described in U.S. Patent Nos. 3,620,784 and 4,162,169 for "Potassium Silicate-Coatings", and "Alkali-Metal Silicate Binders and Methods of Manufacture", issued November 16, 1971, and July 24, 1979, respectively, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed partially exclusive licenses will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2. NASA will negotiate the final terms and conditions and grant the partially exclusive licenses unless, within 30 days of the date of this Notice, the Chairperson, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed partially exclusive licenses; or (ii) an application for a nonexclusive license under such inventions, in accordance with § 1245.206(b) in which applicant states that he/she has already brought or is likely to bring the inventions to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the partially exclusive licenses.

Dated: March 31, 1981.

S. Neil Hosenball,

General Counsel.

[FR Doc. 81-10110 Filed 4-2-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-32]

Solartherm Inc.; Intent To Grant Partially Exclusive Patent License

Notice is hereby given that consideration is being given to granting to Solartherm Incorporated, of Silver Spring, Maryland, a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 4,081,250 "Coal Desulfurisation Process" issued March 28, 1978, the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed partially exclusive licenses will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2. NASA will negotiate the final terms and conditions and grant the partially exclusive licenses unless,

within 30 days of the date of this Notice, the Chairperson, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he/she has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the partially exclusive license.

Dated: March 31, 1981.

S. Neil Hosenball,

General Counsel.

[FR Doc. 81-10017 Filed 4-2-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-31)]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of amendment.

SUMMARY: In accordance with the Civil Service Reform Act, Section 405(a), this Notice amends NASA Notice 81-20, Performance Review Board; Senior Executive Service, 46 FR 12169, February 12, 1981, by adding the appointment of Franklin D. Martin (Term expires July 1983) to the Performance Review Board.

DATE: Effective March 30, 1981.

ADDRESS: Executive Personnel Management Program, NPD-32, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-3535.

A. M. Lovelace,

Acting Administrator.

March 30, 1981.

[FR Doc. 81-10015 Filed 4-2-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before May 4, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day March 27, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Joseph D. Lafleur,

Deputy Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Mar. 2, 1981, Mar. 4, 1981, XSNM01795.	3.30% Enriched uranium	14,031.000	456.008	Routine reload fuel for Ringhals 2	Sweden.
Mitsubishi International, Mar. 9, 1981, Mar. 17, 1981, XSNM01798.	3.25% Enriched uranium	37,655	1,224	Routine reload fuel for Ohi Unit 1	Japan.
Nuclear Transport & Storage, Inc., Feb. 27, 1981, Mar. 5, 1981, ISNM81004.	Natural uranium	[1]		To DOE enrichment plants for enrichment purposes	From Canada.
Nuclear Assurance Corp., Mar. 10, 1981, Mar. 13, 1981, ISNM81005.	89%Enriched uranium	32.009	17.440	For reprocessing of spent fuel assemblies at DOE Savannah River Plant.	Do.

[1] Unlimited quantities.

[FR Doc. 81-10114 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 9-11, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on March 27, 1981.

The agenda for the subject meeting will be as follows:

Thursday, April 9, 1981

8:30 A.M.-8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 A.M.-12:30 P.M. and 1:30 P.M.-2:30 P.M.: La Salle Nuclear Power Station Units 1 and 2 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed operation of the La Salle Nuclear Power Station. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the applicant regarding this request for an Operating License.

Portions of this session will be closed as required to discuss Proprietry Information related to this matter.

2:30 P.M.-3:30 P.M.: Meeting with NRC Executive Director for Operations (Open)—The Committee will meet with the NRC Executive Director for Operations to discuss implementation of ACRS recommendations by the NRC Staff and availability of NRC Staff documents in support of ACRS activities.

3:30 P.M.-6:30 P.M.: NRC Long-Range Safety Research Program Plan (Open)—The Committee will hear and discuss a report from the ACRS Safety Research Subcommittee, ACRS consultants who may be present, and representatives of the NRC Staff regarding the proposed NRC Long-Range Safety Research Program Plan. The

Committee will also discuss its proposed report to NRC regarding this plan.

Portions of this session will be closed as necessary to discuss information the premature release of which would be likely to significantly frustrate the Committee in the performance of its statutory function.

Friday, April 10, 1981

8:30 A.M.–9:30 A.M.: Independent Design Review of Nuclear Power Plants (Open)—The Committee will hear and discuss a report by members of the NRC Staff regarding plans for an independent design review of nuclear power plants.

9:30 A.M.–10:30 A.M.: Nuclear Power Plant Operating Experience (Open)—Members of the NRC staff will brief the ACRS on recent incidents at nuclear power plants including the Sequoyah Nuclear Plant Unit 1 and the Palisades Nuclear Plant.

10:30 A.M.–11:30 A.M.: Passive Containment System (Open)—The Committee will hear a report from its Subcommittee and will hear and discuss comments from the applicant regarding the request for a prelicensing review of the Passive Containment System.

11:30 A.M.–12:30 P.M.: Requirements for Design of New Nuclear Power Plants (Open)—The Committee will hear and discuss a report from its Subcommittee and consultants who may be present regarding development of revised design requirements for new nuclear power plants.

1:30 P.M.–2:00 P.M.: ACRS Discussion (Open)—The Committee members will discuss designated items for the meeting with the NRC Chairman and other NRC Commissioners who may have an interest. Topics will include the proposed NRC Long-Range Safety Research Program Plan.

Portions of this session will be closed as necessary to discuss information the premature release of which would be likely to significantly frustrate the Committee in the performance of its statutory function.

2:00 P.M.–3:00 P.M.: Meeting with NRC Chairman and Other NRC Commissioners (Open)—The Committee will meet with the NRC Chairman and other NRC Commissioners who may have an interest to discuss safety related matters including the proposed NRC Long-Range Safety Research Program Plan.

Portions of this session will be closed as necessary to discusss information the premature release of which would be likely to significantly frustrate the Committee in the performance of its statutory function.

3:00 P.M.–4:00 P.M.: NRC Cladding Swelling and Rupture Models for LOCA Analysis (Open)—The Committee will meet with members of the NRC Staff to discuss Staff questions with respect to the ACRS report to NRC dated September 9, 1980 regarding this subject.

4:00 P.M.–5:00 P.M.: Design Criteria for Liquid-Metal Cooled, Fast Breeder Reactors (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding activities to develop design criteria for LMFBRs.

Portions of this session will be closed as required to discuss information provided by a foreign authority as confidential.

5:00 P.M.–6:00 P.M.: Consideration of Seriously Degraded Cores (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding activities related to consideration of seriously degraded cores in the siting and design of nuclear power plants, including the proposed interim NRC rule on hydrogen control and certain degraded core conditions.

6:00 P.M.–6:30 P.M.: New ACRS Members (Closed)—The committee will discuss the qualifications of candidates for appointment to the ACRS.

This session will be closed to discuss information of a personal nature the release of which would constitute a clearly unwarranted invasion of personal privacy.

Saturday, April 11, 1981

8:30 A.M.–3:00 P.M.: Concluding Session (Open)—The Committee will discuss proposed reports to the NRC regarding items considered during this meeting.

The Committee will discuss proposed ACRS action regarding items considered during this meeting. The future agenda for ACRS activities will also be discussed.

The Committee will hear and discuss the reports of ACRS Subcommittees on ACRS procedures and safety related matters including proposed changes in NRC regulatory guides, control system failures that could cause or exacerbate nuclear power plant accidents, and action taken to resolve anticipated transients without scram.

Portions of Saturday's session will be closed as required to discuss Proprietary Information related to the topics being considered and to prevent the premature release of information which would be likely to significantly frustrate the Committee in the performance of its statutory function.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (5 U.S.C. 552b(c)(9)(B)), and information provided by a foreign authority as confidential (5 U.S.C. 552b(c)(1)).

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 ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST.

Dated: March 31, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-10112 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–111]

North Carolina State University; Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts and Termination of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing the North Carolina State University (the licensee) to dismantle the 10 Kw Training and Research Reactor (the facility), located at North Carolina State University, Raleigh, North Carolina, to dispose of the component parts in accordance with the plan set out in the licensee's application dated June 5, 1980, and to terminate the facility license. The reactor is covered by Facility License No. R–63.

Prior to issuance of any orders, the Commission will have made findings

required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 4, 1981, the licensee may file a request for a hearing with respect to issuance of the subject orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, and other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intevene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permited to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should also be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: (petitioner's name and telephone number); (date petition was mailed); (NCSU); and (publication date and page number of this **Federal Register** notice). A copy of the petition should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Joab Thomas, Chancellor, N.C. State University, Department of Nuclear Engineering, Box 5636, Raleigh, North Carolina 27650.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the licensee's application dated June 5, 1980, as supplemented February 19, 1981, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 24th day of March 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-10111 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 49 and 33 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments modify the Appendix B (Environmental) Technical Specifications to delete Sections 3.1 "Abiotic Nonradiological Surveillance", 4.1 "Thermal Plume Mapping" and 4.2 "Studies to Investigate Alternate Effluent Limitations" and parts of Section 3.1.2. "Biotic Nonradiological Surveillance" which contain monitoring programs for the protection the aquatic environment. Some of these aquatic programs have been completed. The NRC will rely on the requirements of the National Pollutant Discharge Elimination Systems (NPDES) Permit issued by the State of Maryland for the protection of the aquatic environment.

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 the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendments dated July 24, 1979 and January 29, 1981, (2) Amendment Nos. 49 and 33 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related letter to the licensee dated March 25, 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 Calvert County Library, Prince Frederick, Maryland. 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 25th day of March, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-10121 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440-0L and 50-441-0L]

Cleveland Electric Illuminating Co., et al. Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 38710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Cleveland Electric Illuminating Company, Et Al

(Perry Nuclear Power Plants, Units 1 and 2)

This Board is being constituted Pursuant to a notice published by the Commission on February 13, 1981, in the **Federal Register** (46 FR 12372-73) entitled, "Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 and 2); Receipt of Application for Facility Operating Licenses, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing."

This Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 24th day of March, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-10122 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to change the Low-Low Steam Generator Level Reactor Setpoint from 10 percent to 12 percent.

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 August 14, 1980, (2) Amendment No. 41 to License No. DPR-66, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. 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 20th day of March, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-10123 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Final Environmental Statement for the Turkey Point Plant, Unit Nos. 3 and 4

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to steam generator repairs to the Turkey Point Plant, Unit Nos. 3 and 4, which are being proposed by the Florida Power and Light Company, is available to inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Environmental and Urban Affairs Library, Florida International Library, Miami, Florida 33199. That document concludes that the proposed repair will not significantly affect the quality of the human environment and that the impacts from the repairs are outweighed by its benefits.

The notice of availability of the Draft Environmental Statement for the Turkey Point Plant, Unit Nos. 3 and 4, and request for comments from interested persons was published in the **Federal Register** on January 7, 1981 (46 FR 1850). The comments received from Federal, State, and local agencies and interested members of the public have been included as Appendix E to the Final Statement.

Copies of the Final Environmental Statement (NUREG-0743) may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161, (703) 557-4650.

Final unclassified NUREG-series documents are also available directly from NRC to those with deposit accounts with the Superintendent of Documents, U.S. Government Printing Office (see 44 FR 46005, August 6, 1979). To place orders call (301) 492-7333 or write: ATTN: Publications Sales Manager, Division of Technical Information and Document Control, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 30th day of March, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-10124 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-70-SC and 70-754-SC]

General Electric Co. (Vallecitos Nuclear Center, General Electric Test Reactor); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *General Electric Company* (Vallecitos Nuclear Center, General Electric Test Reactor), Docket Nos. 50-70-SC and 70-754-SC, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. George A. Ferguson. Mr. Gustave A. Linenberger was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: Herbert Grossman, Chairman, Dr. George A. Ferguson, and Dr. Harry Foreman.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. George A. Ferguson, School of Engineering, Howard University, 2300 6th Street, N.W., Washington, D.C. 20059.

Dated at Bethesda, Maryland, this 26th day of March, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-10125 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466-CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Scheduling Resumed Hearings

March 26, 1981.

The evidentiary hearings will be resumed on May 11 and continue on week days through May 22, 1981, and, thereafter, will be resumed on June 1 and continue on week days through June 12, 1981.

Testimony upon certain environmental matters will be presented at the hearing commencing on May 11th. (These carry-over environmental matters are identified at Tr. 9793-9801). Thereafter, testimony upon certain health and safety matters will be presented to track as closely as possible the sequence set forth in the Staff's revised proposed schedule dated March 12, 1981. Written direct testimonies upon the health and safety matters listed in said schedule for presentation during the period May 11-22, 1981 shall be submitted on or before April 20, 1981, and written direct testimonies upon those health and safety matters listed in said schedule for presentation during the period June 1-12, 1981 shall be submitted on or before May 11, 1981. (Tr. 7766-7767, 8875, 9802).

The May 11-22 hearing session will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The June 1-12 hearing session will be held at the following location: University of Houston, Bates College of Law (Krost Hall), 4800 Calhoun, Houston, Texas 77004.

The hearing sessions will begin at 9:00 a.m. and recess at 5:00 p.m.

The public is invited to attend these evidentiary hearings.

Dated at Bethesda, Maryland this 26th day of March 1981.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-10135 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., Jersey Central Power and Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which deleted license condition 2.E.(4) for operation of the Three Mile Island Nuclear Station, Unit 2 (the facility), located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment deletes license condition 2.E.(4) requiring solidification of the EPICOR-II spent resins prior to shipment offsite.

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 March 11, 1981, (2) Amendment No. 13 to License No. DPR-73, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. 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, TMI Program Office.

Dated at Bethesda, Maryland this 25th day of March 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-10126 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station); Withdrawal of Ordered Modification and Order to Show Cause and Termination of Proceedings Thereon

I

The Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63, which authorizes the licensee to operate the Nine Mile Point Nuclear Station (the facility) at power levels not in excess of 1850 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II

On November 26, 1980 the Director of the Office of Inspection and Enforcement, issued an "Order for Modification of License (Effective Immediately) and Order to Show Cause" (hereinafter "the November 26 orders") to the licensee based upon certain actions by employees of the licensee in responding to regulatory requirements imposed upon the licensee by the Nuclear Regulatory Commission as a consequence of the Three Mile Island Unit 2 accident on March 28, 1979, all as more particularly set out in the November 26 orders.

Various responses to the November 26 orders have been submitted by the licensee and one of the affected employees. Several meetings have been held with the licensee and the employee and their representatives. Futher investigations have also been conducted. Based upon all of the information thus gathered, the impact the November 26 orders have already had, and the licensee's willingness to pay reduced civil penalties of $215,000, I have concluded that Parts VI.A.(1) and B of the previously ordered license amendment and the order to show cause should be withdrawn and the proceedings thereon terminated.

III

With respect to the withdrawal of the amendment which removed the former General Superintendent—Nuclear, Mr. T. J. Perkins, from involvement in nuclear matters, I have concluded that this employee, while making an error in judgment, did not do so to knowingly deceive the Nuclear Regulatory Commission or to impair public health and safety. I conclude that he generally felt the degree of implementation achieved by the licensee on December 31, 1980, was adequate and that the absence of the cave did not affect implementation of item 2.1.8.b. This employee, in effect, concluded the cave was not significant with respect to the performance of the effluent monitoring system under accident conditions. And, while his judgment in this matter was without sound engineering basis, his action was caused by mistaken judgment rather than an intent to willfully withhold or deceive.

Mr. Perkins has been in the service of the licensee for 27 years and has been involved in its nuclear activities since 1964, a period of 17 years. During this time span, his involvement with nuclear matters has been extensive and his performance in dealing with nuclear matters and with the Nuclear Regulatory Commission has been good. There is no evidence to suggest that his mistaken judgment with respect to his actions in this instance was other than an isolated occurrence. There is an absence of a pattern of conduct on the part of this employee which would indicate any deficiency with respect to his credibility. In view of all of the above considerations I believe his restoration to duty is consistent with the public health and safety. This judgment is supported by the attitude of the employee exhibited to the NRC personnel from my office who conducted the inspections and investigations into this matter. Throughout that process, he exhibited a forthright and frank attitude at all times. At no time was there any evidence that he sought to conceal either the actions he took, or the reasons behind them. His actions in this regard are consistent with the candor and integrity which I view as essential to enable the Nuclear Regulatory Commission to carry out its public health and safety mandate. Accordingly, I have concluded that the four-month removal of Mr. Perkins from his duties has been adequate to emphasize the need for complete accuracy in dealing with the Commission.

My decision to withdraw the show cause order involving the Executive Vice President, Mr. James Bartlett, is based upon the licensee's and his recognition that more diligence must be applied in verifying the complete accuracy of documents supplied to the Nuclear Regulatory Commission. This recognition is reflected in the implementation of new procedures, specifically, "Nuclear Generation Staff Procedure Preparation of NRC Submittals For Nine Mile Point Unit 1" (effective December 31, 1980) and "Nine Mile Point Nuclear Station Site Administrative Procedures, Procedure No. APN-16" (effective December 31, 1980), which should prevent the recurrence of inaccurate or incomplete submittals.

IV

In view the foregoing, and pursuant to section 161(i) of the Atomic Energy Act of 1954, as amended, those portions of the November 26 Orders pertaining to Mr. Perkins and Mr. Bartlett (Parts VI.A(1) and B) are hereby withdrawn and the proceedings thereon terminated effective this date.

Dated at Bethesda, Maryland this 20th day of March 1981.

For the Nuclear Regulatory Commission.

Victor Stello,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-10127 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-496 CP and 50-497 CP]

Northeast Nuclear Energy Co., Et Al. (Montague Nuclear Power Station, Units 1 and 2); Granting Motion To Terminate Proceeding

March 25, 1981.

On February 10, 1981, the Applicants informed us that they had withdrawn their application for construction permits for the Montague Nuclear Power Station, Units 1 and 2. They also filed a motion for us to terminate the proceeding, advising us that since construction at the site was never authorized, there is no need for any site restoration or rehabilitation. On March 2, 1981, the Staff supported the Applicants' motion. No other party or participant has responded.

Absent objection from any party, and the Board having no reason not to grant the requested termination, it is, this 25th day of March, 1981.

That the Applicants' motion to terminate this proceeding is *granted.* The proceeding is thus hereby terminated.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman.

[FR Doc. 81-10128 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to remove an interim operating restriction on the Auxiliary Building Crane and incorporates clerical changes to the Operating License and the Technical Specifications.

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 licensee's submittal dated March 25, 1981, (2) Amendment No. 57 to License No. DPR-40, 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 W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. 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 25th day of March, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-10129 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275, 50-323]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 & 2); Issuance of Director's Decision Under 10 CFR 2.206 (DD-81-3)

By petition dated October 17, 1980, David S. Fleischaker, Esq. requested on behalf of the Joint Intervenors in the Diablo Canyon operating license proceeding pursuant to 10 CFR 2.206 that the Nuclear Regulatory Commission prepare supplemental environmental impact statements concerning the impact of Class 9 nuclear accidents and take other actions before any operating license is issued for the Diablo Canyon nuclear plant. This petition was supported by the affidavit of Mr. Richard B. Hubbard. Notice was published in the **Federal Register**, 45 FR 78317 (Nov. 25, 1980), that the petition was under consideration. Upon consideration of the petition, I have determined not to take the actions requested in the petition.

Copies of the "Director's Decision Under 10 CFR 2.206" which fully discusses the reasons for this decision are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 26th day of March 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-10130 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment adds Technical Specifications which incorporate certain of the Three Mile Island Unit No. 2 Lessons Learned Category "A" requirements.

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 September 16, 1980, (2) Amendment No. 37 to License No. NPF-3, 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 Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio. 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 24th day of March 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-10131 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. NPF-4 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment makes changes to Table 3.7-4 of the facility Technical Specifications by removing, adding and relocating certain facility snubbers. The changes are needed based on the NRC required Multi-Structure Amplified Response Spectra Analysis presently underway at NA-1.

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 March 24, 1981; (2) Amendment No. 26 to Facility Operating License No. NPF–4; 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, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 24th day of March, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-10132 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has respectivley issued Amendment Nos. 25 and 6, which revised license Nos. NPF–4 and NPF–7 for North Anna Power Station Unit Nos. 1 and 2 located in Louisa County, Virginia. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses.

The licensee's filing, which has been handled by the Commission as an application, 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 these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filing dated September 19, 1980, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment Nos. 25 and 6 to Facility Operating License Nos. NPF–4 and NPF–7 and (2) the Commission's related letter to the licensee dated March 20, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, P.O. Box 27, Louisa Virginia 230 93 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 20th day of March, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-10133 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 24 and No. 5 to Facility Operating License Nos. NPF–4 and NPF–7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications by requiring that at least one charging pump be operable when a given unit is in Modes 5 and 6 and the other unit is in Modes 1, 2, 3 and 4. Also, an ACTION statement is added requiring the restoration of one charging pump to operable status when the other unit is in Modes 1, 2, 3 and 4.

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 amendment. Prior public notice of these amendments was not required since these 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 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 18, 1981; (2) Amendment No. 24 and No. 5 to Facility Operating Licenses No. NPF–4 and NPF–7 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. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request 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.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-10134 Filed 4-2-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21986; (70-6578)]

Allegheny Power System, Inc.; Proposed Issuance and Sale of Common Stock

March 30, 1981.

Notice is hereby given that Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

APS proposes to issue and sell at competitive bidding, pursuant to Rule 50 under the Act, not more than 6,000,000 shares of its authorized and unissued common stock, par value $2.50 per share. In the event competitive bidding is not feasible, negotiations with underwriters will take place, subject to further authorization by the Commission.

The proceeds of the sale of the additional common stock, estimated at $84,000,000, together with other available funds, will be used to repay short-term debt and for other corporate purposes. It is estimated that approximately $90 million of short-term bank loans or commercial paper will be outstanding on June 11, 1981.

Notice is further given that any interested person may, not later than April 29, 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 declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-10024 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17671; File Nos. SR-CSE-81-2, SR-Amex-81-2]

Self-Regulatory Organizations; Proposed Rule Change By Cincinnati Stock Exchange and the American Stock Exchange, Inc.; Trade-Throughs and Locked Markets in the Intermarket Trading System

Comments requested on or before April 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 20, 1981, the Cincinnati Stock Exchange, ("CSE") and the American Stock Exchange, Inc. ("Amex"), filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice [1] to solicit comments on the proposed rule changes from interested persons.

1. Self Regulatory Organizations' Statement of Terms of Substance of the Proposed Rule Changes

The CSE and Amex have proposed adopting new exchange rules number 14.9 and 236, respectively, regarding ITS "Trade-Throughs" and "Locked Markets."

The provisions of the proposed rules specify that a member shall avoid initiating a trade-through for any ITS Eligible Listed Security, with the exception that a member may be relieved of this obligation should an applicable condition described in the rule occur.

In the event that a trade-through occurs the proposed rules place the responsibility on the party who initiated the trade-through to respond as promptly as practical to the aggrieved party's complaint. The member is to notify the aggrieved party that either the member was relieved of his obligation under an applicable condition described in the rule or that the complaint is valid and corrective action is being taken pursuant to the rule.

The procedures for corrective action vary depending upon whether the broker-dealer initiating the trade-through ("initiating broker-dealer") and the broker-dealer representing the *contra* side ("*contra* broker-dealer") are executing orders which originated from off the floor.[2] In the event that both the initiating and *contra* broker-dealers were acting for their own account, the trade-through would be cancelled and removed from the consolidated transaction reporting system ("consolidated system"). If, on the other hand, either the initiating or *contra* broker-dealer was executing (in whole or in part) an order which originated from off the floor, one of he following two alternative procedures would be required:

(i) the initiating broker shall "satisfy, or cause to be satisfied, the bid or offer traded through in its entirety at the price of such bid or offer"or

(ii) the initiating and *contra* side broker-dealers shall correct the price of their transaction to a price at which the trade-through would not have occurred ("adjusted price"), and the price correction shall be reported in the consolidated system.

Regardless of which corrective procedure is followed, the initiating broker-dealer also would be required to assure that the off-floor orders that were executed in the transaction which constituted the trade-through receive the price which caused the trade-through: the price at which the bid or offer traded-through was satisfied, if it was satisfied; or the adjusted price, if there was an adjustment; whichever of those prices is most beneficial to that order.

The proposed rule also provides that if a member makes a bid for an ITS Security on the Exchange and causes a locked market with another ITS participating market center, the member shall send a commitment to trade to such other market center seeking the offer he has equalled or exceeded, which commitment shall be for either the number of shares he has bid or for the number of shares offered on the other market center, whichever is less. The same principle shall apply to a

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[1] Because the substantive content of the proposed rule changes is virtually identicial in both filings, a single notice is being published. *See also* SR-BSE-81-2, SR-NYSE-81-8, SR-PSE-81-2, 3, SR-Phlx-81-5, and SEC Release No. 34-17612 (March 9, 1981); and SR-MSE-81-1, SEC Release No. 34-17579 (February 26, 1981).

[2] In the case of the CSE Rule 14.9 an order executed on behalf of another person is referred to as an "agency order" rather than as "off-floor order."

member who makes an offer for an ITS Security on the Exchange and causes a locked market with another ITS participating market center. This provision is subject to exceptions listed in the proposed rule.[3]

The rule filings propose an ITS block trade policy on satisfying better priced displayed bids and offers. The policy provides that a member executing a block trade in an ITS Eligible Security, at a price outside the "best" quotation for the security displayed by any ITS participating market, must commit to satisfy superior displayed bids or offers on other ITS market centers, at the block print price. The policy defines block transaction as 10,000 or more shares or securities with a market value of at least $200,000.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizations prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes.* The provisions of the rules were arrived at through a joint agreement of the ITS participating market centers and adopted to protect market orders as much as possible from executions at prices inferior to prices which exist on other market centers.

The statutory basis for the adoption of the trade-through rules is found in Sections 6(b)(5) and 11A(a)(1)(C) of the Act, in that they are designed to facilitate transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; encourage brokers to seek out and obtain execution of customer orders in the best market; and, in general, protect investors and the public interest. In addition, the proposed rule changes are consistent with section 11A(2)(a)(D) of the Act, which calls for a national market linkage to "facilitate the offsetting of investors' orders and contribute to best execution of such orders."

(B) *Self-Regulatory Organizations' Statement on Burden on Competition.* The CSE and Amex do not believe that any burdens would be placed on competition by the proposed rule changes. Rather they believe that competition among ITS participating market centers would be encouraged.

(C) *Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others.* Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the appropriate file number in the caption above and should be submitted on or before April 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 30, 1981.

[FR Doc. 81-9999 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[3] Because program modifications to the CSE's National Securities Trading System ("NSTS") are required to ensure compliance, as intended, with the locked market provisions of CSE Rule 14.9, those provisions will not become effective until August 1, 1981. The Commission has been informed that all the ITS participating market centers have agreed to this August 1 date for effectiveness of the CSE locked market procedures, and we are expecting a letter confirming this agreement, shortly.

[Release No. 17665; (SR-NASD-81-3)]

The National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

In the matter of The National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, D.C. 20006, relating to revision of certain equipment and service charges contained in Article XVI, Schedule D of the By-Laws. Comments requested on or before April 24, 1981.

March 27, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1)("Act"), notice is hereby given that on March 18, 1981, the National Association of Securities Dealers, Inc. (the "NASD") filed with the Commission copies of a proposed rule change which amends Article XVI, Schedule D, Part IV, (C) and (D) of the NASD By-Laws relating to certain equipment and service charges. Schedule D, Part IV contains a list of the fees applicable to subscribers of the NASDAQ automated quotations system. Section (C) of Part IV currently lists equipment charges for special options on a per unit, fixed fee basis. The proposed rule change would revise this fee schedule to reflect changes in types of equipment available to NASDAQ users. Section (D) of Part IV currently lists fee charges for the installation, conversion, removal or relocation of terminal equipment on a fixed fee, per unit basis. The proposed rule change provides that charges for these services be based on an hourly rate which the NASD believes will result in lower fees for the majority of its subscribers. Changes in the equipment fee schedule were necessitated by the decision to acquire more sophisticated equipment from a new supplier. The NASD had requested that this rule filing receive accelerated approval pursuant to Section 19(b)(2) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this

publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NASD-81-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of section 15A and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Such accelerated approval will allow an immediate reduction in service costs to be passed on to NASDAQ subscribers who already have equipment from the new supplier. The Commission believes that facilitating the immediate reduction in costs to NASDAQ users is in keeping with the requirement of section 15A(b)(5) that there be equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-10000 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17672; File No. SR-PSE-81-6]

Self-Regulatory Organizations; Proposed Rule Change By The Pacific Stock Exchange Inc.; Registered Specialist Assistants—Limited Duration of Applicable Rule

Comments requested on or before April 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 17, 1981, The Pacific Stock Exchange Incorporated 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies Rule II, Section 2(f), of the Rules of the Board of Governors of the Pacific Stock Exchange Incorporated ("PSE") by adding Commentary .01 which provides that Section 2(f) will no longer be effective at such time as the new pilot program for the appointment of Specialists, the creation of new Specialist posts, and the evaluation of Specialist performance terminates. The new pilot program will become effective upon approval by the Securities and Exchange Commission and will terminate not more than one year after its effective date. (The new pilot program was filed with the Commission on Form 19b-4 on March 9, 1981, SR-PSE-81-6). The text of the new Commentary is as follows:

Registered Specialist Assistant

Rule II, Section 2(f)—No Change.

Commentary .01—Rule II, Section 2(f), of the Rules of the Board of Governors of The Pacific Stock Exchange Incorporated will no longer be effective at such time as the pilot program with respect to the appointment of Specialists, the creation of new Specialist posts, and the evaluation of Specilaist Performance terminates. The pilot program will terminate not more than one year after its effective date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change.* The Pacific Stock Exchange has recently adopted a pilot program for the appointment of Specialists, the creation of new Specialist posts, and the evaluation of Specialist performance. The pilot program is experimental in nature and will be used to gather information upon which the Exchange may make an evaluation as to how to properly monitor its Specialist activities. For this reason, the program is of limited duration and will terminate within one year of its effective date.

The Board of Governors has determined that Rule II, Section 2(f), of its Rules forms an integral part of a review of Specialist activity on the Exchange. The concept of a Registered Specialist Assistant is presently being reviewed by a subcommittee of the Board as are other concepts applicable to the pilot program. The Board has, therefore, determined that this rule should have the same limited duration as the pilot program. The Board intends to file final rules covering all aspects of Specialist activity presently under review as part of the pilot program on or before the scheduled termination of the program.

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it will permit the Exchange to obtain the necessary information to formulate final rules which would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the commission may designate up to 90 days of such data if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule 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 April 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

March 30, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-10001 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17666; File No. SR-PHLX-1981-4]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Proposal to Establish an Exchange Market in Standardized Options on Foreign Currencies

Comments requested on or before June 2, 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 23, 1981, the Philadelphia Stock Exchange ("PHLX" or "self-regulatory organization") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

Item I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The terms of substance of the proposed rule changes are summarized below.

Rule 1000 Definitions—Existing definitions of the terms, "call," "put," "class of options," "exercise price," "aggregate exercise price," "covered," "straddle order," and "combination order" would be modified to apply to options on foreign currencies, and certain definitions would be added to this Rule to clarify the meanings of "foreign currency," "underlying foreign currency," "unit of underlying foreign currency," "spot sales prices" and "forward sales prices."

In particular, paragraphs 8 and 9 defining "put" and "call," respectively, would be amended to provide that the holder of a foreign currency option has the right to sell to or purchase from the Options Clearing Corporation ("OCC"), as the case may be, in accordance with the terms of the option, the number of units of foreign currency covered by that option.

Paragraph 10 would be altered to include within the definition of "class of options" option contracts of the same type of option covering the same underlying foreign currency.

Paragraph 13 would define the term "foreign currency" as the standard unit of the official medium of exchange of a sovereign government other than the United States Government, and Paragraph 14 would define "underlying foreign currency" as the foreign currency which the OCC is obligated to sell or purchase, as the case may be, upon the exercise of a foreign currency option contract. Paragraph 15 would define "unit of underlying foreign currency" as a single unit of the foreign currency which must be sold to or purchased by the OCC upon the exercise of a foreign currency option contract.

Paragraph 16 would define "spot sales prices" as the U.S. dollar prices quoted by various New York City commercial banks for the sale, for immediate delivery, of a single unit of an underlying foreign currency. Concomitantly, paragraph 17 would define "forward sales prices" as the U.S. dollar prices quoted by various New York City commercial banks for the sale, for other than immediate delivery, of a single unit of an underlying foreign currency.

Paragraph 18 of the proposed rule changes would amend the definition of "exercise price" to provide that, in the context of foreign currency options, this term means the stated price per unit at which an underlying foreign currency may be purchased or sold. Similarly, Paragraph 19 would amend the definition of "aggregate exercise price" to provide that, in the context of foreign currency options, this term means the exercise price of an option contract multiplied by the number of units of the underlying foreign currency covered by that option contract.

Paragraph 21 would modify the definition of "expiration date" to provide that foreign currency options will expire on the Saturday immediately following the second Friday of the expiration month.

Paragraph 28 would amend the term "covered" to provide that, in the context of foreign currency options, this term means that a short position in a call option contract is secured by a letter of credit, a "specific deposit" or an "escrow deposit" satisfying the OCC's conditions, that the writer has transferred the requisite units of foreign currency to a bank account designated by his broker, or that the writer holds in his options account a long position in an option contract of the same class, having an exercise price equal to or less than the exercise price of the short call. With respect to a short position in a foreign currency put option, the term "covered" would be amended to mean that the writer's position is secured by a letter of credit satisfying the OCC's conditions or that the writer holds in his options account a long position in an option of the same class, having an exercise price equal to or greater than the exercise price of the short put.

Paragraph 33 would alter the definition of "spread order" to make it clear that its reference to "adjusted option contracts" refers to stock option contracts.

Paragraphs 33 and 34 would amend the definitions of "straddle order" and "combination order," respectively, to encompass orders to buy a number of foreign currency call option contracts and the same number of foreign currency put option contracts, as well as orders to sell a number of foreign currency put options contracts and the same number of foreign currency call option contracts. In the case of straddle orders, those contracts would have the same exercise prices and expiration dates; whereas, in the case of combination orders, those contracts would have different exercise prices and/or expiration dates.

Rule 1001 Position Limits—Rule 1001 would be amended to give the Exchange the explicit authority to impose position limits on foreign currency option contracts and to require the liquidation of positions in excess of any limits it may impose.

Rule 1002 Exercise Limits—Rule 1002 would be amended to give the Exchange the explicit authority to impose limits on the number of long foreign currency option positions which may be exercised within five business days for the account of any individual or entity.

Rule 1003 Reporting of Options Positions—This Rule is proposed to be amended to extend its applicability to options on foreign currencies.

Rule 1005 Limit on Uncovered Short Positions—This Rule is proposed to be amended to enable the Exchange to prohibit uncovered opening writing transactions in any class of foreign currency options whenever it determines that, in light of conditions in the options market or in the markets for the underlying foreign currency, there are an excessive number of uncovered short positions in that class of options.

Rule 1006 Other Restrictions on Exchange Options Transactions and Exercises—This Rule is proposed to be amended to make it clear that the Exchange has the power to impose any restrictions on foreign currency option transactions or on the exercise of foreign currency option contracts that it deems advisable in the interests of maintaining a fair and orderly options market or protecting investors.

Rule 1007 Designation of Securities—This Rule is proposed to be amended to provide that each foreign currency option contract will be designated by reference to its underlying foreign currency, expiration month, exercise price and type (i.e., put or call).

Rule 1009 Approval of Underlying Stocks and Foreign Currencies—A new paragraph is proposed to be added to Rule 1009 to allow the Exchange to approve the British pound, the German mark, the Swiss franc, the Canadian dollar and the Japanese yen as underlying foreign currencies for options transactions, subject to any approval criteria the Exchange deems necessary or appropriate in the interests of maintaining a fair and orderly market or protecting investors. This Rule would also be amended to empower the Exchange to approve for options transactions a new currency intended to replace any of the above-mentioned currencies as the standard unit of exchange of the government issuing that currency and to require the Exchange to withdraw, as expeditiously as possible thereafter, its approval of the currency intended to be replaced.

Rule 1010 Withdrawl of Approval of Underlying Stocks or Foreign Currencies—A new paragraph is proposed to be added to Rule 1010 to allow the Exchange to withdraw approval of an underlying foreign currency whenever it deems this advisable in the interests of protecting investors.

Rule 1011 Option Contracts To Be Traded—Rule 1011 would be modified to allow the Exchange to approve for listing and trading, option contracts on any underlying foreign currency which has been approved for options transactions.

Rule 1012 Series of Options Open for Trading—Rule 1012 would be amended to provide that when the trading of a particular class of foreign currency options is commenced, series of options having three different expiration months will normally be opened, with the longest series running for approximately nine nonths. The amendment also provides that additional series of foreign currency options may be opened at or about the time a prior series expires, with the expiration of each such series being approximately nine months later. Pursuant to this amendment, foreign currency options will expire in the months of March, June, September, and December, unless the Exchange provides otherwise.

The amendment further provides that the exercise price of each series of foreign currency options normally will be fixed at a price per unit which is reasonably close to the spot sales price for that currency in the New York City interbank foreign exchange market. The Commentary to this Rule would provide that, in setting exercise prices, the Exchange also may take into account the forward sales prices of underlying foreign currencies.

Paragraph (b) of Rule 1012 would be modified to provide that a closing rotation for each expiring series of foreign currency options will commence at 2:30 p.m. on the business day prior to such expiration. Additionally, Commentary .01 to this Rule would be amended to specify that the Exchange may open a series of put option contracts corresponding to each series of call options opened for trading on a particular underlying foreign currency.

Rule 1014 Obligations and Restrictions Applicable to Specialists and Registered Options Traders—Paragraph (c) of this Rule is proposed to be amended to establish the maximum bid-offer spreads which may be quoted for foreign currency options by Specialists and Registered Options Traders. Pursuant to this amendment, maximum bid-offer spreads will vary on a currency-by-currency basis and will turn upon the current bid for each foreign currency option.

Rule 1024 Conduct of Accounts for Options Trading—Paragraph (b) of this Rule would be amended to require that customers whose accounts have been approved for options transactions must be provided with a current Options Clearing Corporation prospectus on stock options and with a foreign currency options supplement thereto.

Rule 1027 Discretionary Accounts—This Rule would be altered to make it clear that discretion regarding the price at which or the time when an order for the purchase or sale of a foreign curreny option contract is to be executed does not make that order a "discertionary order."

Rule 1028 Confirmations—This Rule is proposed to be amended to extend its applicability to foreign currency options.

Rule 1029 Delivery of Current Prospectus—This Rule is proposed to be amended to require that a current OCC prospectus, including a foreign currency options supplement thereto, must be delivered to each customer whose account is approved for options transactions, and that each new edition of that prospectus and supplement must be delivered to every customer maintaining such an account or engaging in an option transaction.

Rule 1033 Bids and Offers—Premium—A new paragraph (b)(ii) is proposed to be added to this Rule to provide that bids and offers for foreign currency options are to be expressed in terms of dollars per unit of the underlying foreign currency.

Rule 1034 Minimum Fractional Changes—This Rule is proposed to be amended to establish, on a currency-by-currency basis, the minimum fractional changes for foreign currency options.

Rule 1039 Resolution of Uncompared Trade—This Rule is proposed to be amended to provide that, when a disagreement regarding an uncompared foreign currency option transaction cannot be resolved by 9:00 a.m. on the first business day following the trade date, the parties involved must close out that transaction prior to 3:00 p.m. of that day.

Rule 1044 Delivery and Payment—This Rule would be amended to provide that or the writer of a call option the exercisor of a put option must arrange, as promptly as practicable after exercise, for the deposit of the underlying foreign currency in the designated bank account in the country issuing that currency. A Commentary also would be added to this Rule to require member organizations to inform their customers that each customer electing to purchase or being required to purchase an underlying foreign currency must be familiar with and in conformance with any regulations or restrictions imposed upon nonresident bank accounts by the country in which that customer proposes to accept delivery.

Rule 1045 Officers and Employees Restricted—Paragraph (b) of this Rule is proposed to be amended to prohibit officers or employees of the Exchange (or of any corporation in which the Exchange owns the majority of the stock) from purchasing or selling any foreign currency option contract which is traded on the Exchange.

Rule 1047 Trading Rotations, Halts and Suspensions—The Commentary to this Rule is proposed to be amended to provide that opening rotations in each class of foreign currency options will be held promptly after 9:00 a.m. on each business day and to provide that closing rotations will be commenced at 2:30 p.m. on the last trading day of each series of expiring foreign currency options. The Commentary also would be amended to provide that, if current quotations for any underlying foreign currency are, for any reason, unavailable within a reasonable time after 9:00 a.m., the opening of trading in options on that foreign currency will be delayed unless a determination is made that the interests of a fair and orderly market are best served by opening trading.

Rule 1049 Communications to Customers—Paragraph (d) of this Rule is proposed to be amended to provide that written materials on foreign currency options may be disseminated only to persons who have previously or contemporaneously received a current OCC stock options prospectus and a foreign currency options supplement thereto.

Rule 1053 Filing of Trade Information—This Rule is proposed to be amended to extend its applicability to foreign currency options.

Rule 101 Hours of Business—This Rule would be amended to permit members to enter the Exchange at 8:30 a.m. on each business day.

Rule 722 Margin Accounts—Subparagraph (B) of this Rule would be amended to provide that the margin required for a short foreign currency put or call contract will be: (1) 100 percent of the current market value of that contract, plus (2) a U.S. dollar amount set by the Exchange, which dollar amount will be equal to no less than 130 percent of the product of (i) the daily volatility of the underlying foreign currency multiplied by 3.75, and (ii) the number of units of the underlying foreign currency represented by that contract. This amendment would further provide that the daily volatility of each underlying currency must be determined by the Exchange at least once during each business week and that the U.S. dollar amount required to be posted as margin must be increased to reflect any increase in daily volatility. Conversely, if the daily volatility of an underlying currency decreased, the proposed amendment would allow the Exchange to decrease the dollar amount required to be posted as margin.

Subparagraph (E) of Rule 722, which imposes requirements for stock option straddle positions, is proposed to be amended to extend its applicability to foreign currency options. Subparagraph (F) of Rule 722, which imposes margin requirements for stock option spread positions, also is proposed to be amended to extend its applicability to foreign currency options. Subparagraph (F) would be altered, however, to provide that the short side of a foreign currency spread position must be fully margined during the last two business days prior to its expiration if the corresponding long position expires on the same date and is out-of-the-money three business days prior to such expiration date whereas the short position is in-the-money as of such date.

Subparagraph (H) of Rule 722 is proposed to be amended to provide that no margin need be required with respect to short foreign currency calls if: (i) the writer delivers to his broker an "escrow receipt" or an option guarantee letter certifying that the issuer holds, for the writer's account, the underlying foreign currency and will deliver it against payment of the aggregate exercise price; (ii) the writer delivers to the bank account designated by his broker the requisite units of underlying foreign currency; or (iii) the writer delivers to his broker an irrevocable letter of credit containing the unqualified commitment of the issuer to pay to the OCC, upon demand, the requisite units of foreign currency.

Additionally, subparagraph (H) is proposed to be amended to provide that no margin need be required with respect to a short foreign currency put if: (i) the writer delivers to his broker an option guarantee letter certifying that the issuer holds cash in the amount of the aggregate exercise price on deposit for the writer's account and will pay it to the writer's broker against delivery of the underlying foreign currency; or (ii) the writer delivers to his broker an irrevocable letter of credit containing the unqualified commitment of the issuer to pay to the OCC, upon demand, an amount equal to the aggregate exercise price of that put.

Item II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The rule changes proposed are designed to permit the creation of standardized options on five foreign currencies and to allow an organized trading market in such options to be established by the Philadelphia Stock Exchange ("PHLX"). Since PHLX proposes to subject foreign currency options to the same regulatory safeguards applicable to stock options and to trade such options via its existing Specialist and Registered Options Trader system, most of PHLX's present options rules can be applied without change to foreign currency options trading. Many changes of a technical nature are necessary, though, to make certain rules applicable to foreign currency options trading. Some substantive changes also are needed to

accommodate the unique characteristics of foreign currencies and the manner in which such currencies customarily are traded in the interbank foreign exchange market. Proposed amendments meriting more detailed explanation are discussed below.

Rule 1000 is proposed to be amended to make the definitions of such terms as "call," "put," "exercise price," "covered," and "straddle order" applicable to options on foreign currencies and to define the meanings of such terms as "foreign currency," "unit of underlying foreign currency," "spot sales prices" and "forward sales prices."

The definition of the term "foreign currency" is intended to limit foreign currency options trading to the standard unit of the official medium of exchange of a foreign government (i.e., the unit comparable to the U.S. dollar), while the definitions of "spot sales prices" and "forward sales prices" are designed to address the fact that foreign currencies are traded primarily on a bid-offer basis in an interbank market rather than on a last sale basis on organized exchanges. The latter definitions also address the fact that the interbank foreign exchange market consists of an active forward market as well as a spot market.

The definitions of "expiration date" would be amended to allow foreign currency options to expire on the Saturday following the second Friday of the expiration month. This change from the practice followed with respect to stock options is proposed so that the exercise settlement dates for foreign currency options can correspond with the delivery dates utilized for foreign currency futures contracts. This type of correspondence is desirable because it will allow traders to more accurately and readily identify the prices of the foreign currencies underlying PHLX's option contracts and will eliminate the need for early liquidation of certain foreign currency option positions.

PHLX is proposing to amend Rule 1001 to give the Exchange discretionary authority to impose foreign currency option position limits in the event that the Exchange should, for any reason, deem this desirable. This proposed amendment makes it clear that the Exchange also has the authority to require the liquidation of positions in excess of any foreign currency option position limits it may impose. Concomitantly, PHLX intends to monitor foreign currency options market activity, including open interest and concentration of positions, to ensure that no market problems arise. To allow it to do an effective job of monitoring this market, PHLX is proposing to extend to foreign currency options the options position reporting requirements contained in Rule 1003.

PHLX has not proposed that position limits be imposed immediately upon the initiation of foregin currency options trading because it believes that the policies underlying stock option position limits are inapplicable in the foreign currency options context. Stock option position limits were imposed to minimize manipulative potential and to prevent the accumulation of large uncovered call positions, the exercise of which could effect the price of the underlying stock. The money supplies of the major industrial nations are, however, vastly greater than the number of shares of stock issued by any corporation. The exercise of even a sizable foreign currency option position is therefore unlikely to have any effect on the price of an underlying foreign currency. Nor is it conceivable that any individual or entity would purchase such options in an effort to manipulate or "corner" the market in such a currency. Even more significant, perhaps, is the fact that imposing position limits could impair the economic utility of foreign currency options, since hedging foreign exchange rate risk frequently entails the purchase or sale of millions of dollars worth of foreign currency. Moreover, although stock option position limits occasionally have been defended on the ground that they provide an added layer of protection against financial exposure, PHLX believes that its margin, net capital and suitability requirements afford abundant as well as more finely-honed protection against the economic risks attendant to foreign currency option transactions.

Because PHLX exercise limits work in tandem with it position limits, PHLX's also believes that exercise limits should not be imposed immediately upon the initiation of foreign currency options trading. Instead, PHLX is proposing to amend its present exercise limit rule, Rule 1002, to empower the Exchange to impose such limits whenever it deems this advisable.

The changes proposed in Rules 1005 and 1006 are intended to make it clear that the Exchange has the means of addressing unusual events in the foreign exchange markets and/or in the market for any class of foreign currency options. Pursuant to these Rules, the Exchange woud be authorized to prohibit the uncovering of short foreign currency options positions, to prohibit uncovered opening writing transactions and to impose any other restrictions on foreign currency option transactions it deems advisable in the interests of maintaining a fair and orderly market or protecting investors.

With respect to the selection of underlying foreign currencies, PHLX is proposing that Rule 1009 be amended to give the Exchange the authority to approve options trading in the British pound, the German mark, the Swiss franc, the Canadian dollar and the Japanese yen.

PHLX has proposed that these currencies be approved for options trading for several reasons. For one thing, there is a substantial amount of trade and investment activity between the United States and the countries issuing these five currencies, which exposes the individuals and entities engaged in this trade and investment to exchange rate risk and creates the need to hedge that risk. Since exchange-traded options on these five currencies would help to satisfy this need, such options are likely to have substantial economic utility. For another thing, these five currencies are the most heavily traded currencies in the United States interbank foreign exchange market and in the foreign currency futures markets. The enormous size of the interbank market turnover in these currencies and the substantial size of their futures market trading volume sugggest that these currencies will generate significant interest among traders and that the options markets in them are more likely to be characterized by liquidity and depth than are the options markets in many other currencies. The fact that the governments of the countries issuing these currencies have been relatively stable politicially and have historically imposed fewer exchange market controls than have many other government also entered into PHLX's decision to propose that options be traded on these five currencies. PHLX's decision was influenced, too, by the fact that none of the issures of these currencies is presently committed to maintaining a fixed rate of exchange for its currency vis-a-vis the U.S. dollar.

Since each of the currencies on which it proposes to trade options is issued and guaranteed by the government of a major industrial nation rather than by a private company, PHLX believes that it is unnecessary to enumerate detailed foreign currency selection criteria of the sort employed for stock options. Nor does it believe that it is possible to comprehensively list many of the considerations relevant to the selection of underlying foreign currencies, e.g., the nature of the foreign exchange market restrictions which might militate against

the approval of options trading on a particular foreign currency.

PHLX is also proposing to amend Rule 1009 to address the possibility, however remote, that the issuer of an existing underlying foreign currency may introduce a new currency intended to replace its existing currency as its standard unit of exchange. In such a case, the Exchange would be authorized to trade options on both the old and the new currencies, but would be required to withdraw its approval of options transactions on the old currency as expeditiously as possible. To address the possibility of a material change in the circumstances influencing PHLX's decision to approve options trading on a particular foreign currency, PHLX is proposing to amend Rule 1010 to give the Exchange the ability to withdraw its approval of options trading on any currency.

Rule 1012 is proposed to be amended to reflect some of the terms of foreign currency option contracts. Pursuant to this amendment, PHLX proposes to trade foreign currency option contracts on a March, June, September and December expiration cycle. These months correspond with the principal delivery months available for the IMM's foreign currency futures contracts and should thus facilitate arbitrage between the IMM and PHLX's foreign currency options market. Moreover, these expiration months should be particularly well-suited for the hedging of corporate balance sheet exchange rate exposure. PHLX also is proposing to amend Rule 1012 to provide that foreign currency options will be introduced with terms to maturity of three, six, and nine months so that investors will have a choice of three different expiration dates to meet their investing and hedging requirements.

With respect to exercise prices, Rule 1012 is proposed to be amended to provide that, when each new series of foreign currency options is opened for trading, its exercise price normally will be fixed at a price per unit which is reasonably close to the spot sales price of the underlying currency. The spot rate is proposed to be used for this purpose so that foreign currency options can be traded near the current market prices of the currencies underlying them, i.e., the prices at which there is likely to be the strongest investor interest. The Commentary to this Rule provides, however, that forward sales prices for foreign currencies may be taken into account in determining the exercise prices of foreign currency options' series. This flexibility is necessary to facilitate arbitrage between the forward market and options market for foreign currencies, in the event that forward prices are at a significant premium or discount in relation to spot prices.

Although not reflected in the proposed amendment to Rule 1012, it will be PHLX's general policy to open additional series of foreign currency options at intervals which are appropriate to current market conditions in light of factors such as volatility and liquidity. In keeping with this policy, PHLX anticipates utilizing exercise price intervals of $.05 for the British pound, intervals of $.02 for the German mark, the Swiss franc and the Canadian dollar, and intervals of $.0002 for the Japanese yen. Whenever the market price of an underlying foreign currency touched an existing exercise price, new series of options could be opened at the next applicable interval so that there could always be both in-the-money and out-of-the-money options' series available for trading. If, for example, the spot price of the British pound was approximately $2.42 when March pounds were opened for trading, exercise prices probably would be set at $2.40 and $2.45. Then, if the market price of the pound reached $2.45, series with exercise prices of $2.50 could be opened. These anticipated exercise price intervals are based on the statistically expected price movement ranges of the currencies to which they pertain and appear likely to generate a sufficient number of options' series to facilitate spreading strategies.

Because PHLX contemplates that the units of trading for foreign currency option contracts will be established by the Options Clearing Corporation, no change has been proposed in Rule 1013, which relates to units of trading. PHLX anticipates, however, that the unit of trading for each foreign currency option contract will be as follows: (1) 12,500 British pounds; (2) 62,500 German marks; (3) 62,500 Swiss francs; (4) 50,000 Canadian dollars; and (5) 6,250,000 Japanese yen. Since each of these units of trading is exactly one-half the size of its foreign currency futures contract counterpart, arbitrage between PHLX's foreign currency options market and the foreign currency futures markets should be facilitated. Additionally, PHLX's calculations indicate that the premiums for foreign currency option contracts of this size should be comparable to the premiums on stock options. Contracts of a smaller size are likely to afford investors with too little return to be financially meaningful, whereas contracts of a larger size might be beyond the reach of the average retail buyer.

Rule 1014 is proposed to be amended to specify the maximum foreign currency option bid-ask differentials which may be quoted by Specialists and Registered Options Traders, with the size of each permissible spread hinging upon the current bid for the option in question. The specific bid-ask differentials proposed are designed to facilitate the attainment of fair and orderly foreign currency options markets without impairing the depth and liquidity of those markets. The current bid was chosen as the reference point, rather than the last preceding transaction price, to address situations in which there has been a significant move in the price of an underlying foreign currency but no recent transaction in the applicable option contract. Making the maximum bid-ask differential dependent upon the current bid for an option will allow that differential to be established solely on the basis of current assessments of the value of an option rather than on the basis of a transaction price which may be outdated.

PHLX's decision not to propose specific continuity standards for foreign currency options in Rule 1014 reflects the unique aspects of the foreign exchange markets, particularly the fact that foreign currencies are traded on the basis of bid and offer quotations in a diffuse interbank market rather than on the basis of last sale reports on organized exchanges.

Because the financial risks attendant to foreign currency option transactions are no greater than the risks attendant to stock option transactions, PHLX has not amended Rule 1024 to mandate that a customer's account must be specially approved for foreign currency options transactions before that customer may effect such transactions. However, since there are qualitative differences between stock options and foreign currency options, PHLX proposes to amend its rules relating to disclosure (Rules 1024, 1029 and 1049) to provide that customers who seek to purchase or sell foreign currency options must be provided with information apprising them of the unique characteristics and risks of such options.

The changes proposed in Rule 1033 reflect the fact that premiums for foreign currency options will be expressed in American terms (i.e., in terms of U.S. dollars per unit of the underlying foreign currency) rather than in European terms (i.e., in terms of units of foreign currency per U.S. dollar). Although interbank foreign exchange trading is typically conducted in European terms, PHLX believes that American term premium quotations will facilitiate the clearing

and margining of foreign currency options. Additionally, option traders and investors are likely to feel more comfortable with American term premium quotations.

The minimum fractional changes proposed for foreign currency options in Rule 1034 were chosen because they correspond with the minimum price fluctuations allowed for foreign currency futures contracts and with customary interbank foreign exchange market price quotations.

Rule 1044 is proposed to be amended to reflect the fact that, in the case of options on foreign currencies, delivery upon exercise will involve the transfer of the requisite units of foreign currency to a bank in the country issuing that currency. This method of delivery corresponds with that utilized for interbank foreign exchange transactions and also corresponds with that utilized when delivery is taken on foreign currency futures contracts. This Rule also would be amended to make it clear that each customer purchasing an underlying foreign currency must be cognizant of and in conformance with any regulations and restrictions imposed upon nonresident bank accounts by the country in which that customer proposes to accept delivery.

PHLX proposes to amend Rule 1045 to prevent officers and employees of the Exchange from effecting foreign currency options transactions for their own accounts. Like the prohibition against officer and employee transactions involving stock options traded on the Exchange, this proposal is designed to avoid conflicts of interest and the misuse of non-public information.

The changes proposed in Rules 101, 1012(b), 1039 and 1047 reflect PHLX's expectation that foreign currency options trading will begin at 9:00 a.m. on each business day and end at 3:00 p.m. These anticipated trading hours are intended to allow PHLX's foreign currency options market to benefit fully from the price information derived from the New York City interbank foreign exchange market, which is most active during the morning hours, and from the International Monetary Market, which begins foreign currency futures contract trading at 7:30 a.m. CST and ceases such trading at approximately 1:30 p.m. CST.

Rule 722 would be amended to establish minimum margin requirements for foreign currency option contracts carried in a short position in a customer account. The margin required for a short call or put contract would be: (1) 100% of the current market value of that contract, plus (2) a U.S. dollar amount equal to at least 130% of the product of (i) the "daily volatility of the underlying foreign currency" (i.e., the standard deviation of that currency) multiplied by 3.75, and (ii) the number of units of foreign currency represented by that contract. The U.S. dollar amount required to be posted as margin pursuant to this formula is designed to provide protection at the 99.99% level of confidence, plus an additional 30%. That is, there would be less than a 1 in 10,000 chance that this dollar amount would be insufficient to cover the difference between the strike price of an option and the market value of the underlying foreign currency.[1] Maintaining 100% of the current market value of the option as margin would provide PHLX's clearing members with still another layer of protection.

Pursuant to this amendment, the Exchange would be required to determine the "daily volatility" of each underlying currency at least once during each business week and would be require to increase the U.S. dollar amount required to be posted as margin to reflect any increases in daily volatility. Conversely, the Exchange would be authorized to decrease the U.S. dollar amount required to be posted as margin in the event that the daily volatility of an underlying foreign currency decreased. As a result, the amount of margin required to be maintained with respect to an uncovered foreign currency option position would, at all times, be commensurate with the risk associated with that position.

PHLX's proposed margin requirements for uncovered foreign currency calls and puts would be roughly comparable to those imposed upon foreign currency futures contracts, thus making foreign currency options more competitive with futures (though PHLX's margin requirements would afford an even greater degree of protection). Moreover, basing margin requirements on option premiums and the volatilities of the underlying foreign currencies would have the added advantage of making the capital committed to uncovered put and call writing proportionate to the return thereon.

Because the risks inhering in foreign currency option straddle positions are identical to those inhering in stock option straddles, PHLX is proposing to extend its current margin requirements for straddle positions to options on foreign currencies. PHLX also is proposing to extend its current stock option margin requirements for spread positions to options on foreign currencies. It is proposing, however, to margin the short side of a foreign curency option spread position on a completely uncovered basis during the two business days prior to its expiration if he corresponding long position expires on the same date and is out-of-the-money three business days prior to such expiration date whereas the short position is in-the-money as of such date. Requiring such short positions to be fully margined in the final days before expiration will guard against the possibility that a substantial adverse price movement might occur subsequent to the expiration of the spreader's long position, but prior to the assignment of an exercise notice on his short position.

PHLX also is proposing to amend Rule 722 to provide that no customer margin need be maintained if any of several different types of "cover" exist. With respect to foreign currency calls, a writer could effect cover in a variety of ways: (1) by transferring the requisite units of foreign curency to a bank account designated by his broker; (2) by furnishing his broker with an escrow receipt certifying that the issuer held, fore the account of the writer, the underlying foreign currency and would deliver it against payment of the aggregate exercise price; (3) by furnishing his broker with an option guarantee letter certifying that the issuer held, for the account of the writer, the underlying foreign currency and would deliver it to the writer's broker against payment of the aggregate exercise price; or (4) by furnishing his broker with an irrevocable letter of credit containing the unualified commitment of the issure to pay to the OCC, upon demand, the requisite units of foreign currency. The first three methods of cover are predicated upon the deposit of the underlying foreign currency and are thus analogous to the methods of cover available to the writers of stock option calls. The latter method of cover is patterned after the principal means by which the OCC's clearing members meet its margin requirements and is intended to make covered foreign currency call writing feasible for a larger number of individuals and entities, without diminishing the protection afforded to PHLX's member organizations or to the OCC.

With respect to a foreign currency put, a writer also could effect cover in

[1] This level of protection would be afforded by this formula because the product of (i) and (ii) yields protection to the extent of 3.75 standard deviations (i.e., the 99.99% level of confidence). Multiplying the product of (i) and (ii) by 130% then provides an added layer of protection to guard against the possibility that the future volatility of an underlying currency may vary substantially from its past volatility or that the perceived volatility of such a currency may be greater than its actual volatility.

several ways: (1) by furnishing his broker with an option guarantee letter certifying that the issuer held on deposit for the writer's account cash in the amount of the aggregate exercise price and would pay that amount to the writer's broker against delivery of the underlying foreign currency; or (2) by furnishing his broker with an irrevocable letter of credit containing the unqualified commitment of the issuer to pay to the OCC, upon demand, the aggregate exercise price of that put. The latter method of achieving cover, like the corresponding method of covering short call positions, is intended to make covered foreign currency put writing feasible for a larger number of individuals and entities, thereby enhancing the depth, liquidity and economic utility of PHLX's foreign currency options market.

The proposed rule changes are adopted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the changes proposed are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest in connection with transactions in foreign currency options. These goals will be achieved partially because well-established self-regulatory principles and techniques governing stock options trading will be applied to foreign currency options trading and partially because the provisions of the Securities Exchange Act and the Commission's regulations thereunder also will be fully applicable to such trading.

Since PHLX proposes to extend to foreign currency options trading all of the regulatory safeguards applicable to stock options, PHLX does not anticipate that its proposed rule changes will have any adverse effect on investors. Indeed, PHLX believes that its proposed foreign currency options market will greatly benefit investors by providing them with an attractive and efficient means of profiting from and obtaining protection against movements in foreign exchange rates.

Because PHLX's proposed rule changes are designed to make foreign currency options trading as similar as possible to stock options trading, PHLX believes that brokers and dealers will not have any difficulty complying with its proposed rule changes. Rather, PHLX believes that foreign currency options will be readily integrated into the options' operations of its member organizations and that the extensive marketing and educational efforts it expects to undertake will enable those organizations to become readily conversant with foreign currency options trading. Nor does PHLX anticipate that these proposed rule changes will have any adverse effect on brokers or dealers. Indeed, PHLX believes that the establishment of an exchange market in foreign currency puts and calls will greatly benefit its member organizations by allowing them to better meet either their own hedging and investment needs or the hedging and investment needs of their customers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PHLX does not believe that the proposed rule changes will impose any burden on competition. Rather, PHLX believes that the creation of standardized, exchange-traded foreign currency options will enhance competition by providing investors with an alternative means of hedging foreign exchange rate risk and of profiting from movements in exchange rates. Moreover, as the liquidity of PHLX's foreign currency options market increases, PHLX expects that option prices will fall and bid-offer spreads will narrow, further enhancing competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In October, 1980, a Foreign Currency Options Committee was formed by PHLX to assist in the development of foreign currency options. Comments received informally from members of that Committee and from other potential participants in a foreign currency options market, including foreign exchange traders and foreign currency futures market professionals, were generally in favor of the development of standardized, exchange-traded foreign currency options. Formal comments on the proposed rule changes have not been solicited or received.

Item III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned 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.

Item IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the Submission, all subsequent amendments, all written statements with respect to the proposed rule 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 June 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 27, 1981.

[FR Doc. 81-10002 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17670; File No. SR-DTC-81-2]

Self-Regulatory Organizations, Proposed Rule Change by the Depository Trust Co.; Elimination of Its Call on the CNS Fund of National Securities Clearing Corp.

Comments requested on or before April 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 25, 1981, The Depository Trust Company 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

Section 4 of Rule 4 of The Depository Trust Company (DTC) is amended as follows:

Section 4. If the Corporation suffers a loss or liability by reason of a Participant's default which is not otherwise satisfied and cannot be made good out of the Participant's contribution to the Participants Fund pursuant to Section 3 of this Rule, [such loss shall be made good by SCC and ASECC, but only to the extent of an amount equal to the Participant's contribution to the CNS Fund of SCC (as defined in the Rules of SCC), if any and the CNS Fund of ASECC (as defined in the Rules of ASECC), if any, provided, however, that if the Participant has contributed to both the CNS Fund of SCC and the CNS Fund of ASECC and such loss is not greater than the aggregate of the Participant's contributions to the CNS Fund of SCC and the CNS Fund of ASECC (the "aggregate CNS Funds"), then each of SCC and ASECC shall be required to make good a portion of such loss equal to the amount thereof multiplied by a fraction, the numerator of which shall be the Participant's contribution to the CNS Fund of SCC or the CNS Fund of ASECC, as the case may be, and the denominator of which shall be the aggregate CNS Funds. The portion of any loss or liability by reason of a Participant's default which is not so satisfied, and of] *or suffers* any other loss or liability [suffered by the Corporation, determined pursuant to the next succeeding paragraph (the "DTC Loss")], *any such loss or liability* shall to the extent of the existing retained earnings or undivided profits of the Corporation be made good therefrom, but to the extent that such retained earnings or undivided profits are insufficient to make it good, the excess *thereof* [of the DTC Loss (the "excess loss")] shall be made good out of the Participants Fund; provided, however, that any such *loss or liability* [DTC Loss], or any portion thereof, may, at the election of the Board of Directors and upon 5 days prior notice to each Participant and the Securities and Exchange Commission, be made good out of the Participants Fund instead of such retained earnings or undivided profits. Any such excess loss or loss or liability charged to the Participants Fund at the election of the Board of Directors shall, until recovered by the Corporation and allocated as provided in Section 10 of this Rule, be charged pro rata against the contributions (as such contributions were fixed at the time the loss or liability is discovered) of the Participants other than the contribution of the Participant, if any, the default of which shall have occasioned the pro rata charge. Any such notice to Participants and the Securities and Exchange Commission shall state the amount of the charge to the Participants Fund and the reason therefor.

[The term "DTC Loss" (as used in the preceding paragraph) shall mean the amount of the loss or liability suffered by the Corporation multiplied by a fraction, the numerator of which shall be the amount of the contributions to the Participants Fund (as such contributions were fixed at the time the loss or liability was discovered) of all Participants, other than the contribution of the Participant the default of which shall have occasioned the loss or liability, if any, and the denominator of which shall be the total of (i) the numerator and (ii) the contributions to the CNS Fund of SCC and the CNS Fund of ASECC (as such contributions were fixed at the time the loss or liability was discovered) other than the contribution, if any, of the Participant, the default of which shall have occasioned the loss or liability. The remainder of any loss or liability shall be paid to the Corporation by SCC and ASECC on the demand of the Corporation upon presentation of evidence satisfactory to each of SCC and ASECC of the existence and amount thereof, provided, however, that each of SCC and ASECC shall be obligated to pay to DTC an amount equal to such remainder of any loss or liability multiplied by a fraction, the numerator of which shall be the contributions to the CNS Fund of SCC or the CNS Fund of ASECC (as such contributions were fixed at the time the loss or liability was discovered) other than the contribution, if any, of the Participant, the default of which shall have occasioned the loss or liability, as the case may be, and the denominator of which shall be the total of such CNS Fund of SCC and such CNS Fund of ASECC.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change amends Section 4 of DTC Rule 4 by deleting certain provisions added to that section in 1975. The effect of the amendment is to eliminate DTC's call on the Continuous Net Settlement Fund portion of the Clearing Fund of the National Securities Clearing Corporation ("NSCC"). In 1975 the Continuous Net Settlement ("CNS") system was implemented by a predecessor of NSCC, and money settlement of CNS delivery instructions moved from DTC to NSCC. Because of that move, it was estimated that DTC's Participants Fund would drop to approximately $25,000,000. Largely to avoid increasing Participants Fund contributions from its Participants, DTC sought and acquired a call on NSCC's CNS Fund, which gave DTC access to clearing fund contributions related to settlement activity which was shifting from DTC to the clearing corporation. The arrangement with NSCC, which was never intended to be permanent, permitted a loss incurred by DTC, whether incurred by reason of DTC Participant who participates in the CNS system, by reason of a sole DTC Participant or for any other reason, to be charged to DTC and NSCC in proportion to the size of DTC's Participants Fund and NSCC's CNS Fund. In the case of a loss caused by a Participant, the arrangement called for the loss to be charged first to the Participant's contribution to DTC's Participants Fund and then to the Participant's contribution, if any, to NSCC's CNS Fund. Any portion of the loss not so covered was to be shared by DTC and NSCC proportionately. DTC's Participants Fund of $200,000,000 appears adequate for the foreseeable future for the reasons stated in the next paragraph in connection with the safeguarding of securities and funds. Thus, a call on NSCC's CNS Fund is no longer necessary.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because it continues the equitable allocation of Participants Fund contributions among DTC Participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since eliminating the call on NSCC's CNS Fund will still leave substantial resources in DTC's Particpants Fund, which is available in addition to DTC's extensive insurance and its retained earnings and undivided profits. Moreover, DTC's Rules provide for a further call if needed equal to 100% of all Participants' contributions to the Participants Fund before any Participant could withdraw from DTC in order to terminate DTC's right to call for additional contributions from the Participant.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

All Participants and Pledgees will be notified of the proposed rule change by the DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–2.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule 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 April 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 30, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-10138 Filed 4-2-81; 8:45 am]

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[Release No. 34-17668; File No. SR-PDTC-81-1]

Self-Regulatory Organizations, Proposed Rule Change by Philadelphia Depository Trust Co.; Security Position Listing Fee to Issuers.

Comments requested on or before April 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 17, 1981, the Philadelphia Depository Trust Company 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Philadelphia Depository Trust Company (PHILADEP) will charge a fee of $15.00 to issuers requesting a securities position listing. A securities position listing is defined as a list of those participants in the depository on whose behalf the depository holds the issuer's securities and of the participants' respective positions in such securities as of a specified date.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The proposed fee to issuers is designed to recover the reasonable costs of providing securities position listings, which include research, duplication, and mailing costs.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act), specifically Section 17Ad–8 *Securities Position Listings.*

B. Self-Regulatory Organization's Statement on Burden on Competition

PHILADEP does not foresee any impact on competition, negative or positive, arising from a fee to issuers to cover its cost of providing securities position listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments have been neither solicited nor received regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commismay designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzimmons,

Secretary.

March 30, 1981

[FR Doc. 81-10139 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17669; File No. SR-SCCP 81-1]

Self-Regulatory Organizations, Proposed Rule Change by Stock Clearing Corporation of Philadelphia; Security Position Listing fee to Issuers

Comments requested of this publication on or before April 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 17, 1981, the Stock Clearing Corporation of Philadelphia 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) will charge a fee of $15.00 to issuers requesting a securities position listing. A securities position listing is defined as a list of those participants in the clearing agency on whose behalf the clearing agency holds the issuer's securities and of the participants' respective positions in such securities as of a specified date.

II. Self-Regulatory Organization's Statement of the Terms of Substance of 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. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The proposed fee to issuers is designed to recover the reasonable costs of providing securities position listings, which include research, duplication, and mailing costs.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act), specifically Section 17Ad-8 *Securities Position Listings.*

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not foresee any impact on competition, negative or positive, arising from a fee to issuers to cover its cost of providing securities position listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments have been neither solicited nor received regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written 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 inpsection 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 April 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 30, 1981.

[FR Doc. 81-10140 Filed 4-2-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1983]

Massachusetts; Declaration of Disaster Loan Area

The area of 17–25 Exchange Street and 412–438 Union Street, in the City of Lynn, Essex County, Massachusetts, constitutes a disaster area because of damage resulting from a fire which occurred on February 27–28, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 28, 1981, and for economic injury until the close of business on December 28, 1981, at: Small Business Administration, District Office, 150 Causeway Street, 10th floor, Boston, Massachusetts 02114, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 27, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-10007 Filed 4-2-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1981]

New Hampshire; Declaration of Disaster Loan Area

Grafton County and adjacent counties within the State of New Hampshire constitute a disaster area as a result of damage caused by severe rainstorm, ice jamming and flooding which occurred on February 11–16, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 28, 1981, and for economic injury until the close of business on December 28, 1981, at: Small Business Administration, District Office, 55 Pleasant Street, Concord, New Hampshire 03301, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 27, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-10008 Filed 4-2-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1982]

Pennsylvania; Declaration of Disaster Loan Area

The area of 526, 528, 530, 532, 534, 536, 538, and 540 Fallowfield Avenue, in the City of Charleroi, Washington County, Pennsylvania, constitutes a disaster area because of damage resulting from a fire which occurred on January 29, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 26, 1981, and for economic injury until the close of business on December 26, 1981, at: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, or other locally announced location.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 26, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-10009 Filed 4-2-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-69]

High-Security Storage of Certain Imported Firearms

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public that pursuant to an agreement between Customs and the Bureau of Alcohol, Tobacco and Firearms (ATF), conditional import permits for certain firearms will be granted by ATF only after Customs has certified the security of the facility in which those firearms will be stored before their controlled transfer in accordance with strict Customs and ATF requirements.

This policy has been implemented to protect the public from possible harm resulting from the theft of certain firearms from Customs bonded warehouses and foreign-trade zones.

The Manual Supplement describing this policy and Customs internal implementing procedures is available from district directors of Customs.

FOR FURTHER INFORMATION CONTACT: John R. Holl, Cargo Processing Division, Office of Inspection, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, D.C. (202-566-5354).

SUPPLEMENTARY INFORMATION:

Background

The minimum physical security requirements of Customs bonded warehouses and foreign-trade zones are provided in the regulations of the Customs Service (19 CFR Part 19) and the Foreign-Trade Zones Board, Department of Commerce (15 CFR Part 400). These requirements were strengthened by internal administrative actions required to assure that these facilities also meet Customs standards for the security of international cargo recommended in Treasury Decision 72-56, published in the **Federal Register** on February 16, 1972 (37 FR 3455).

The National Firearms Act (NFA), as amended by Title II of the Gun Control Act of 1968 (26 U.S.C. 5801 *et seq.*), specifically in 26 U.S.C. 5844 and 5845, provides that NFA (Title II) firearms (*e.g.*, machine guns, destructive devices, and certain other firarms) may be imported or brought into the United States only for the use of Federal, State, and local governments; for scientific and research purposes; for testing or use as a model by a registered manufacturer; or as a registered importer's or registered dealer's sample. Their importation is authorized by the Bureau of Alcohol, Tobacco and Firearms (ATF) only through conditional import permits that specify their intended use. The kinds of firearms and weapons whose importation is so restricted are described as a "firearm" in 26 U.S.C. 5845(a) and the ATF regulations set forth in 27 CFR 179.11.

The theft of Title II firearms and their use for criminal or terrorist purposes present a clear threat to public safety and order. Existing Customs bonds and the physical security provisions of 19 CFR Part 19 and 15 CFR Part 400 are not adequate to indemnify or protect the public against this type of harm. Rather than rely on money damages paid to the Government or security standards designed to guard ordinary imported merchandise, Customs and ATF have determined that special security measures are necessary to prevent the theft of the Title II firearms.

High Security Firearms Policy

A joint Customs/ATF pilot program was initiated on an informal basis in 1975 to grant conditional import permits for Title II firearms only after Customs had certified the security of the storage facility. That pilot program was implemented successfully and is continuing to date. Customs, with ATF concurrence, has determined to formalize the pilot program, and by manual Supplement 3200-03, dated February 6, 1980, issued an internal directive to Customs field personnel to implement that policy formally. As a result of the agreement between Customs and ATF, conditional import permits for entry for warehouse, or admission to foreign-trade zones, and subsequent storage of these weapons, will not be granted by ATF unless Customs has certified that the storage facility meets security standards appropriate for the protection from theft of this category of weapons.

Manual Supplement 3200-03, which describes this policy and Customs internal implementing procedures, is available to the public upon request from any district director of Customs. The cities in which Customs district offices are located appear in 19 CFR Part 101.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings. However, personnel from other Customs offices participated in its development.

Dated: March 17, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-10137 Filed 4-2-81; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 64
Friday, April 3, 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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Federal Home Loan Bank Board	1, 2
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Federal Reserve System (Board of Governors)	4

1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 18879, March 26, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 1, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for April 1, 1981:

Service Corporation Activity—Libertyville Federal Savings & Loan Association, Libertyville, Illinois.

[S-536-81 Filed 4-1-81; 12:36 pm]

BILLING CODE 6720-01-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 8, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Wednesday, April 8, 1981:

Service Corporation Activity—Libertyville Federal Savings & Loan Association, Libertyville, Illinois.

Request for Extension of "Grace Period" RE: Merger Application Guaranty Federal Savings & Loan Association, Gainesville, Florida *into Fortune Federal Savings & Loan Association, Clearwater, Florida.*

April 1, 1981.

[S-535-81 Filed 4-1-81; 12:37 pm]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., April 9, 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. Monthly Report of the Managing Director of Actions Pursuant to Delegated Authority.
2. Agreement No. 6200-20: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to Extend Geographic Scope to Inland Points.
3. Agreement No. 9925-2: Modification of the Pacific Australia Container Express Line Joint Service; and Agreement No. 9767-1: Modification of the Associated Container Transportation (Australia), Ltd., Joint Service to Extend Geographic Scope to Inland Points.
4. Agreement No. 9988-8: Modification of the Continental/U.S. Gulf Freight Association to Cover Inland Transportation.
5. Agreement No. 9522-44: Modification of the Italy, South France, South Spain, Portugal/U.S. Gulf and the Island of Puerto Rico Conference (the Med-Gulf Conference) Agreement to Include Minibridge and Inland Point Service.
6. Agreement No. 8090-18: Modification of the Mediterranean North Pacific Coast Freight Conference Agreement to Authorize Minibridge Services.
7. Agreement No. 10156-3: Modification-Extension of an agreement between the Mediterranean/North Pacific Coast Freight Conference and Johnson Scanstar to Extend the Term and to Authorize Inland rates.
8. Agreement No. 10393: Space Allocation Agreement, between Shipping Corporation and Orient Overseas Container Line, Inc. Agreement No. 10394: Agreement Regarding the Assistance between KSC and OOCL on the Positioning and Cross Leasing of Containers or Related Equipment.
9. Proposed Rulemaking to Modify the Uniform Merchant's Contract, General Order 19 To Allow a Rebuttable Presumption that the Merchant Paying the Freight Charges has the Legal Right to Select the Carrier.

Portions closed to the public:

1. Malpractice Target Program: Far East Inbound Trade: Consultation with East Asian Officials.
2. Docket No. 80-52—Agreements Nos. 10186, as Amended, 10332, as Amended, and 10371, as Amended; Agreement No. 10377, Agreements Nos. 10364 and 10329—Discussion of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-537-81 Filed 4-1-81; 2:30 pm]

BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, April 8, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda:

1. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to exempt from reserve requirements certain deferred compensation plan accounts.

Discussion Agenda:

2. Clarification of the eligibility of depositors to maintain NOW Accounts.
3. Request by Societe Generale, Paris, France, for reconsideration of a ruling by the Board under the International Banking Act of 1978.
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–534–81 Filed 3–31–81; 4:33 pm]

BILLING CODE 6210–01–M

federal register

Friday
April 3, 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

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum 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 Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas 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 supersedeas 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 supersedeas 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

None.

Modifications 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.

Alaska:	
AK80-5130	Sept. 26, 1980.
California:	
CA80-5110	Mar. 14, 1980.
Florida:	
FL79-1118	Aug. 17, 1979.
FL80-1064	Apr. 25, 1980.
FL80-1075	June 20, 1980.
FL80-1083	Nov. 21, 1980.
FL81-1185	Feb. 13, 1981.
FL81-1190	Mar. 6, 1981.
Colorado:	
CO80-5137	Oct. 24, 1980.
CO80-5138	Oct. 24, 1980.
CO80-5139	Oct. 24, 1980.
CO80-5140	Oct. 24, 1980.
Idaho:	
ID80-5156	Dec. 12, 1980.
Louisiana:	
LA80-4084	Nov. 7, 1980.
North Dakota:	
ND80-5102	Feb. 1, 1980.
Oregon:	
OR80-5145	Nov. 21, 1980.
Pennsylvania:	
PA78-3037	Apr. 21, 1978.
PA80-3006	Mar. 30, 1979.
PA80-3010	Apr. 4, 1980.
PA80-3011	Feb. 15, 1980.
PA80-3012	Feb. 22, 1980.
PA79-3033	Oct. 3, 1980.
PA80-3058	Oct. 3, 1980.
PA80-3059	Oct. 3, 1980.
PA80-3074	Dec. 12, 1980.
PA79-3020	July 20, 1979.
PA80-3025	Apr. 11, 1980.
PA80-3026	Apr. 11, 1980.
PA80-3027	Apr. 18, 1980.
PA80-3028	Apr. 11, 1980.
PA80-3029	Apr. 25, 1980.
PA80-3030	May 30, 1980.
PA80-3031	Aug. 29, 1980.
PA80-3032	May 30, 1980.
PA80-3037	May 2, 1980.
PA80-3038	May 23, 1980.
PA80-3043	July 7, 1980.
PA80-3044	July 25, 1980.
PA80-3056	Sept. 12, 1980.
PA80-3060	Oct. 10, 1980.
PA80-3075	Dec. 5, 1980.
Rhode Island:	
RI80-2054	July 18, 1980.
Texas:	
TX80-4076	Oct. 10, 1980.
TX80-4085	Nov. 7, 1980.

TX80-4086	Nov. 7, 1980.
TX80-4099	Dec. 5, 1980.
TX81-4005	Jan. 6, 1981.
TX80-4088	Nov. 7, 1980.
Utah:	
UT80-5148	Dec. 21, 1980.

Supersedeas 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. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL79-2069 (IL81-2006)	Sept. 7, 1979.
Maryland:	
MD78-3000 (MD81-3017)	Jan. 27, 1978.
New York:	
NY80-3008 (NY81-3023)	Feb. 15, 1980.
NY80-3036 (NY81-3022)	Apr. 25, 1980.
NY80-3020 (NY81-3024)	Apr. 4, 1980.
NY80-3057 (NY81-3024)	Sept. 19, 1980.
North Carolina:	
NC81-1182 (NC81-1200)	Jan. 23, 1981.
NC81-1181 (NC81-1201)	Jan. 23, 1981.
NC81-1162 (NC81-1201)	Jan. 23, 1981.
NC81-1147 (NC81-1201)	Dec. 30, 1980.
Ohio:	
OH77-2060 (OH81-2008)	Apr. 15, 1977.
OH78-2133 (OH81-2010)	Oct. 20, 1978.
OH79-2005 (OH81-2009)	Feb. 9, 1979.
Texas:	
TX80-4073 (TX81-4015)	Oct. 10, 1980.
TX80-4078 (TX81-4016)	Oct. 10, 1980.
Washington:	
WA80-5136 (WA81-5107)	Oct. 17, 1980.
Wyoming:	
WY80-5129 (WY81-5108)	Sept. 19, 1980.

Cancellation of General Wage Determination Decisions

General Wage Determination Decision No. PA80-3072 in 46 FR 10096 dated January 30, 1981, pertaining to heavy and highway construction in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pennsylvania only is cancelled. Agencies with building, heavy and highway construction projects pending in these locations should utilize the General Wage Determination Decision Nos. PA78-3037; PA79-3006; PA80-3010; PA80-3011; PA80-3012; PA80-3033; PA80-3058; PA80-3059; PA80-3074. 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. PA80-3072 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

General Wage Determination Decision No. PA80-3073 in 45 FR 81986 dated December 12, 1980 pertaining to heavy and highway construction in Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monore, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania only is canclelled. Agencies with building, heavy and highwway construction project pending in these locations should utilize the General Wage Determination Decision Numbers PA79-3020; PA80-3025; PA80-3026; PA80-3027; PA80-3028; PA80-3029; PA80-3030; PA80-3031; PA80-3032; PA80-3037; PA80-3038; PA80-3043; PA80-3044; PA80-3056; PA80-3060; PA80-3075. 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. PA80-3073 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C. this 27th day of March 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4501-27-M

Modification Page 1

DECISION NO. AK80-5130 - MOD. #4
(45 FR 64040 - Sept. 26, 1980)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STATEWIDE ALASKA					
ADD:					
Elevator Constructors: Helpers	70%JR	1.195	.95	a	.035
CHANGE:					
Area 2 and 3 Residential Painter	$12.21	1.10	2.00		.25
DECISION NO. CA80-5110 - MOD. #8 (45 FR 16796 - March 14, 1980)					
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolume, Yolo and Yuba Counties, California					
Change:					
LABORERS: (Tunnel and Shaft Work)					
Group 1	$14.63	1.30	1.75	1.40	.10
Group 2	14.26	1.30	1.75	1.40	.10
Group 3	14.05	1.30	1.75	1.40	.10
Group 4	13.91	1.30	1.75	1.40	.10
Add:					
Santa Clara County to counties outlined in modification #7, dated December 12, 1980 in Vol. 45 FR 81952					

Modification Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. FL79-1118 - MOD. #7 (44 FR 48564 - August 17, 1979)					
Pinellas County, Florida					
Change:					
A/C & Heating Mechanics	12.98	.65	1.05		.10
Decision No. FL80-1064 Mod. #5 (45 FR 20864 - April 25, 1980)					
Broward County, Florida					
Change:					
Asbestos Workers	13.79	.70	1.19		.06
Carpenters & Soft Floor Layers	11.35	.90	.55		.08
Electricians					
Zone I					
Wiremen	13.86	.65	3% +.50		1%
Cable Splicers	14.68	.65	3% +.50		1%
Zone II					
Wiremen	14.36	.65	3% +.50		1%
Cable Splicers	15.18	.65	3% +.50		1%
Laborers: (Permit value 500,000 & over)					
Air Tool Operators, Mason Tenders, Mortar Mixers & Pipelayers	8.50	1.12	.50		
Plasterers' Tenders	8.68	1.12	.50		
Unskilled Laborers	8.40	1.12	.50		
Laborers: (Permit value up to 500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers & Pipelayers	6.80	1.07	.50		
Plasterers' Tenders	6.98	1.07	.50		
Unskilled Laborers	6.70	1.07	.50		

FL80-1064 - MOD. #5 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
P.E.O.					
Group I	12.39	.64	.80		.17
Group II	12.24	.64	.80		.17
Group III	11.74	.64	.80		.17
Group IV	11.29	.64	.80		.17
Group V	11.14	.64	.80		.17
Group VI	10.79	.64	.80		.17
Group VII	10.54	.64	.80		.17
Group VIII	10.44	.64	.80		.17
Group IX	10.04	.64	.80		.17

Group I - All Tower Cranes (must have 2 operators; mobile, rail, climbers, static mount), cranes with boom length 250 ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader,

Group II - All cranes with boom length 150ft. & over (with or without jib;friction, hydro, electric or otherwise), cranes 150 tons and over with boom length less than 250 ft., gantry & overhead cranes

Group III - Cranes with boom length less than 150 ft.(with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway

Group IV - Boring & drilling machine, concrete pumping machine (all types), batching plant (on job sites), inside elevator, forklift (with vertical lift of over 20'),

Group V - Locomotive operator, motor mixing pump (all types), winch truck, A-Frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift

Group VI - Trenching and ditching machine, roller, fireman, distributor (bituminous), Finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor

Group VII - Utility operator (any combination of equipment up to & including four pieces of equipment listed in group VIII), Welding machines (3-4)

Group VIII - Pump(s) or any combination over 2½'', Compressors or any combination over 125 CFM, generator(s) or any combination over 5 KW

Group IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver, lowboy truck driver

DECISION NO. FL80-1075 - MOD. #6 (45 FR 41831 - June 20, 1980) Duval County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	10.82	.55	.50		.06
DECISION #FL80-1083 - Mod. #1 (45 FR 77275 November 21, 1980) Leon County, Florida Building Construction					
Change:					
Carpenters	8.35	.30	.25		.03
Sprinkler Fitters	12.65	.85	1.20		.13

Modification Page 5

DECISION NO. FL81-1185 MOD. #1 (46 FR 12406-12407 - February 13, 1981) Dade County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	13.79	.70	1.19		.06
Boilermakers	13.75	1.275	1.10		.04
Bricklayers:					
Bricklayers; Cement Masons; Marble Setters; Plasterers; Stonemasons; Tile & Terrazo Workers	12.80	.80	.80		.07
Carpenters & Soft Floor Layers	11.35	.90	.55		.08
Electricians	14.55	.75	5% + 3%		1%
Ironworkers	12.55	.98	1.00		.10
Laborers: (Permit value 500,000 & over)					
Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	8.57	1.07	.50		
Plasterers' Tenders	8.75	1.07	.50		
Unskilled	8.47	1.07	.50		
Laborers: (Permit value up to 500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	6.87	1.07	.50		
Plasterers' Tenders	7.05	1.07	.50		
Unskilled	6.77	1.07	.50		
Piledrivers	11.75	.70	.70		.10
Roofers					
Composition	11.88	.83	.35		.02
Kettlemen	8.68	.83	.15		.02
P E.O.					
Class A	12.40	.50	.45		.05
Class B	11.58	.50	.45		.05
Class C	10.52	.50	.45		.05
Class D	9.65	.50	.45		.05
Class E	8.49	.50	.45		.05

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DECISION NO. FL81-1190 - MOD. #1 (46 FR 15643 15644, March 6, 1981) Palm Beach, & Martin Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	13.79	.70	1.19		.06
Carpenters					
Zone I	11.35	.90	.55		.08
Zone II	11.35	.55	.90		.08
Laborers: (Permit value over 500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	8.50	1.07	.50		.01
Plasterers' Tenders	8.68	1.07	.50		.01
Unskilled Laborers	8.40	1.07	.50		.01
Laborers: (Permit value up to 500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	6.80	1.07	.50		.01
Plasterers' Tenders	6.98	1.07	.50		.01
Unskilled	6.70	1.07	.50		.01

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FL81-1190 - Mod. #1 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
P.E.O.					
Group I	12.39	.64	.80		.17
Group II	12.24	.64	.80		.17
Group III	11.74	.64	.80		.17
Group IV	11.29	.64	.80		.17
Group V	11.14	.64	.80		.17
Group VI	10.79	.64	.80		.17
Group VII	10.54	.64	.80		.17
Group VIII	10.44	.64	.80		.17
Group IX	10.04	.64	.80		.17

Group I - All Tower Cranes (must have 2 operators; mobile, rail, climbers, static mount), cranes with boom length 250 ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader,

Group II - All cranes with boom length 150ft. & over (with or without jib;friction, hydro, electric or otherwise), cranes 150 tons and over with boom length less than 250 ft., gantry & overhead cranes

Group III - Cranes with boom length less than 150 ft.(with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway

Group IV - Boring & drilling machine, concrete pumping machine (all types), batching plant (on job sites), inside elevator, forklift (with vertical lift of over 20'),

Group V - Locomotive operator, motor mixing pump (all types), winch truck, A-Frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift

Group VI - Trenching and ditching machine, roller, fireman, distributor (bituminous), Finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor

Group VII - Utility operator (any combination of equipment up to & including four pieces of equipment listed in group VIII), Welding machines (3-4)

Group VIII - Pump(s) or any combination over 2½'', Compressors or any combination over 125 CFM, generator(s) or any combination over 5 KW

Group IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver, lowboy truck driver

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DECISION NO. CO80-5137 - Mod. #4
(45 FR 70577 - October 24, 1980)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

Change:
Laborers:*

Groups	ZONE 1	ZONE 2	ZONE 3
1	$5.50	$5.95	$6.40
2	8.65	9.10	9.55
3	8.93	9.38	9.83
4	9.15	9.60	10.05
5	9.20	9.65	10.10
6	9.45	9.45	10.35
FRINGE BENEFITS:			
Health and Welfare	$0.59		
Pensions	0.70		
Vacation	0.25		
App. Training	0.05		

DECISION NO. CO80-5138 - Mod. #6
(45 FR 70682 - October 24, 1980)
El Paso County, Colorado

Change:
Laborers:*

Groups	ZONE 1	ZONE 2	ZONE 3
1	$5.50	$5.95	$6.40
2	8.65	9.10	9.55
3	8.93	9.38	9.83
4	9.15	9.60	10.05
5	9.20	9.65	10.10
6	9.45	9.45	10.35
FRINGE BENEFITS:			
Health and Welfare	$0.59		
Pensions	0.70		
Vacation	0.25		
App. Training	0.05		

*NOTE: ZONE RATES (1, 2, and 3) ARE BASIC HOURLY RATES

DECISION NO. CO80-5139 - Mod. #4
(45 FR 70686 - October 24, 1980)
Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado

Change:
Laborers: *

Groups	ZONE 1	ZONE 2	ZONE 3
1	$5.50	$5.95	$6.40
2	8.65	9.10	9.55
3	8.93	9.38	9.83
4	9.15	9.60	10.05
5	9.20	9.65	10.10
6	9.45	9.45	10.35

FRINGE BENEFITS:

Health and Welfare *	$0.59
Pensions	0.70
Vacation	0.25
App. Training	0.05

*NOTE : ZONE RATES (1, 2, and 3) ARE BASIC HOURLY RATES

DECISION NO. CO80-5140 - Mod. #4
(45 FR 70691 - October 24, 1980)
Las Animas, Otero and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$12.17	.85	$1.10		.07

Laborers:*

Groups	ZONE 1	ZONE 2	ZONE 3
1	$5.50	$5.95	$6.40
2	8.65	9.10	9.55
3	8.93	9.38	9.83
4	9.15	9.60	10.05
5	9.20	9.65	10.10
6	9.45	9.45	10.35

FRINGE BENEFITS:

Health and Welfare	$0.59
Pensions	0.70
Vacation	0.25
App. Training	0.05

*NOTE: ZONE RATES (1, 2, and 3) ARE BASIC HOURLY RATES

DECISION #ID80-5156-Mod.#2
(45 FR 81960-December 12, 1980)
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:					
Area 1	$16.84	.85	$1.45		.04
Boilermakers:					
Area 1	16.01	1.30	1.25	1.00	.04
Area 2	14.71	1.30	1.25	1.00	.04
Bricklayers; Stonemasons:					
Area 2	15.38	.80	1.00		.05
Glaziers:					
Area 3	12.81	.49	.30		
Plasterers' Tenders:					
Area 1	12.35	.97	1.10		.10

DECISION NO. LA80-4084 - MOD. #8
(45 FR 74347 - November 7, 1980)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Plasterers - Zone 2	$11.00				.01
Truck drivers:					
Zone 5 - Group 1	9.49	.70			
Group 2	10.10	.70			
Group 3	10.15	.70			
Group 4	10.41	.70			

DECISION NO. ND80-5102 Mod. #4 (45 FR 7463 - Feb. 1, 1980) Statewide North Dakota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION:					
Group 1	$13.26	.45	4%		1/2%
Group 2	13.23	.45	4%		1/2%
Group 3	10.61	.45	4%		1/2%
Group 4	8.84	.45	4%		1/2%
Group 5	8.12	.45	4%		1/2%
DECISION NO. OR80-5145 - Mod #5 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon					
CHANGE:					
BOILERMAKERS	$16.01	1.30	1.25	1.00	.04

DECISION NO. PA78-3037 - MOD. #10
(43 FR 17239 - April 21, 1978)
Blair County, Pennsylvania

DECISION NO. PA79-3006 - MOD. #8
(44 FR 19099 - March 30, 1979)
Franklin County, Pennsylvania

DECISION NO. PA80-3010 - MOD. #6
(45 FR 23270 - April 4, 1980)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, Venango Counties, Pennsylvania

DECISION NO. PA80-3011 - MOD. #7
(45 FR 12118 - February 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

DECISION NO. PA80-3012 - MOD. #7
(45 FR 10595 - February 15, 1980)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania

DECISION NO. PA80-3033 - MOD. #2
(45 FR 65891 - October 3, 1980)
Elk, Forest, McKean & Warren Counties, Pennsylvania

DECISION NO. PA80-3058 - MOD. #2
(45 FR 65898 - October 3, 1980)
Lawrence and Mercer County, Pennsylvania

DECISION NO. PA80-3059 - MOD. #2
(45 FR 65895 - October 3, 1980)
Erie County, Pennsylvania

DECISION NO. PA80-3074 - MOD. #2
(45 FR 81981 - December 12, 1980)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

Following changes apply to all decision list above	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
TRUCK DRIVERS: Building Construction to read: Building Site preparation, paving and utilities					
ADD:					
To description of work: Heavy and Highway Construction					
HEAVY & HIGHWAY CARPENTERS					
ZONE 1	12.68	8%	7%	10%	
ZONE 2	12.48	8%	7%	10%	
CARPENTER - WELDER					
ZONE 1	13.08	8%	7%	10%	
ZONE 2	12.88	8%	7%	10%	

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerset, Venango and Warren

CEMENT MASONS	12.89	7%	16%	-	
PILEDRIVERMEN	12.67	5.5%	10%		
IRONWORKERS:					
Reinforcing					
ZONE 1	9.70	.785	1.415		.01

AREA COVERED BY IRONWORKERS ZONE

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY AND HIGHWAY CONSTRUCTION LABORERS	ZONE I	ZONE II				
CLASS 1	10.26	10.15	10%	10%		
CLASS 2	10.42	10.33	10%	10%		
CLASS 3	10.85	10.85	10%	10%		
CLASS 4	11.80	11.80	10%	10%		

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Clearfield, Elk, Erie, Fayette, Greene, Indiana, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Centre, Clinton, Crawford, Forest, Franklin, Fulton, Huntingdon, Jefferson, Mifflin, Potter

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 1 - Heavy Highway & R.R. Construction Laborer (including tenders, handling Salamanders, L.P. Gas Heaters or similas, etc.) asphalt curb sealers, asphalt tampers, batcherman (weight), blaster's helper, brakeman, change house attendant, cofferdam laborer, concrete curing, pitman, puddler, (including vibrator operators), drill runner's helper includesdrill mounted on truck, track or similar and davey drills (spots-clean-up & helpers to maintain), electric brush and/or grinder, fence construction (including fence machine operator), form stripper and mover, gabion (erectors and placers), hydro-jet blaster nozzleman, manually moved emulsion sprayer, radio actual traffic control operator, rip rap work, boatman, scaffolds and runways (as per agreement of record), sheeters and shorers, structural concrete top surfacer, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper
CLASS 2 - Air tools (all types), asphalt, batch and concrete plant operator (manually operated), asphalt rakers, burner, caisson men (open air), carryable pumps, chain saw operator (including attachments), cribbing (concrete or steel), curb machine operator (asphalt or concrete) (walk behind), diamond head core driller, drill runner's helper (tunnel), fork lift (walk behind), form setter (road forms lineman), highway slab reinforcement

CLASSIFICATION DEFINITIONS
FOR ALL ZONES CONT'D

CLASS 2 CONT'D - placers (incl. joint and basket setter), hydraulic pipe pusher, liner plates (tile or vitrified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakemen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor, post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all railroad track work, adzing machine, ballast router, bolting machine, power jacks, rail drills, railroad brakeman, rail saws, spike drivers (manually or handheld tool), spike pullers, tamping machine, thermitweld, sandblaster, signal man and vibrator operator

CLASS 3 - Blacksmith, blaster, brick stone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin (brick, block, concrete or any prefabrication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS 4 - Welder (pipeline)

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE I	ZONE II				
CLASS 1	13.94	13.68	7.5%	8.25%	1%	
CLASS 2	13.71	13.45	7.5%	8.25%	1%	
CLASS 3	11.31	11.06	7.5%	8.25%	1%	
CLASS 4	10.92	10.64	7.5%	8.25%	1%	
CLASS 5	10.71	10.46	7.5%	8.25%	1%	

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington & Westmoreland Counties

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION
FOR ALL ZONES

CLASS 1 - Autograde (C.M.I. & similar), backfiller, backhoe - 360 swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50), cranes (boom or mast over 200 ft. inclusive of jib + $.75), cranes (tower-stationary climbing tower cranes), derrick, derrick boat, dozer (D-6 & over), dragline, dredge, dredge hydraulic (1 leverman - oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote controle or otherwise), grader (power-fine grade), helicopter (1500 lb. or over lift), helicopter (under 1500 lb. lift), bilift (4 cy. & over), Hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal Cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std. gauge), metro-chip haryester or similar, mix mobile, mix mobile (with self loading attachment), muching machine (tunnel), pile driver machine, pipe extrusion machine, presplitter drill crane (25 ton & over), rough terrain crane (under 25 ton), scrapers, shovel-power, slip form paver (C.M.I. and similar), trenching machine (30, 000 lbs. and over), trenching machine (under 30,000 lb.), tunnel machine (mark XXI jarva or similar), whirley

CLASSIFICATION DEFINITIONS
FOR ALL ZONES CONT'D

CLASS 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similar), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Pen drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hi-lift (under 4 cy.) hydraulic boom truck (Non-Pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), overhead crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

CLASS 3 - Broom finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame (when hoisting & lowering)

CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Groute Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator Light Plant, Mulching Machine, Spray Cure Machine (powered Driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)

CLASS 5 - Deck hand, farm tractor, fireman or boiler, mechanic's helper, oiler, power room, side delivery shoulder spreader (Attachment)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
TRUCK DRIVERS					
ZONE 1					
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up and similar equipment. Also parts man and warehouseman)	9.66	9%	9%		
Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat, bottom, scissors and combination fuel and fuel and grease)	9.80	9%	9%		
Tri-axle Trucks	9.87	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as euclids, Athey Wagon, Payloader, Tournawagons and similar equipment when not self-loaded rated under forty-five tons	9.87	9%	9%		
Heavy off-the-road equipment (rated at forty-five tons or over)	9.97	9%	9%		
Bottom or Belly-dump Trucks	9.97	9%	9%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS CONT'D					
Heavy Duty Trailer, such as Low Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting materials), Dumpseters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Truck, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.95	9%	9%		
Single-axle Ready Mixed Concrete Trucks (suah as agitators barrel, redi-mix concrete trucks. etc.	9.70	9%	9%		
Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.80	9%	9%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.	9.87	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.80	9%	9%		
Trucks with Dolly or Trailer	9.75	9%	9%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS CONT'D					
ZONE 2					
Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose (when load has been loaded or unloaded with truck winch, loading, hauling and unloading Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.76	9%	9%		
Single-axle Ready-mix Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc..)	9.46	9%	9%		
Tandem-axle Ready-mix Concrete Trucks (such as agitators, barrel, redi-mix concrete truck etc.)	9.57	9%	9%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.71	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.61	9%	9%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Trucks with Dolly or Trailer	9.57	9%	9%		
Trucks under 33,000 lbs. gross load category (including all trucks such as fuel, dump, flat bottom, pick-up and similar equipment. Also parts man and warehouseman)	9.43	9%	9%		
Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and grease) grease)	9.61	9%	9%		
Tri-axle Trucks	9.71	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifially refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons and similar equipment when not selfloaded) Rated under forty-five tons	9.71	9%	9%		
Heavy off-the-road Equipment (rated at forty-five tons or over)	9.80	9%	9%		
Bottom or Belly-dump Trucks	9.80	9%	9%		

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

Welders - Rate for craft

"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))."

DECISION NO. PA79-3020 - MOD. #3 (44 FR 42880 - July 20, 1979)
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

DECISION NO. PA80-3025 - MOD. #7 (45 FR 25015 - April 11, 1980)
Adams and York County, Pennsylvania

DECISION NO. PA80-3026 - MOD. #6 (45 FR 25017 - April 11, 1980)
Lehigh County, Pennsylvania

DECISION NO. PA80-3027 - MOD. #6 (45 FR 26654 - April 18, 1980)
Schuylkill County, Pennsylvania

DECISION NO. PA80-3028 - MOD. #5 (45 FR 25019 - April 11, 1980)
Berks County, Pennsylvania

DECISION NO. PA80-3029 - MOD. #7 (45 FR 28069 - April 25, 1980)
Lebanon County, Pennsylvania

DECISION NO. PA80-3030 - MOD. #4 (45 FR 36764 - May 30, 1980)
Luzerne County, Pennsylvania

DECISION NO. PA80-3031 - MOD. #3 (45 FR 59747 - August 29, 1980)
Bradford, Tioga, Union Counties, Pennsylvania

DECISION NO. PA80-3032 - MOD. #6 (45 FR 36767 - May 30, 1980)
Columbia, Montour & Snyder Counties, Pennsylvania

DECISION NO. PA80-3037 - MOD. #6 (45 FR 29522 - May 2, 1980)
Sullivan County, Pennsylvania

DECISION NO. PA80-3038 - MOD. #5 (45 FR 35148 - May 23, 1980)
Lancaster County, Pennsylvania

DECISION NO. PA80-3043 - MOD. #5 (45 FR 45849 - July 7, 1980)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

DECISION NO. PA80-3044 - MOD. #3 (45 FR 49839 - July 25, 1980)
Northumberland County, Pennsylvania

DECISION NO. PA80-3056 - MOD. #2 (45 FR 60748 - September 12, 1980)
Lackawanna, Susquehanna, Wayne & Wyoming Counties, Pennsylvania

DECISION NO. PA80-3060 - MOD. #2 (45 FR 67531 - October 10, 1980)
Lycoming County, Pennsylvania

DECISION NO. PA80-3075 - MOD. #1 (45 FR 80638 - December 5, 1980)
Northampton County, Pennsylvania

CHANGE: Power Equipment Operators in the above 16 Decisions to read:
"Building and Heavy Construction"

ADD:
To description of work on the above 16 Decisions:
"Heavy and Highway Construction"

The following rates are to be added to the above 16 Decisions:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY CARPENTERS/PILEDRIVERMEN	10.57	.60	.70		
LABORERS: (HEAVY AND HIGHWAY)					
Asphalts, tampers, concrete pitmen, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalmen, leaser beam (pipe laying, paving machine)	9.11	.60	.25		
Pneumatic and electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward, chain saws, pipelayers, asphalt rake, lute or screed men, concrete block layers	9.31	.60	.25		
Caisson-open air below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	9.66	.60	.25		
Blasters	9.89	.60	.25		
Reinforcing steel placers, bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	9.95	.60	.25		
Concrete surfaces	10.33	.60	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Free Air Tunnels and Rock Shafts					
Outside laborers in conjunction tunnels & rock shafts	9.75	.60	.25		
Chuck tenders, muckers, nippers, miners, & drillers helpers, inside laborers	10.04	.60	.25		
Miners, drillers, blasters, pneumatic shield operators lining, spotting & timers workmen, reinforcing steel placer, bending, aligning and securing and concrete surfacers	10.52	.60	.25		
POWER EQUIPMENT OPERATORS					
HIGHWAY CONSTRUCTION					
Group 1	11.80	7.9%	10.3%		1.8%
Group 2	10.96	7.9%	10.3%		1.8%
Group 3	10.45	7.9%	10.3%		1.8%
Group 4	10.01	7.9%	10.3%		1.8%
Group 5	9.46	7.9%	10.3%		1.8%
Group 6	12.05	7.9%	10.3%		1.8%
Group 6-A	12.30	7.9%	10.3%		1.8%
Group 6-B	12.55	7.9%	10.3%		1.8%

Group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, gradalls, all front end loaders, 4 cu. yds. and over, tandem scrapers, pippin type backhoes, Boat Captains, Batch plant with mixer, drill self contained (drillmaster type), CMI autograde, machines similar to above.

Group 2: Conveyor loader (EUC type), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yds., mechanic-welders, motor patrols, machines similar to above

Group 3: Welding machine, well points, compressors, pumps heaters, farm tractors, form line graders, fine grade machine, ditch witch type trencher, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman - (for power equipment) conveyors loaders other than EUC type, conveyors, machines similar to above.

Group 4: Fireman

Group 5: Oilers and deck hands

Group 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft and over

Group 6-A: 150 ft. and over

Group 6-B: 200 ft. and over

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGEWAY TRUCK DRIVERS:					
CLASS I					
Helper, stake body truck (single axle), dumpster	10.32				
Class II					
Dump trucks, tandem & batch trucks, semi-trailer, agitator mixer trucks, ready mix and dumpcrete type vehicles, asphalt distributor when used for transportation stake body truck (tandem)	10.39				
Class III					
Euclid type, off-highway equipment back or belly dump truck and double hitched equipment, straddle (ross) carrier, lowbed trailers	10.88				
WELDERS - Rate for Craft					

*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))."

DECISION NO. RI80-2054 - Mod. #3
(45 FR 48451 - July 18, 1980)
Statewide, Rhode Island

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
BRICKLAYERS; Stonemasons: Remainder of State	12.30	1.25	1.35		.02
CEMENT MASONS; Plasterers: Woonsocket, N. Smithfield, Burrillvile, Chepachet, Cumberland (N 1/3), & Lincoln	12.30	1.25	1.35		.02
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers	10.74		1.25		
PAINTERS, Sign: Bristol, Kent, & Providence Counties	8.80	.59	.40	c+d	.04
PLUMBERS	12.24	1.00	2.50		.09
TRUCK DRIVERS					
Dump & Two Axle Equipment Drivers	9.64	1.0925	1.00		
Trailer & Three Axle Equipment Drivers Low Bed Trailers 24 Ton Rated Cap. & Over; I Beam Trailers, Specialized Earth Moving Equipment - Euclid Type	9.72	1.0925	1.00		
Euclid Type Equipment over 35 Ton Capacity	9.97	1.0925	1.00		
	10.22	1.0925	1.00		
HEAVY & HIGHWAY CONSTRUCTION:					
PAINTERS, Sign: Briston, Kent, & Providence Counties	8.80	.59	.40	c+d	.04
PLUMBERS	12.24	1.00	2.50		.09
TRUCK DRIVERS					
CLASS I	9.12	1.0925	1.20	a+b	
CLASS II	9.27	1.0925	1.20	a+b	
CLASS III	9.32	1.0925	1.20	a+b	
CLASS IV	9.42	1.0925	1.20	a+b	
CLASS V	9.52	1.0925	1.20	a+b	
CLASS VI	9.77	1.0925	1.20	a+b	
CLASS VII	10.02	1.0925	1.20	a+b	

DECISION NO. RI80-2054 - Mod. #3 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Firemen and Oilers	10.115	.95	1.30		.15
Bulldozers; Graders; Spreaders; Scrapers; Rollers	12.04	.95	1.30		.15
Front-end Loaders, less than 3 yds.	12.54	.95	1.30		.15
Maintenance Engineers	12.19	.95	1.30		.15
Well-point Installation Crews	12.215	.95	1.30		.15
Gas or Electric Driven Pumps; Heaters; Concrete Mixers; Concrete Pumps; Stone Crushers; Air Compressors; Welding Machines; and Generators for Light Plants	10.54	.95	1.30		.15
Boat and Tug Operators	13.115	.95	1.30		.15
Deckhands	11.015	.95	1.30		.15

DECISION NO. RI80-2054 - Mod. #3 (Cont'd)

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machine; Ross Carriers; Cranes; Pile Drivers; Lighters; Locomotives; Derricks; Hoists; Pavers; and Front End Loaders 3 yds. and over	12.77	.95	1.30		.15
Economobile Type Equipment	12.54	.95	1.30		.15
Fork Lift	12.34	.95	1.30		.15
Firemen and Oilers	9.54	.95	1.30		.15
Bulldozers; Graders; Spreaders; Tractors; Scrapers and Rollers	11.34	.95	1.30		.15
Front-end Loaders less than 3 yards	11.84	.95	1.30		.15
Pipping Type Backhoes	11.69	.95	1.30		.15
Maintenance Engineers	11.29	.95	1.30		.15
Well-point Installation	11.415	.95	1.30		.15
Gas or electric Driven Pumps; Heaters; Concrete Mixers; Concrete Pumps; Stone Crushers; Air Compressors; Welding Machines and Generators for Light Plants	10.09	.95	1.30		.15
BRIDGES, CAISSONS, DOCKS, MARINES PIERS, SUB-BASEMENT SUBTERRANEAN, TUNNELS, AND HEAVY CONSTRUCTION					
Digging Machines; Cranes; Pile Drivers; Lighters; Locomotives; Derricks; Hoists; Pavers; & Front End Loaders, 3 Yds. & over	13.49	.95	1.30		.15

DECISION NO. RI80-2054 - Mod. #3 (Cont'd)

POWER EQUIPMENT OPERATORS WATER and SEWERLINE PROJECTS, HIGHWAY and BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION PROJECTS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	12.595	.95	1.30		.15
CLASS 2	11.745	.95	1.30		.15
CLASS 3	11.125	.95	1.30		.15
CLASS 4	9.875	.95	1.30		.15
CLASS 5	11.075	.95	1.30		.15
CLASS 6	11.575	.95	1.30		.15
CLASS 7	11.195	.95	1.30		.15
CLASS 8	11.175	.95	1.30		.15
CLASS 9	10.825	.95	1.30		.15
CLASS 10	9.695	.95	1.30		.15
CLASS 11	10.175	.95	1.30		.15
CLASS 12	9.975	.95	1.30		.15
CLASS 13	10.645	.95	1.30		.15
CLASS 14	10.175	.95	1.30		.15
CLASS 15	11.475	.95	1.30		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4076 - MOD. #7 (45 FR 67535 - October 10, 1980) Wichita County, Texas					
CHANGE:					
Bricklayers & stonemasons	$12.30		.60		.05
Carpenters:					
Carpenters	12.25	.48	.70		.10
Millwrights	12.75	.48	.70		.10
DECISION NO. TX80-4085 - MOD. #7 (45 FR 74365 - November 7, 1980) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Carpenters:					
Zone 2 - Carpenters	12.25	.48	.70		.10
Millwrights	12.75	.48	.70		.10
DECISION NO. TX80-4086 - MOD. #7 (45 FR 74368 - November 7, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Bricklayers & stonemasons Zone 1	12.98	.57	.50		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4099 - MOD. #5 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Cement masons	$12.34	.60	.55		
Ironworkers	12.70	.55	1.45		.12
Plasterers	13.29	.60	.55		.01
Power Equipment Ops.:					
Group 1	13.24		.65		.05
Group 2	12.17		.65		.05
Group 3	10.95		.65		.05
Group 4	10.84		.65		.05
DECISION NO. TX81-4005 - MOD. #3 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE:					
Carpenters:					
Carpenters	11.74	.48	.70	.40	.05
Millwrights	12.04	.48	.70	.40	.05
Ironworkers	11.60	.55	1.45	.50	.12
Laborers:					
Group 1	7.77	.57	.60		.05
Group 2	8.02	.57	.60		.05
Group 3	8.27	.57	.60		.05
Marble setters' finishers	8.17				
Terrazzo workers' finishers:					
Terrazzo finishers	8.17				
Floor machine ops.	8.37				
Base machine ops.	8.52				
Tile setters' finishers	8.17				

DECISION NO. TX80-4088 - MOD. #3 (45 FR 74364 - November 7, 1980) Harrison County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons	$12.50		.50		

DECISION NO. UT80-5148 MOD. #4 (45 FR 81991 - Dec.21,1980) Statewide Utah	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$14.71	$1.30	$1.25	$1.00	.04
Electricians:					
Area 1:					
Zone 1:					
Electricians:					
Technicians	14.10	.75	3%+1.00		8/10%
Cable Splicers	14.35	.75	3%+1.00		8/10%
Zone 2:					
Electricians:					
Technicians	14.85	.75	3%+1.00		8/10%
Cable Splicers	15.10	.75	3%+1.00		8/10%
Zone 3:					
Electricians:					
Technicians	15.65	.75	3%+1.00		8/10%
Cable Splicers	16.90	.75	3%+1.00		8/10%
Zone 3A:					
Electricians:					
Technicians	15.10	.75	3%+1.00		8/10%
Cable Splicers	15.35	.75	3%+1.00		8/10%
Zone 4:					
Electricians:					
Technicians	17.35	.75	3%+1.00		8/10%
Cable Splicers	17.60	.75	3%+1.00		8/10%

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington

DECISION NUMBER: IL81-2006

DATE: Date of Publication

Supersedes Decision No. IL79-2069, dated September 7, 1979 in 44 FR 52535

DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.89	1.00	1.11		
BOILERMAKERS	15.20	1.275	1.50		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Bond, Calhoun, Jersey, Macoupin (Staunton & Mt. Olive), & Montgomery Counties	13.90	.80	.75		.10
Clinton, Monroe, & Washington Counties	13.90	.80	.75		.10
Greene & Macoupin (Exclu. Staunton & Mt. Olive) Cos.	12.43	.85	.56		.05
Randolph County	12.35	.85	.55		
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S. 2/3 of Co.), & Montgomery (S. 2/3 of Co.) Counties	13.835	.80	1.00		
Clinton, Monroe, Randolph, & Washington Counties	13.435	.75	1.00		
Greene (Exclu. S. of Apple Creek) County:					
Carpenters; & Soft Floor Layers	12.05	.75	.25		.08
Millwrights	12.55	.75	.25		.08
Piledrivermen	12.55	.75	.25		.08
Macoupin (N 1/3 of Co.), & Montgomery (Waggoner, Standard City & North Thereof) Cos.:					
Carpenters; & Soft Floor Layers	13.32	.55	.75		.08
Millwrights; & Piledrivermen	13.82	.55	.75		.08
CEMENT MASONS; Plasterers:					
Bond, Calhoun, Clinton (W ½ incl. Beckemeyer), Greene, Jersey, Macoupin, Monroe, & Montgomery Counties:					
Cement Masons	13.255	1.00	.77		
Plasterers	14.775				

DECISION NO. IL81-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clinton (Carlyle & E. thereof) Co.:					
Cement Masons	$13.35				.01
Plasterers	13.35				.01
Randolph County	13.10				
ELECTRICIANS:					
Bond (E ½ of Co.), Clinton (Huey, Hoffman, & Vic.), Randolph (except Red Bud Twp.), & Washington (except Venedy Twp.) Counties	15.21	.55	13%		1%
Bond (W ½ of Co.), Clinton (except Huey, Hoffman, & Vic.), Macoupin (except Scottville, N. Otter, Virden, Girard, Barr, S. Palmyra, S. Otter, Nilwood, & Brighton Twps.), Monroe, Montgomery (SW part incl. Litchfield & Hillsboro), Randolph (Red Bud Twp.), & Washington (Venedy Twp.) Cos.	14.80	.59	3%+1.04	.89	½%
Calhoun, Greene, Jersey, Macoupin (Brighton Twp.) Cos.	15.66	.55	3%+1.00		.3%
Macoupin (Scottville, N. Otter, Virden, Girard, Barr, S. Palmyra, S. Otter, & Nilwood Twps.), & Montgomery (Bois D'Arc, Pitman, & Harvel Twps.) Counties	14.62	.55	3%+.70		.1%
Montgomery Co. (Roundtree, Nokomis, Audubon, Irving, Witt, E. Fort, Fillmore & S. Fillmore Twps.)	14.95	.55	3%+.55		.35%
IRONWORKERS:					
Bond, Calhoun, Clinton, Greene (S ½ of Co.), Jersey, Macoupin (S ½ of Co.), Monroe, Montgomery (Litchfield, Hillsboro, & S. thereof), Randolph, & Washington Cos.	13.85	.55	1.05		.05
Greene (N ½ of Co.), Macoupin (N ½ of Co.), Montgomery (exclu. Litchfield, Hillsboro, & S. thereof) Cos.	13.70	.55	1.05		.08

DECISION NO. IL81-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bond County:					
Greenville & Vicinity:					
Common	$13.20		.30		.035
Brick & Plaster Mason Tenders	13.70		.30		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.45		.30		.035
Dynamite Men	14.80		.30		.035
Sorento & Vicinity:					
Common	13.25		.25		.035
Brick & Plaster Mason Tenders	13.75		.25		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.50		.25		.035
Dynamite Men	14.85		.25		.035
Pocohontas & Vicinity:					
Common	13.10		.40		.035
Brick & Plaster Mason Tenders	13.60		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.35		.40		.035
Dynamite Men	14.70		.40		.035
Calhoun County:					
Common	13.30		.20		.035
Brick & Plaster Mason Tenders	13.80		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.55		.20		.035
Dynamite Men	14.90		.20		.035
Clinton County:					
Trenton & Vicinity:					
Common	12.35	.55	.60		.035
Brick & Plaster Mason Tenders	12.85	.55	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.60	.55	.60		.035
Dynamite Men	13.95	.55	.60		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clinton County:					
Carlyle & Vicinity:					
Common	$12.25	.65	.60		.035
Brick & Plaster Mason Tenders	12.75	.65	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.50	.65	.60		.035
Dynamite Men	13.85	.65	.60		.035
New Baden & Vicinity:					
Common	12.35	.65	.60		.035
Brick & Plaster Mason Tenders	12.85	.65	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.60	.65	.60		.035
Dynamite Men	13.95	.65	.60		.035
Greene County:					
Common	12.50		1.00		.035
Brick & Plaster Mason Tenders	12.50		1.00		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.40		1.00		.035
Dynamite Men	14.50		1.00		.035
Jersey County:					
Common	13.25		.25		.035
Brick & Plaster Mason Tenders	13.75		.25		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.50		.25		.035
Dynamite Men	14.85		.25		.035
Macoupin County:					
Carlinville & Vicinity:					
Common	13.30		.20		.035
Brick & Plaster Mason Tenders	13.80		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.55		.20		.035
Dynamite Men	14.90		.20		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Macoupin County:					
Gillespie & Vicinity:					
Common	$13.10		.40		.035
Brick & Plaster Mason Tenders	13.60		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.35		.40		.035
Dynamite Men	14.70		.40		.035
Mt. Olive & Vicinity:					
Common	13.20		.30		.035
Brick & Plaster Mason Tenders	13.75		.30		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.45		.30		.035
Dynamite Men	14.80		.30		.035
Shipman & Vicinity:					
Common	13.05		.45		.035
Brick & Plaster Mason Tenders	13.55		.45		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.30		.45		.035
Dynamite Men	14.65		.45		.035
Staunton & Vicinity:					
Common	12.90		.60		.035
Brick & Plaster Mason Tenders	13.40		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.15		.60		.035
Dynamite Men	14.50		.60		.035
Monroe County:					
Common	12.70	.55	.35		.035
Brick & Plaster Mason Tenders	12.95	.55	.35		.035
Air Tool Opr. & Bottom Men on Sewer Trenches, etc.	13.20	.55	.35		.035
Dynamite Men	14.30	.55	.35		.035
Montgomery County:					
Hillsboro & Vicinity:					
Common	11.95	.55	1.00		.035
Brick & Plaster Mason Tenders	12.45	.55	1.00		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.20	.55	1.00		.035
Dynamite Men	13.55	.55	1.00		.035

DECISION NO. IL81-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Montgomery County:					
Litchfield & Vicinity:					
Common	$12.90		.60		.035
Brick & Plaster Mason Tenders	13.40		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.15		.60		.035
Dynamite Men	14.50		.60		.035
Randolph County:					
Chester & Vicinity:					
Common	11.85	.65	1.00		.035
Brick & Plaster Mason Tenders	12.10	.65	1.00		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.35	.65	1.00		.035
Dynamite Men	13.45	.65	1.00		.035
Sparta & Vicinity:					
Common	12.35	.55	.60		.035
Brick & Plaster Mason Tenders	12.85	.55	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	12.60	.55	.60		.035
Dynamite Men	13.95	.55	.60		.035
Washington County:					
Ashley & Vicinity:					
Common	13.10		.40		.035
Brick & Plaster Mason Tenders	13.60		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.35		.40		.035
Dynamite Men	14.70		.40		.035
Nashville & Vicinity:					
Common	13.00		.50		.035
Brick & Plaster Mason Tenders	13.50		.50		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.25		.50		.035
Dynamite Men	14.60		.50		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Washington County:					
Okawville & Vicinity:					
Common	$12.90		.60		.035
Brick & Plaster Mason Tenders	13.40		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	13.15		.60		.035
Dynamite Men	14.30		.60		.035
LATHERS:					
Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S. 2/3 of Co.), & Montgomery (S. 2/3 of Co.) Cos.	13.835	.80	1.00		
Greene (Excl. S. of Apple Creek), Macoupin (N. 1/3 of Co.), & Montgomery (N. 1/3 of Co.) Cos.	13.15				
Monroe & Randolph Cos.	14.735			.65	.01
PAINTERS:					
Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, & Washington Cos.:					
Commercial Brush	13.64	.60	.35		
Commercial Spray & Blast	14.64	.60	.35		
Industrial Brush & Taping	13.89	.60	.35		
Industrial Spray & Blast	14.89	.60	.35		
Randolph Co.:					
Commercial	10.50				
Industrial	11.30				
PLUMBERS; Steamfitters:					
Bond, Calhoun, Greene, Jersey, Macoupin (S. of Rte. #108), & Montgomery (S. & W. of Rte. #127) Cos.	16.40	.48	.96		.05
Clinton (Albers, Aviston, Bartelgo, Beckemeyer, Breese, Carlyle, Germantown, New Baden, New Memphis, Posey, & Trenton), Monroe (Hecker), Randolph (Baldwin, Red Bud, Ruma, & Tilden), & Washington (Addieville, Covington, Lively Grove, Nashville, New Menden, Oakdale, Okawville, & Venedy) Cos.	14.40	.80	1.00		

DECISION NO. IL81-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clinton (Rem. of Co.), & Washington (E. ½ of Co.) Cos.	$17.00	1.20	1.40		.15
Macoupin (N. of Rte. #108), & Montgomery (Hillsboro, & N. thereof) Cos.	14.73	.60	1.23		.07
Monroe (Valmeyer & Vicinity) Co.	13.25	.93	1.20	.93	.03
Randolph (Excl. Baldwin, Red Bud, Ruma, & Tilden Twps.) Co.	16.40	1.10	.60		.08
ROOFERS:					
Bond, Calhoun, Clinton, Greene, Jersey, Macoupin (S ½ of Co.), Monroe, Randolph, & Washington Cos.	11.80	.82	.75		.03
Macoupin (N ½ of Co.), & Montgomery Cos.	14.93	1.00			
SHEET METAL WORKERS:					
Bond, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington Cos.	13.43	.70	1.00	6%	.06
Calhoun County	12.67	.75	1.25		.14
SPRINKLER FITTERS	13.33	.75	1.05		.08
TERRAZZO WORKERS; Tile Setters; & Marble Setters:					
Bond, Clinton, Monroe, Randolph, & Washington Cos.					
Terrazzo Workers	14.55				
Greene & Macoupin Cos.	12.43	.85	.56		.05
Monroe County:					
Marble Setters	12.31	.85	1.305		
Randolph County:					
Terrazzo Workers; & Tile Setters	12.35	.85	.55		
TERRAZZO WORKERS' FINISHERS; Tile Setters' Finishers; & Marble Setters' Finishers:					
Greene & Macoupin Counties:					
Marble & Tile Finishers	11.55				
Terrazzo Workers' Finishers	11.70				

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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 Opers. 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 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 Oprs.,(25' & Over), Motor Graders or Pushcats, Scoops or Tournapulls, 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 Oprs., (under 25 ft., conveyors (1), Distribution Oprs., On Trucks, Siphons or Jets (1) Winch Heads or Apparatuses (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, monigans, 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

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.275	.85	$41.00a		
GROUP II	12.675	.85	41.00a		
GROUP III	12.875	.85	41.00a		
GROUP IV	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 men 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; Hydrolifts 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 Pulls

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 may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MARYLAND

COUNTIES: CAROLINE, CECIL, DORCHESTER, HARFORD, KENT, QUEEN ANNES, SOMERSET, TALBOT, WICOMICO AND WORCESTER

DECISION NO.: MD81-3017 DATE: Date of Publication

Supersedes Decision No. MD78-3000 dated January 27, 1978 in 43 FR 3867.

DESCRIPTION OF WORK: Highway Construction projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	6.53				
CARPENTERS	7.84				
CEMENT MASONS-FINISHERS	6.57				
ELECTRICIANS	8.00				
GROUNDMEN	6.22				
IRONWORKERS:					
Reinforcing	8.25				
Structural and Ornamental	9.21				
LABORERS:					
Unskilled	4.79				
Mason Tenders	5.00				
Pipelayers	5.82				
Air Tool Operators	6.60				
LINEMEN	11.21				
PAINTERS, STRUCTURAL STEEL	10.00				
PILEDRIVERMEN	10.94				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributors, Liquid	4.76				
Backhoes	6.00				
Bituminous-Cement Pavers	5.75				
Bulldozers	7.02				
Cranes	8.77				
Graders	7.14				
Guard Rail Hammers	5.20				
Loaders	6.19				
Mechanics	8.19				
Motor Patrol Graders	7.49				
Oilers, Greasers	7.20				
Power Brooms	5.03				
Rollers:					
Base	5.19				
Finish	5.80				
Scrapers, Pans, Scoops	6.91				
Screeds	4.88				
Tractors	5.09				
Truck Drivers	4.36				
Welders	9.25				

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: NY81-3023
COUNTY: SAINT LAWRENCE
DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3008 dated February 15, 1980 in 45 FR 10583
Description of Work: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy, and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.83	.90	.93		.06
Boilermakers	14.63	1.275	10%		.03
Bricklayers:					
Bricklayers, Cement Masons, Marble Setters, Plasterers, Stone Masons, Tile and Terrazzo Workers	11.87	.70	.70	a	.02
Carpenters:					
Carpenters and Soft Floor Layers	12.25	.55	.90	b	.005
Millwrights	12.50	.55	.90	b	.005
Piledrivermen	12.40	.55	.90	b	.005
Heavy and Highway	11.23	.55	.90		.025
Cement Masons, Heavy and Highway	11.10	.70	.70		
Electricians:					
Electricians	12.80	.75	3%+.78		8/10%
Cable Splicers	13.05	.75	3%+.78		8/10%
Glaziers:					
Twps. of Massena, Louisville, Wadington, Lisbon, Oswegatchie, Morristown, Hammond, Rossie, Macomb, Depeyster, Madrid, Norfolk, Stockholm, Potsdam, Canton, Dekalb, Gouverneur, Fowler, Pitcairn, Edwards, Herman, Russel, Fine, Clare, Pierrepont, Colton, Clifton, and Parishville	9.55	.50			.01
Remainder of County	10.13		.20	c	.01
Ironworkers:					
Structural, Ornamental, Reinforcing, Machinery Movers, Rodmen, Riggers, Fence Erectors, and Stone Derrickmen	12.17	1.11	1.02		.04
Sheeters	12.42	1.11	1.02		.04
Sheeters, Bucker-up	12.295	1.11	1.02		.04
Laborers, Building:					
Common Laborers	9.10	.60	1.20	d	
All rock drilling	9.50	.60	1.20	d	
Blasters	9.70	.60	1.20	d	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building (Cont'd)					
Chain Saw, Pavement Breaker, Mortar Mixer, Scaffold Builder, Pipelayer, Vibrator, Gas Buggy, Air or Electric tool, Plaster Tender, Sandblaster on Construction Cleanup, Potliners, Acetylene torch on demolition work only	9.30	.60	1.20	d	
Painters:					
Twps. of Massena, Louisville, Waddington, Lisbon, Oswegatchie, Morristown, Hammond, Rossie, Macomb, Depeyster, Madrid, Norfolk, Stockholm, Potsdam, Canton, Dekalb, Gouverneur, Fowler, Pitcairn, Edwards, Herman, Russel, Fine, Clare, Pierrepont, Colton, Clifton, and Parishville:					
Brush, Roller, and Seamless Floor Application	9.85	.80	.45		
Paperhanging, Paper Removal, Wallcovering, Cork and Taping	10.10	.80	.45		
Steamcleaning, Swing Stage, Hydro Water blasting, Window Jacks	10.20	.80	.45		
Spray	10.35	.80	.45		
Bosun Chair, Sandblasting, Steel Painting	10.55	.80	.45		
Remainder of County:					
Painters	10.13		.20	c	.01
Spray Cup, Paperhanging, Spray Structural Steel, Swing Scaffold, Boatswain Chair, Hanging Scaffold, Sandblasting and Taping	10.68		.20	c	.01
	10.88		.20	c	.01
Bridges	9.28		.20	c	.01
Seamless Floor Material	10.39		.20	c	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers and Steamfitters	10.80	.92	.50		.05
Plumbers and Steamfitters: Service and repair jobs which do not exceed in aggregate for all Plumbing and HVAC labor and/or materials the sum of $110,000	6.05	.92	.50		.05
Roofers	13.15	1.00	2.00		
Sprinkler Fitters	14.52	.85	1.20		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental					
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)).					

PAID HOLIDAYS:
A-New Year's Day
B-Memorial Day
C-Labor Day
D-Independence Day
E-Thanksgiving Day
F-Christmas Day

FOOTNOTES:

a. Paid Holidays: B, C, and D providing the employee has been on the payroll 5 days prior to the holiday and reports to work the day following the holiday.

b. Paid Holidays: B, C, and E provided the employee has been on the payroll the week before the holiday and works the day following the holiday.

c. An employee shall have 2 consecutive hours off in which to vote, plus B, C, D, and F.

d. Paid Holidays: 2 hours off with pay to vote on Election Day.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.14	.60	1.20	f	
CLASS B	9.34	.60	1.20	f	
CLASS C	9.54	.60	1.20	f	
CLASS D	9.75	.60	1.20	f	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
1. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, 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. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand-blasting), 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.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transinission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. 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

POWER EQUIPMENT OPERATORS: Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	13.11	1.25	1.25	g	.15
Class 2	12.43	1.25	1.25	g	.15
Class 3	11.06	1.25	1.25	g	.15
Class 4	13.90	1.25	1.25	g	.15
Class 5	13.61	1.25	1.25	g	.15
Class 6	15.11	1.25	1.25	g	.15
Class 7	14.11	1.25	1.25	g	.15
Class 8	13.61	1.25	1.25	g	.15

FOOTNOTE:

g. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and Blawknox); Blacktop Plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane, crusher-Rock; Derrick; Diesel power unit; Drag-line; Dredge; Dual drum paver; Elevating grader (self-propelled or towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder; post hole digger (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widener (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist; vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacture's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Bevinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories, post driver (truck or tractor mounted)

Class 4: Master Mechanic

Class 5: Tower Crane

Class 6: Crane or Derrick with a boom length over 300 ft. including jib

Class 7: Crane or Derrick with a boom length over 150 ft. including jib, and on a piledriver with leads or boom length of over 100 ft.

Class 8: Quad 9 bulldozer or multibowl scraper

Power Equipment Operators: Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	13.14	1.35	1.30	a	.15
GROUP 2	12.70	1.35	1.30	a	.15
GROUP 3	11.46	1.35	1.30	a	.15
GROUP 4	10.36	1.35	1.30	a	.15

Power Equipment Operators: Heavy and Highway Construction

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 (factory rated 15 ft. and over), front end loader(4 c.y. and over), head tower (sauerman 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, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), 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 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 (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

Power Equipment Operators: Heavy and Highway Construction (Cont'd)

GROUP 3 A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity of 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibrator compactor, vibro tamp, well point

GROUP 4 Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.78	1.11	.85	j	
CLASS 2	9.83	1.11	.85	j	
CLASS 3	9.88	1.11	.85	j	
CLASS 4	10.03	1.11	.85	j	
CLASS 5	10.18	1.11	.85	j	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
j. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONONDAGA
DECISION NO: NY81-3022 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3036 dated April 25, 1980 in 45 FR 28064
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$13.83	.90	.93		.06
Boilermakers	14.63	1.275	10%		.03
Bricklayers & Stone Masons	11.94	.75	1.06		.05
Carpenters, Building	11.62	.85	1.20		.05
Carpenters, Heavy & Highway	10.63	.85	1.20		.025
Cement Masons, Building	11.55	.80	1.60		
Cement Masons, Heavy and Highway	10.85	.80	1.40	a	
Electricians					
Elbridge and Skaneateles	14.40	1.20	3%+.75		.17
Remainder of County:					
Electricians	14.30	.87	3%+1.10		.07
Cable Splicers	15.30	.87	3%+1.10		.07
Elevator Constructors	13.29	1.195	.95	b+c	.035
Elevator Constructor Helpers	9.30	1.195	.95	b+c	.035
Glaziers	11.50	.80			.01
Ironworkers:					
Structural, Ornamental, Machinery Movers, Reinforcing & Rigger	12.38	.77	1.70		.10
Sheeter	12.63	.77	1.70		.10
Sheeter Bucker-up	12.50	.77	1.70		.10
Laborers, Building:					
Laborers	8.45	.75	1.15		
Mason tenders & Scaffold Builders	8.55	.75	1.15		
Lathers	10.86	.75			.01
Marble, Tile & Terrazzo Workers	11.06	.75	1.06		
Marble, Tile & Terrazzo Finishers	9.80	.75	1.06		
Millwrights & Piledrivers	11.795	1.23	1.15		.05
Painters:					
Boatswain Chair	12.12	.80	.88		.05
Bridge	12.57	.80	.88		.05
Swing	12.02	.80	.88		.05
Brush & Roller, Wallcovering	11.37	.80	.88		.05
Structural Steel	11.97	.80	.88		.05
Sandblasting	12.22	.80	.88		.05
Spray, Epoxy Application	11.87	.80	.88		.05
Taping	11.62	.80	.88		.05
Plumbers	12.43	1.27	1.17		.25
Roofers	13.15	1.00	2.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers	11.62	.85	1.20		.05
Sprinkler Fitters	14.52	.75	1.05		.08
Steamfitters	13.145	1.00	1.55		.025
Truck Drivers, Building:					
Truck Drivers	9.60	.60	.75		
Mechanics	9.80	.60	.75		
Euclids	9.85	.60	.75		
Welders- Receive rate prescribed for craft performing operation to which welding is incidential.					
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)).					

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C- Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, provided employee works the day before and the day after the holiday.
b. Holiday: A through F, day after Thanksgiving.
c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.99	.75	1.50	a	
CLASS B	9.19	.75	1.50	a	
CLASS C	9.39	.75	1.50	a	
CLASS D	9.59	.75	1.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, 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. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand-blasting), 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.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. 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

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	13.11	1.25	1.25	a	.15
Class 2	12.43	1.25	1.25	a	.15
Class 3	11.06	1.25	1.25	a	.15
Class 4	13.90	1.25	1.25	a	.15
Class 5	13.61	1.25	1.25	a	.15
Class 6	15.11	1.25	1.25	a	.15
Class 7	14.11	1.25	1.25	a	.15
Class 8	13.61	1.25	1.25	a	.15

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and Blaw Knox); Blacktop Plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picket over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-Rock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled or towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saut man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder; post hole digger (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widener (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist; vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacture's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories, post driver (truck or tractor mounted)

Class 4: Master Mechanic

Class 5: Tower Crane

Class 6: Crane or Derrick with a boom length over 300 ft. including jib

Class 7: Crane or Derrick with a boom length over 150 ft. including jib, and on a piledriver with leads or boom length of over 100 ft.

Class 8: Quad 9 bulldozer or multibowl scraper

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.14	1.35	1.30	a	.15
GROUP II	12.70	1.35	1.30	a	.15
GROUP III	11.46	1.35	1.30	a	.15
GROUP IV	10.36	1.35	1.30	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - 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. and over); front end loader (4 c.y. and over), head tower (sauerman 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, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

Group II -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), compressor (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 (if another man is required to clean

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (Cont'd)

screen or to maintain the equipment, he shall be an oiler), locomotive, maintenance engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors(any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.39	.65	.85	a	
CLASS 2	9.44	.65	.85	a	
CLASS 3	9.49	.65	.85	a	
CLASS 4	9.64	.65	.85	a	
CLASS 5	9.79	.65	.85	a	

PAID HOLIDAYS:
A-New Year's Day;
B-Memorial Day;
C-Independence Day;
D-Labor Day;E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flat-boy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: New York COUNTIES: Bronx, Kings, Queens, New York, & Richmond

DECISION NO. NY81-3024 DATE: Date of Publication

Supersedes Decisions No. NY80-3057 dated September 19, 1980 in 45 FR 62672 and NY80-3020 dated April 4, 1980 in 45 FR 23262

DESCRIPTION OF WORK: Residential (includes single family homes and apartments up to and including 4 stories), Building, Heavy & Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.70	1.21	2.31		
BOILERMAKERS	16.34	5%	5%		.02
BRICKLAYERS	12.67	1.33	3.98		.03
CARPENTERS					
Carpenters, Soft Floor Layers, & Drywall Installers	13.35	1.85	1.78	.95	.05
Millwrights	13.35	1.85	1.78	1.11	.04
Piledrivermen & Dockbuilders	13.25	1.85	1.78	1.01	.05
Diver	15.69	1.875	1.78	1.03	.05
Diver Tenders	12.30	1.875	1.78	1.03	.05
Tenbermen	12.31	1.85	1.78	.95	.05
Carpenters & Floor Coverers New construction of one or two family homes, condominiums, apartments or town houses of up to 2 stories	11.35	1.66	1.33	.85	.05
CEMENT MASONS	12.10	2.04	1.67		.09
ELECTRICIANS	14.65	1½%+a	7½%+b	8½%+c	1%
Jobbing, maintenance, repair work; alterations and new work up to a contract price of $50,000	8.00	1½%+a	7½%+b	8½%+c	1%
ELEVATOR CONSTRUCTORS	11.32	.745	.35+d	e+f	.02
ELEVATOR CONSTRUCTORS HELPER	8.44	.745	.35+d	e+f	.02
ELEVATOR CONSTRUCTORS HELPER (PROBATIONARY)	5.66				
GLAZIERS	13.75	.66	1.91	.67	.01
IRONWORKERS					
Ornamental Finisher	12.62	1.21	3.55	1.00	.14
Structural	12.95	1.86	4.45	1.85+g	.11
Riggers	12.04	4.025	2.29	1.204	
Stone Derrickman	14.62	2.23	1.51	1.50	.01
LABORERS					
Unskilled	10.65	1.80	1.85		
Mason Tenders	11.10	.887	1.585		
Asphalt Laborers	11.45	1.30	1.55	h	
Asphalt Rakers	11.71	1.30	1.55	h	
Asphalt Tampers	11.47	1.30	1.55	h	
Cement & Concrete Workers	11.15	1.25	1.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Heavy)					
Blasters	14.75	1.07	1.79	2.00	
Concrete Breakers, Chippers, Jackhammers, Pneumatic Tools, Spades	13.03	1.07	1.79	2.00	
Drill Runner, Air Trac, Wagon Drills	13.30	1.07	1.79	2.00	
Powder Carriers	11.98	1.07	1.79	2.00	
Magazine Keepers	7.47	1.07	1.79	2.00	
Nippers	11.41	1.07	1.79	2.00	
LABORERS (Highway)					
Form Setters	12.71	1.30	1.55	h	
Pavers & Curb Setters	13.68	1.30	1.55	h	
Rammermen	13.24	1.30	1.55	h	
Puddlers, Concrete Rakers	11.30	1.30	1.55	h	
LABORERS (Demolition)					
Barmen	11.90	8%	10%		
Barmen Helpers	11.60	8%	10%		
LATHERS, METALIC	10.79	1.325	1.985	.75+i	.03
MARBLE SETTERS					
Cutters & Setters	12.55	1.21	1.71	j	
Carvers	12.70	1.21	1.71	j	
Polishers	12.23	1.21	1.71	j	
Crane Operator	10.55	1.21	1.71	j	
PAINTERS					
Brush & Roller	12.00	1.14	1.20	3%	
Spray & Scaffold	14.57	1.14	1.20	3%	
Fire Escapes	13.71	1.14	1.20	3%	
PLASTERERS					
Kings	12.45	1.45		1.45	
Queens	10.10	1.75		1.35	.01
Richmond, Bronx, NY	10.15	1.10	1.54	.90	.01
PLUMBERS					
NY, Bronx	12.10	2.37	2.65	.72	
Kings, Queens	13.40	2.10	2.14	1.19	.22
Richmond	13.20	2.48	2.11	1.05	.35
POINTERS, CAULKERS & CLEANERS	11.82	1.25	2.75		.07
Steamcleaners	12.32	1.25	2.75		.07
Sandblasters	12.92	1.25	2.75		.07
ROOFERS					
Composition, Damp & Waterproofer	11.05	3.14	2.85		.15
SHEET METAL WORKERS	15.24	1.928	1.69		.15
SPRINKLER FITTER & STEAMFITTER	14.43	2.75	1.12	1.00	.07
STONEMASONS	14.00	.75	1.00		
TERRAZZO WORKERS	11.88	1.32	1.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS HELPERS	9.84	1.21	1.50		
TILE SETTERS	12.325	1.15	1.10		
TILE SETTERS HELPERS	10.71	1.055	.77		
TRUCK DRIVERS, Building Ready Mix Concrete, Sand, Gravel and Asphalt	9.44	.9675	1.8525	k+1	
Euclids and Turnapulls	8.825	.9675	1.8525	k+1	
4-wheel, Hi-Lo Lift Operators	7.525	.9675	1.8525	k+1	
Euclids and Turnapulls (Heavy)	8.825	.9675	1.8525	k+1	
Welders receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:
a. Employer contributes $7.00 per day.
b. Employer contributes $4.00 per day.
c. Paid Holidays: A through F, Washington's Birthday, Columbus Day, and Election Day.
d. Employer contributes $8.00 per day to an Annuity Fund.
e. Employees with 6 month or more but less than 5 years of service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation
f. Holidays A through F, Columbus Day, Election Day, Lincoln's Birthday, Washington's Birthday, and Armistice Day.
g. Paid Holidays: A and F provided the employee works a full half day preceding or following the holiday.
h. Holidays: B,C,D,E, Election Day, Columbus Day, and Veterans' Day providing the employee works at least 1 day in the week in which the holiday occurs.
i. Work on Christmas Eve and New Year's Eve will terminate at Noon, but will receive a full days pay.
j. One half days' pay for Labor Day
k. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Election Day, Veteran's Day, provided the employee works 2 days in the calendar week in which the holiday falls and each remaining work day during such calendar week
l. For each 15 days worked within the contract year an employee will receive one day's vacation with pay with a maximum vacation of 3 weeks per year.

BUILDING CONSTRUCTION RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Double Drum Hoist	13.82	1.05	3.25	.75+a	.10
Stone Derrick, Cranes, Cherry Pickers	13.56	1.05	3.25	.75+a	.10
Hoists, Fork Lifts, House Cars, Plasterer (platform machine), Plasterer Bucket, Plasterer Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	13.06	1.05	3.25	.75+a	.10
Cranes: All types-crawler or truck					
100' to 149' Boom	14.03	1.05	3.25	.75+a	.10
150' to 249' Boom	14.28	1.05	3.25	.75+a	.10
250' to 349' Boom	14.53	1.05	3.25	.75+a	.10
350' to 450' Boom	15.03	1.05	3.25	.75+a	.10
Steel Erection:					
Three Drum Derricks	14.76	1.05	3.25	.75+a	.10
Cranes, 2 Drum Derricks, Cherry Pickers	14.12	1.05	3.25	.75+a	.10
Compressors, Welding Machines	12.57	1.05	3.25	.75+a	.10
Tower Cranes	13.53	1.05	3.25	.75+a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

Unlisted classifications needed for work not included within the scope of the classifications may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class 1	13.95	1.05	3.25	.75+a	.10
Class 2	13.85	1.05	3.25	.75+a	.10
Class 3	13.53	1.05	3.25	.75+a	.10
Class 4	13.26	1.05	3.25	.75+a	.10
Class 5	12.97	1.05	3.25	.75+a	.10
Class 6	12.96	1.05	3.25	.75+a	.10
Class 7	12.60	1.05	3.25	.75+a	.10
Class 8	12.32	1.05	3.25	.75+a	.10
Class 9	11.73	1.05	3.25	.75+a	.10
Class 10					
a	14.03	1.05	3.25	.75+a	.10
b	14.28	1.05	3.25	.75+a	.10
c	14.53	1.05	3.25	.75+a	.10
d	15.03	1.05	3.25	.75+a	.10
Class 11	13.31	1.40	.75		.05
Class 12	13.00	1.40	.75		.05
Class 13	12.78	1.40	.75		.05
Class 14	12.27	1.40	.75		.05

FOOTNOTE:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels.

Class 2: Mine hoist, Cranes, etc, used as mine hoists.

Class 3: Gradalls, Ketstones, Cranes (with digging buckets including sand dock cranes, bridge cranes), Trenching machines.

Class 4: Rigs (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Piledrivers.

Class 5: Raise Bore Drill.

Class 6: Mucking machines, Back filling machines, Cranes, Paver dual drums.

POWER EQUIPMENT OPERATORS (CONT'D)
HEAVY AND HIGHWAY CONSTRUCTION

Class 7: Elevator (manually operated), Concrete pavers, Cableways, Land Derricks, Mixers, Power Houses (which contain low pressure units).

Class 8: Power Houses (other than above), Compressors (3 or more in battery), Stone Crusher, Double Drum Hoist, Concrete pumps, Well point pumps, Tugger machines (caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection), Concrete plant, Conveyor attachment, Well Drilling machine.

Class 9: River cofferdam pumps, Welding machines, Boilers, High pressure, Compressors (portable, single or two in a battery), not over 100' apart, Concrete breaking machines, Hoists, Single drum, Load Masters, Locomotives and Dinkies over 10 tons, Mixers (concrete with loading attachment), Push button machines.

Class 10: Long Boom Land Cranes:
a---100' to 149'
b---150' to 249'
c---250' to 350'
d---350' to 450'

Class 11: Junior engineers when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over.

Class 12: Junior engineers when operating the following equipment and attachments: Scrapers, Turnapulls, Tugger hoists used exclusively for handling excavated material, Tractors (rubber tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers under 20 tons, Austin Western and machines of a similar nature, Bulldozers, Loaders rubber tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards, Conveyors, Motor Graders, Curb and Gutter Pavers and machines of a similar nature.

Class 13: Junior engineers when operating the flowing pieces of minor equipment: Tractors, Locomotives 10 tons and under, Post hole diggers, Motor Generators, Road Finishing machines, Mixers 16S and under with or without loading devices, Rollers 5 tons and under, Tugger hoists, Dual purpose trucks, Fork lifts, Dempster Dumpsters, Firemen tending to: Steam operated shovels, power boilers, steam operated piledrivers, steam operated derrick boats, steam operated water rigs.

Class 14: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in a battery), Power Houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck.

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA
COUNTIES: BLADEN, CHATHAM, CUMBERLAND, HARNETT, HOKE, LEE, MOORE, ROBESON, SAMPSON, AND SCOTLAND.
DECISION NUMBER: NC81-1200 DATE: DATE OF PUBLICATION
Supersedes Decision NC81-1182, dated January 23, 1981, in 46 FR 7744.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 6.30				
BRICKLAYERS	8.00				
CARPENTERS	5.91				
CEMENT MASONS	5.44				
ELECTRICIANS & ELECTRONIC TECHNICIANS	7.05				
GLAZIERS	5.25				
IRONWORKERS - Structural, Reinforcing, & Ornamental	9.45				
LABORERS:					
Unskilled	3.75				
Mason tenders	4.00				
Asphalt rakers	4.50				
Pipe layers	4.52				
LATHERS	8.80				
MILLWRIGHTS	9.45				
PAINTERS	5.00				
PLASTERERS	7.25				
PLUMBERS & PIPEFITTERS	9.45				
ROOFERS	5.00				
SHEET METAL WORKERS	5.63				
SOFT FLOOR LAYERS	5.75				
SPRINKLER FITTERS	8.75				
TILE SETTERS	5.75				
TRUCK DRIVERS	3.75				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt paver	4.75				
Asphalt roller	4.25				
Backhoe	6.77				
Bulldozer	8.55				
Crane	10.00				
Forklift	6.30				
Front end loader	6.25				
Mechanic	6.00				
Scraper - pan	5.89				

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)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA
COUNTIES: BRUNSWICK, CARTERET, COLUMBUS, CRAVEN, DUPLIN, JONES, LENOIR, NEW HANOVER, ONSLOW, PAMLICO, AND PENDER.
DECISION NUMBER: NC81-1201 DATE: DATE OF PUBLICATION
Supersedes Decisions Number NC81-1181, dated January 23, 1981, 46 FR 7746; Number NC81-1182, dated January 23, 1981, 46 FR 7744; Number NC81-1147, dated December 30, 1980, 45 FR 86200.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.26				
BRICKLAYERS	7.10				
CARPENTERS	6.02				
CEMENT MASONS	5.68				
DRYWALL MECHANICS	7.00				
ELECTRICIANS	6.22				
ELECTRONIC TECHNICIANS	4.50				
GLAZIERS	5.38				
IRONWORKERS	6.66				
LABORERS:					
Laborers - General	3.78				
Pipe layers	4.94				
MILLWRIGHTS	9.45				
PAINTERS	5.00				
PLASTERERS	6.00				
PLUMBERS & PIPEFITTERS	6.52				
ROOFERS	5.91				
SHEET METAL WORKERS	6.38				
SOFT FLOOR LAYERS	7.00				
SPRINKLER FITTERS	7.95				
TILE SETTERS	6.00				
TRUCK DRIVERS	3.90				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt raker	4.27				
Backhoe	5.32				
Bulldozer	5.25				
Crane	6.80				
Distributor	4.70				
Fork lift	6.50				
Front end loader	4.50				
Motor grader	5.36				
Paver - screed	4.25				
Roller	5.00				
Scraper - pan	4.60				
Tractor	5.00				

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)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH81-2008 DATE: Date of Publication
Supersedes Decision No. OH77-2060, dated April 15, 1977 in 42 FR 20046
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories.

*CRAWFORD, HANCOCK, SENECA, & WYANDOT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$6.50				
CARPENTERS	6.00				
CEMENT MASONS	6.15				
DRYWALL HANGERS	5.91				
DRYWALL TAPERS & FINISHERS	5.00				
ELECTRICIANS	6.60				
INSULATORS	4.82				
LABORERS	4.56				
PAINTERS	5.00				
PLUMBERS	6.00				
ROOFERS	6.37				
SHEET METAL WORKERS	7.27				
SOFT FLOOR LAYERS	5.00				
TRUCK DRIVERS	4.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	7.50				
Bulldozers	7.50				
Front End Loaders	7.57				

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)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH81-2010
COUNTIES: ADAMS, BROWN, & HIGHLAND
DATE: Date of Publication
Supersedes Decision No. OH78-2133, dated October 20, 1978 in 43 FR 49149
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$7.61				
BRICKLAYERS	8.00				
CARPENTERS	6.00				
CEMENT MASONS	5.91				
DRYWALL HANGERS & FINISHERS	9.00				
ELECTRICIANS	8.00				
LABORERS	5.00				
PAINTERS	5.65				
PLUMBERS	6.89				
ROOFERS	6.00				
SHEET METAL WORKERS	6.88				
SOFT FLOOR LAYERS	7.00				
TILE SETTERS	6.71				
TRUCK DRIVERS	6.45				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.93				
Bulldozers	6.33				
Front End Loaders	6.93				

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)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH81-2009
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH79-2005, dated February 9, 1979 in 44 FR 8469
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

*JACKSON, PIKE, SCIOTO, & VINTON

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$8.00				
BRICKLAYERS	8.24				
CARPENTERS	6.96				
CEMENT MASONS	9.54				
DRYWALL FINISHERS	6.00				
ELECTRICIANS	6.85				
LABORERS	5.63				
PAINTERS	7.68				
PLUMBERS	6.50				
SHEET METAL WORKERS	8.00				
SOFT FLOOR LAYERS	6.03				
TRUCK DRIVERS	6.10				

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)).

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX81-4015
Supersedes Decision No. TX80-4073, dated October 10, 1980, in 45 FR 67532.
DESCRIPTION OF WORK: Building (Including Residential) Projects

COUNTIES: Jefferson & Orange
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$13.12	1.00	1.08		.05
Orange County	13.32	.775	1.18		.04
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS	13.65	.89	.80		.04
CARPENTERS:					
Carpenters:					
Commercial	12.57	.55	.45		.065
Residential construction of not more than 2 units & condominium townhouses of not more than 6 units excluding all apartment construction & multiple buildings for rental purposes	12.24	.55	.45		
Millwrights	12.905	.55	.45		.02
Piledrivermen	12.76	.55	.45		
CEMENT MASONS:					
North 1/2 of Jefferson Co. bounded on the south side by Nederland Ave.	12.70				
South 1/2 of Jefferson Co. & all of Orange Co.	12.62				
ELECTRICIANS	15.55	.90	3%+.285		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	12.56	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS:					
Northern 1/2 of Jefferson Co.	12.92	.60			
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
IRONWORKERS	11.90	.55	1.45		.10

DECISION NO. TX81-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1 - Common laborer, asphalt ironer & raker; sandblaster exclusive of preparation for painters, dumper, spotter & wagon drill; powderman blaster; well driller	$ 8.20	.57	.60		.04
GROUP 2 - Carpenter tender	8.25	.57	.60		.04
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	8.30	.57	.60		.04
GROUP 4 - Plaster & lather tender; pipe layers, non-metallic pipe including handling & laying pump-crete pipe	8.40	.57	.60		.04
GROUP 5 - Mortar mixers, hod carriers & mason tender	8.45	.57	.60		.04
LATHERS	13.485	.55			.01
LINE CONSTRUCTION:					
Linemen	16.14	.60	3%		1/2%
Groundmen	11.78	.60	3%		1/2%
PAINTERS:					
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
GROUP 1 - Brush:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
GROUP 2 - Paperhanger:					
Commercial	12.35	.60			.05
Residential	12.20	.60			.05
GROUP 3 - Spray:					
Commercial	12.60	.60			.05
Residential	12.47	.60			.05
GROUP 4 - Sandblaster, power cleaning:					
Commercial	12.42	.60			.05
Residential	12.21	.60			.05
GROUP 5 - Hot paint:					
Commercial	12.85	.60			.05

Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications

DECISION NO. TX81-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
Northern 1/2 of Jefferson Co.:					
GROUP 1 - Brush:					
Commercial	$13.02	.60			
Residential	12.77	.60			
GROUP 2 - Paper & vinyl hangers:					
Commercial	13.27	.60			
Residential	13.02	.60			
GROUP 3 - Brush, steel:					
Commercial	13.19	.60			
GROUP 4 - Spray:					
Commercial	13.44	.60			
Residential	13.19	.60			
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications.					
PIPEFITTERS	12.72	.87	.75		.10
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	13.26	.65	.75		.03
ROOFERS:					
Composition	11.71	.57	.50	.35	.06
Slate and tile	12.45	.57	.50	.35	.06
Kettlemen	10.89	.57	.50	.35	.06
SHEET METAL WORKERS:					
Commercial	12.67	3%+.58	.55		.14
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is individually conditioned by a separate & independent unit or system	8.24	3%+.58	.55		.14
SPRINKLER FITTERS	13.71	.85	1.20		.08
TILE SETTERS	12.14	.89	.80		.04

DECISION NO. TX81-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
GROUP 1 - Under 1-1/2 tons & wash, grease, tireman, fuel pump operators when used on construction	9.91	.53			
GROUP 2 - 1-1/2 tons thru 2-1/2 tons, dump truck less than 7 yds.	10.50	.53			
GROUP 3 - Over 2-1/2 tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts	10.69	.53			
GROUP 4 - Euclids (not self-loading)	10.79	.53			
GROUP 5 - Warehousemen-material checker; town driver	10.87	.53			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 5 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX81-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.485		.25		
GROUP 2	11.21		.25		
GROUP 3	10.39		.25		
GROUP 4	10.14		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; Blade grade, self-propelled; Bull clam; Rack filler; Derrick-power operated, all types; Dragline; Push cat; Bulldozer & all types of cat tractors; Cableway; Backhoe; Shovel; Crane-power operated, all types; Elevating grader, self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch truck; Locomotive crane; Mixer, 14 cu. ft. or more; Paving mixer,all sizes; Piledrivers; Scraper-heavy type, over 3 cu. yds.; Trench machines, all sizes; Gradeall; High-lift; Foundation boring machines; Gasoline or diesel driven welding machines-7 to 12 machines; Pumpcrete machine; Drill operator - Water well; DW-10 euclid; Tournapulls; Asphalt Plants; Crushing machines and batch plants; Scoopmobiles; Fingerlift operator; Elevator when used to haul men or material on construction work; Well point system & operation of similar dewatering devices

GROUP 2 - Air compressor; Blade grade-towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck crane driver; Gasoline or diesel welding machines, 3 to 6 machines; Hoist-single drum; Scraper, 3 cu. yds. or less; Conveyors-power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in to labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis

DECISION NO.: TX81-4016 DATE: Date of Publication

Supersedes Decision No. TX80-4078, dated October 10, 1980, in 45 FR 67537.

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.70	.70	.90		.08
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS	13.17	.70	.65		.05
CARPENTERS:					
Carpenters	13.21	.48	.70		.04
Millwrights	13.46	.48	.70		.04
CEMENT MASONS	12.34	.60	.55		
ELECTRICIANS & CABLE SPLICERS	12.80	.60	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.71	1.195	.95	a+b	.035
Helpers	70%JR	1.195	.95	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	10.26		.50		.01
IRONWORKERS	12.70	.55	1.45		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	7.93	.30	.40		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool op.	8.08	.30	.40		.02
GROUP 3 - Plaster tender; hod carrier; Mortar mixer; Lather tender	8.255	.30	.40		.02
GROUP 4 - Gunnite over 1-1/2" thick; Nozzlemen; Machine operator; Powderman & blaster	8.33	.30	.40		.02
LATHERS	11.525				.01
LINE CONSTRUCTION:					
Linemen	13.45	.60	3%		1/2%
Groundmen	7.40	.60	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	10.00	.60			.05
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile & terrazzo finisher	8.17				
Terrazzo floor machine ops.	8.37				
Terrazzo base machine ops.	8.52				

DECISION NO. TX81-4016

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush; taping & floating of sheetrock	$10.30				
GROUP 2 - Paperhangers; chipper, burner, torch; skeleton steelwork erected	10.55				
GROUP 3 - Spray; steam cleaning; sand blast & other powered equipment	10.80				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) 25¢ per hour above all base rates	-				
PLASTERERS	13.29	.60	.55		.01
PLUMBERS & PIPEFITTERS	12.55	.45	.40		.05
ROOFERS:					
Roofers; deckmen	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	13.67	3%+.45	1.20		.09
SOFT FLOOR LAYERS	12.92	.60	.55		.14
SPRINKLER FITTERS	13.71	.85	1.20		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic hourly rate
b - Paid Holidays A thru G

DECISION NO. TX81-4016

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$13.24		.65		.05
GROUP 2	12.17		.65		.05
GROUP 3	10.95		.65		.05
GROUP 4	10.84		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; Crawler dozers or loaders; derricks, power operated (all types); Dragline; cableway; backhoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machine (all sizes); gradall; foundation boring machine; scoopmobile; shovel, power operated; pump crete machine; rock crusher operated on job; well points including installations; riding compactor; forklift over 1500 lbs. capacity; flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; pneumatic roller; high-lifts and loaders, 1/3 cu. yd. or less; forklift 1500 lbs. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

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)).

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA81-5107 DATE: Date of Publication
Supersedes Decision No. WA80-5136 dated October 17, 1980, in 45 FR 69151
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$17.99	.85	$1.45		.08
Area 2	18.49	.82	1.45		.18
Area 3	16.84	.78	1.45		.04
BOILERMAKERS	16.01	1.30	1.25	1.00	.04
BRICKLAYERS; MARBLE SETTERS:*					
Area 1	14.82	.80	2.00		.05
Area 2	15.08	.80	.40		
Area 3	15.30	.80	1.00		.07
Area 4	15.47	.80	1.55		.16
Area 5	16.31	1.05	1.40		.22
Area 6	15.25	.90	.80		
Area 7	15.23	.75	1.50		.07
Area 8	15.33	.80	1.55		.23
Area 9	15.48	.80	1.65		.06
CARPENTERS:*					
Area 1:					
Carpenters	14.04	.96	1.20		.10
Piledriver; Saw Filer; Stationary Power Wood-working Tool Operator	14.19	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	14.29	.96	1.00		.10
Piledriver (creosoted material)	14.44	.96	1.20		.10
Millwrights and Machine Erectors	14.54	.96	1.20		.10
Area 2:					
Carpenters and Drywall Applicators	14.93	.75	.95		.06
Carpenters on creosoted material	15.03	.75	.95		.06

*See AREA DESCRIPTIONS
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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Area 2: (Cont'd)					
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodworking tools	$15.06	.75	.95		.06
Millwrights and Machine Erectors	15.43	.75	.95		.06
Piledrivers; Bridge, Dock and Wharf Builders	15.08	.75	.95		.04
Acoustical Workers	15.09	.75	.95		.04
Boommen	15.13	.75	.95		.04
Area 3:					
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	13.80	1.00	1.00	.65	.07
Floor Layers and Finishers, Stationary Power Saw Operator	13.95	1.00	1.00	.65	.07
Millwrights and Machine Erectors	14.05	1.00	1.00	.65	.07
Instrument Men	14.20	1.00	1.00	.65	.07
Piledrivermen; Bridge, Dock and Wharf Builders	13.90	1.00	1.00	.65	.07
Boommen	14.00	1.00	1.00	.65	.07
Area 4:					
Carpenters	14.08	.96	1.20		.10
Piledriver; Sawfiler, Stationary power Wood-working tools Operator	14.32	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	14.23	.96	1.20		.10
Piledriver; Creosoted material	14.44	.96	1.20		.10
Millwrights and Machine Erectors	14.58	.96	1.20		.10

*See AREA DESCRIPTIONS
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AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Perry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, Kitsap, and Snohomish Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete)
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and the portion of Adams County including the City of Othello
Area 7: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 8: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); and Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS (AREA 1)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$13.23	$14.28	$14.68	$15.33	$16.08
Group 2	13.73	14.78	15.18	15.83	16.58
Group 3	14.23	15.28	15.68	16.33	17.08

FRINGE BENEFITS:

Health and Welfare	$1.27
Pension	1.47
Vacation	.50
Apprenticeship Training	.05

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

*See AREA DESCRIPTIONS - Page - 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$15.08	.95	$1.50		.10
Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	15.33	.95	1.50		.10
Area 3:					
Cement Masons	14.63	.85	1.25		.10
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	14.88	.85	1.25		.10
Area 4:					
Cement Masons	13.10	1.05	1.17	1.00	.20
Composition Materials and power machinery	13.36	1.05	1.17	1.00	.20
Area 5:					
Group 1	13.23	.95	1.50		.15
Group 2	13.73	.95	1.50		.15
Group 3	14.23	.95	1.50		.15

GROUP DESCRIPTIONS for AREA 5 ONLY

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing; Setting of Screeds, Screed Forms, curb and gutter and sidewalk forms; Preparation of all concrete for caulking of the joints and the caulking of expansion joints; Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of machine base; Removal of snap ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Bushing Hammer, Chipping Gun; Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats; Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Bushing or chipping of toxic materials or high density concrete, operating power tools on a Scaffold

*See AREA Descriptions - Page - 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Area 1:					
Electricians	$17.25	.95	3%+1.00		.02
Cable Splicers	17.65	.95	3%+1.00		.02
Area 2:					
Electricians	17.45	.95	3%+1.30		.05
Cable Splicers	18.20	.95	3%+1.30		.05
Area 3:					
Electricians	17.45	.95	3%+1.30		.05
Cable Splicers	19.20	.95	3%+1.30		.05
Area 4:					
Electricians	18.62	.98	3%+1.80		.10
Cable Splicers	20.48	.98	3%+1.80		.10
Area 5:					
Electricians	19.55	.90	3%+2.00		.10
Cable Splicers	20.30	.90	3%+2.00		.10
Area 6:					
Electricians	17.50	.90	3%+2.00	5%	.02
Cable Splicers	19.25	.90	3%+2.00	5%	.02
Area 7:					
Electricians	17.10	.95	3%+1.05	8%	.13
Cable Splicers	18.81	.95	3%+1.05	8%	.13
Area 8:					
Electricians	18.55	.90	3%+.45		.04
Cable Splicers	20.41	.90	3%+.45		.04
ELECTRONIC TECHNICIANS:*					
Area 1:					
Journeyman Installer	10.08	.69	3%		
ELEVATOR CONSTRUCTORS:*					
Area 1	16.835	1.195	.95	a	.035
Area 2	17.44	1.195	.95	a	.035
Area 3	16.07	1.195	.82	a	.035
Elevator Helpers - Areas 1, 2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits					
Prob. Helpers - Areas 1, 2, and 3 - 50% of Journeyman Rate excluding Fringe Benefits					

*See AREA DESCRIPTIONS - Page 7

AREA DESCRIPTIONS

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except for western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties:

ZONES 1 , 2, 3, and 4
Travel Zone Centers: Moses Lake, Wenatchee, Pasco, Yakima, *Coeur D'Alene, *Walla Walla, Spokane and Lewiston

Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman)

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:*					
Area 1	$12.44	.49	.70	b	
Area 2	13.05	.53	.55	.80	
Area 3	10.91	.69	1.10	.72	
Area 4	11.84	.69	.80	b	
Area 5	13.27	.40	1.05	b	
Area 6	11.98	.48	.80		
Area 7	11.41	.61	.65		.01
INSULATION APPLICATORS:*					
Area 1	9.55	.60	.80		.02
IRONWORKERS	15.66	.93	1.90		.10
LATHERS:*					
Area 1	11.00	.90	1.25		
Area 2	15.31	.85	1.00		.10
Area 3	14.42	1.05	.75		.06
MASON TENDERS:*					
Area 1:					
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	12.95	.95	1.30		.10
PAINTERS:*					
Area 1:					
Drywall Tapers	13.58	.69	1.10		.02
Brush	13.43	.69	1.10		.02
Steel; Spray; Steam Cleaning; Roller, over 9" or 10' handle	13.93	.69	1.10		.02
Swing Stage work or high rate (over 30')	14.13	.69	1.10		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	14.23	.69	1.10		.02
TV, Radio, and Electrical Transmission Towers	14.93	.69	1.10		.02

*See AREA DESCRIPTIONS Page - 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2:					
Brush	$13.10	.90	$1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (spray)	14.55	.90	1.15	.50	.09
Drywall Finishers	14.23	.80	.80		.06
Area 3:					
General Painters	14.52	.84	.70		.04
Drywall Tapers	14.92	.84	.70		.04
Industrial Painter	14.92	.84	.70		.04
Area 4:					
Striper	14.99	.84	.25		
Area 5:					
Journeyman Painters	13.53	.69	1.10		.02
Taper Finishers	13.78	.69	1.10		.02
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	14.03	.69	1.10		.02
Swing Stage Work or high work over 30 ft.	14.23	.69	1.10		.02
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	14.33	.69	1.10		.02
TV, Radio, and Electrical Transmission Towers	15.03	.69	1.10		.02
PLASTERERS:*					
Area 1	12.61	.95	1.50		
Area 2	14.79	.85	1.50		.12
Area 3	12.97	.75	1.00		.06
PLASTERERS' TENDERS:*					
Area 1	12.35	.97	1.10		.10
PLUMBERS:*					
Area 1	16.71	.99	1.75	2.00	.12
Area 2	16.63	.87	1.70	2.25	.16
Area 3	16.98	.90	1.45	2.00	.12
Area 4	17.77	1.50	1.85		.13
ROOFERS:*					
Area 1	13.06	.85	1.45		.10
Area 2	14.49	.85	.60		.04

*See AREA DESCRIPTIONS - Pages 10 and 11

AREA DESCRIPITIONS

GLAZIERS:
Area 1: Adams County (northeastern portion); Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

INSULATION APPLICATORS:
Area 1: King County

LATHERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Kilititat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties

AREA DESCRIPTIONS (Cont'd)

PLASTERERS: Cont'd)
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan, Clallam, and King Counties; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.), Jefferson and Okanogan Counties (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat., North Lines)
Area 2: Adams County (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from a line from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin and Cowlitz Counties; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS* (Cont'd)					
Area 3:					
Roofers; Waterproofers	$15.08	.85	$1.00		.03
Slate and Tile Roofers	15.33	.85	1.00		.03
Area 4:					
Roofers; Waterproofers	14.63	.85	1.10		.10
Slate and Tile Roofers	14.88	.85	1.10		.10
Area 5:					
Roofers; Waterproofers	13.53	.85	.50		.01
Slate and Tile Roofers	14.03	.85	.50		.01
Area 6:					
Roofers	13.55	.80	1.10		.10
Handling of irritating material (coal, tar or epoxy)	13.80	.80	1.10		.10
Handling of irritating material (coal, tar or epoxy) in confined area	14.05	.80	1.10		.10
SHEET METAL WORKERS:*					
Area 1	16.74	3%+.73	1.50		.20
Area 2	18.31	3%+.64	.94		.14
Area 3	15.04	1.10	1.81	1.00	.10
Area 4	14.25	3%+.68	1.06		.04
Area 5	17.50	3%+.73	1.68		.14
Area 6	16.93	3%+.73	1.61		.14
SOFT FLOOR LAYERS:*					
Area 1	12.05	.53	.60		
Area 2	10.66	.40	.90	1.21	
Area 3	11.00	.40	.90	.60	
Area 4	10.41	.47	1.00		
Area 5	14.08	.63	1.25		1%
Area 6	12.415	.60	1.05	c	.12
Area 7	12.91	.63	1.25		1%
Area 8	13.15	.69	.50		
Area 9	11.72	.63	1.25		1%
SPRINKLER FITTERS:*					
Area 1	17.96	.85	2.70		.11
Area 2	15.34	.85	1.20		.08

*See AREA DESCRIPTIONS Page - 13

AREA DESCRIPTIONS

ROOFERS: (Cont'd)
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County
Area 9: Whatcom County

SPRINKLER FITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	$13.50	.80	$2.00		
Area 2	14.41	.80	.40		
Area 3	15.30	.80	1.00		.07
Area 4	14.67	.80	1.55		.16
Area 5	15.66	.90	1.20		.28
Area 6	15.25	.90	.80		
Area 7	14.43	.80	1.80		.16
Area 8	13.84	.80	1.25		.06
TILE, MARBLE and TERRAZZO FINISHERS:					
Area 1	12.58	.80	.75		
*See AREA Descriptions - Page 15					
IRRIGATION and LANDSCAPE CONSTRUCTION (STATEWIDE)					
Laborers	7.90	.95	1.30		
Plumbers	9.75	.90	.30	.37	.11
Power Equipment Operators	10.00	.95	1.50		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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' service as Vacation Pay Credit. Six Paid Holidays: A thru F.
b. Two weeks' vacation with pay after 1 year employment. Also seven(7) Paid Holidays: A thru F plus Washington's Brithday
c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA DESCRIPTIONS

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan County (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, and Kitsap Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete); Snohomish County
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and that portion of Adams County including the City of Othello
Area 7: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 8: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); Whatcom County

TILE, MARBLE and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$16.15	$17.40	$18.15	$18.90	$20.15
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	14.59	15.84	16.59	17.34	18.59
Group 3: Tree Trimmer	13.17	14.42	15.17	15.92	17.17
Group 4: Line Equipment Man	12.57	13.82	14.57	15.32	16.57
Group 5: Head Ground (Chipper), Head Groundman, Powderman, Jackhammer Man	10.99	12.24	12.99	13.74	14.99
Group 6: Groundman	10.32	11.57	12.32	15.07	14.30

FRINGE BENEFITS PAYMENTS:	GROUPS 1 to 3	GROUPS 4 to 6
Health and Welfare	$0.45	$0.45
Pension	3%+1.70	3%+1.10
Vacation	0.10	0.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS

BASE ZONE* 0 to 3 miles radius from the geographical center of the Cities listed below
ZONE 1: 3 to 20 miles radius
ZONE 2: 20 to 35 miles radius
ZONE 3: 35 to 50 miles radius
ZONE 4: Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D'Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Seattle	Lakeview	The Dalles
Klamath Falls	Bellingham	Umatilla	Sand Point	

*BASE ZONE rate is paid when working out of employer's permanent shop.

LABORERS (AREA 1)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):					
Group 1	$11.80	.97	$1.10		.10
Group 2	12.05	.97	1.10		.10
Group 3	12.30	.97	1.10		.10
Group 4	12.55	.97	1.10		.10

LABORERS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford site in Benton and Franklin Counties)

HEAVY and HIGHWAY CONSTRUCTION

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$ 11.80	$12.85	$13.25	$13.90	$14.65
2	12.05	13.10	13.50	14.15	14.90
3	12.30	13.35	13.75	14.40	15.15
4	12.55	13.60	14.00	14.65	15.40

FRINGE BENEPITS:

Health and Welfare	$ 0.97
Pension	1.10
Apprenticeship Training	0.10

*Underground Work -10% additional

*See ZONE DESCRIPTIONS for AREA 1 (Heavy and Highway) - following TRUCK DRIVERS' Classifications

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeeze-crete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 2) All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County:					
Group 1-A	$7.90	.95	$1.30		.08
Group 1-B	12.93	.95	1.30		.08
Group 2	13.27	.95	1.30		.08
Group 3	13.61	.95	1.30		.08
Group 4	13.51	.95	1.30		.08

Group 1A: Window Washers

Group 1-B: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean up Laborer; Concrete Form Stripper; Concrete and Clean up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter

LABORERS (AREA 2) (Cont'd)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Tender; Power Jacks; Power Wheelbarrow or Buggy; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.; Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25 ft.; in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operator tools; Topman-Tailman; Track Liners; Wagon Driller and Air Trac Tender Well Point Laborer; Epoxy Technician

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Tender; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with rodder); Timberman, sewer; Tugger Operator; Vibrator (all); Wagon and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timberman; Pipe Reliner (not insert type)

LABORERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties,
and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$11.53	$12.03	$12.43	$12.93	$13.83	$14.53
2	11.88	12.38	12.78	13.28	14.18	14.88
3	12.18	12.68	13.08	13.58	14.48	15.18
4	12.43	12.93	13.33	13.83	14.73	15.43

FRINGE BENEFITS:	
Health and Welfare	$0.95
Pension	1.30
Vacation	0.65
Apprenticeship Training	0.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4) Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1-A	$7.90	.95	$1.30		.08
Group 1-B	12.93	.95	1.30		.08
Group 2	13.27	.95	1.30		.08
Group 3	13.41	.95	1.30		.08
Group 4	13.51	.95	1.30		.08

Group 1A: Window Washers

Group 1-B: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean up Laborer; Concrete Form Stripper; Concrete and Clean up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Graders; Flagman: Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter

LABORERS (AREA 4) (Cont'd)
Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Tender; Power Jacks; Power Wheelbarrow or Buggy; Ribbon setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.: Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25 ft.; in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operator tools; Topman-Tailman; Wagon Driller and Air Trac Tender Well Point Laborer; Epoxy Technician

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Tender; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with rodder); Timberman, sewer; Tugger Operator; Vibrator (all); Wagon and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timberman; Pipe Reliner (not insert type)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 5) DOE Hanford Site in Benton and Franklin Counties:					
Group 1	$11.80	.97	$1.10		.10
Group 2	12.05	.97	1.10		.10
Group 3	12.30	.97	1.10		.10
Group 4	12.55	.97	1.10		.10

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

LABORERS (Area 5) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power dirven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

POWER EQUIPMENT OPERATORS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$12.05	$13.10	$13.50	$14.15	$14.90
2	12.35	13.40	13.80	14.45	15.25
3	12.90	13.95	14.35	15.00	15.75
4	13.05	14.10	14.50	15.15	15.90
5	13.20	14.25	14.65	15.30	16.05
6	13.45	14.50	14.90	15.55	16.30
7	13.70	14.75	15.15	15.80	16.55
8	14.70	15.75	16.15	16.80	17.55

FRINGE BENEFITS:

Health and Welfare	$1.20
Pension	1.55
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 feet depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, High-line, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

POWER EQUIPMENT OPERATORS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$17.00	.95	$1.50		.16
Group 2	16.50	.95	1.50		.16
Group 3	16.06	.95	1.50		.16
Group 4	15.70	.95	1.50		.16
Group 5	15.40	.95	1.50		.16
Group 6	13.60	.95	1.50		.16

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yards and over; Shovels and attachments, 6 yards and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yards up to 8 yds.; Shovels, Backhoes, over 3 yards to 6 yards; Slipform Pavers; Scrapers, self-propelled, 45 yards and over; Quad 9, HD 41, D-10

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yards; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes, 3 yards and under; Subgrader, Trimmer; Tractors, Backhoe, over 60 HP; Scrapers, Self-propelled, under 45 yards

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

POWER EQUIPMENT OPERATORS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Groups	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$13.12	$13.62	$14.02	$14.52	$15.42	$16.12
2	13.28	13.78	14.18	14.68	15.58	16.28
3	13.40	13.90	14.30	14.80	15.70	16.40
4	13.58	14.08	14.48	14.98	15.88	16.58
5	13.60	14.10	14.50	15.00	15.90	16.60
6	13.69	14.19	14.59	15.09	15.99	16.69
7	13.76	14.26	14.66	15.16	16.06	16.76
8	13.87	14.37	14.77	15.27	16.17	16.87
9	13.94	14.44	14.84	15.34	16.24	16.94
10	14.01	14.51	14.91	15.41	16.31	17.01
11	14.03	14.53	14.93	15.43	16.33	17.03
12	14.10	14.60	15.00	15.50	16.40	17.10
13	14.19	14.69	15.09	15.59	16.49	17.19
14	14.37	14.87	15.27	15.77	16.67	17.37
15	14.55	15.05	15.45	15.95	16.85	17.55
16	14.76	15.26	15.66	16.16	17.06	17.76
17	14.92	15.42	15.82	16.32	17.22	17.92
18	15.12	15.62	16.02	16.52	17.42	18.12
19	15.28	15.78	16.18	16.68	17.58	18.28

FRINGE BENEFITS:

Health and Welfare	$1.25
Pension	1.47
Vacation	0.50
Apprenticeship Training	0.05

*See ZONE DESCRIPTION - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and inlcuding 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote contolled earth moving equipment; Underwater equipment, remote or otherwise

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appt. Tr.
POWER EQUIPMENT OPERATORS (DREDGING - AREA 1) All Counties and portions of Counties East of the 120th Meridan					
Group 1	$13.02	.85	$1.50		.11
Group 2	13.12	.85	1.50		.11
Group 3	13.46	.85	1.50		.11
Group 4	13.51	.85	1.50		.11
Group 5	13.56	.85	1.50		.11
Group 6	13.88	.85	1.50		.11
Group 7:					
(a)	14.27	.85	1.50		.11
(b)	14.82	.85	1.50		.11
(DREDGING - AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County					
Group 1	13.02	.85	1.50		.11
Group 2	13.12	.85	1.50		.11
Group 3	13.46	.85	1.50		.11
Group 4	13.51	.85	1.50		.11
Group 5	13.56	.85	1.50		.11
Group 6	13.88	.85	1.50		.11
Group 7:					
(a)	14.27	.85	1.50		.11
(b)	14.82	.85	1.50		.11
(DREDGING - AREA 3) Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties:					
Group 1	12.79	1.00	1.47	.50	.05
Group 1A	13.44	1.00	1.47	.50	.05
Group 2	12.42	1.00	1.47	.50	.05
Group 3	12.18	1.00	1.47	.50	.05
Group 4	11.92	1.00	1.47	.50	.05

POWER EQUIPMENT OPERATORS
DREDGING - AREAS 1 and 2

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Mates and Boatman

Group 4: Engineer; Craneman

Group 5: Assistant Engineer (electric generator Operator for Primary Pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS
DREDGING - AREA 3

Group 1: Leverman, Dipper

Group 1A: Leverman, Hydraulic

Group 2: Assistant Engineer (including Watch Engineer, Mehcanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (AREA 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.30	$1.20	$1.55		.08
Group 2	12.60	1.20	1.55		.08
Group 3	13.15	1.20	1.55		.08
Group 4	13.30	1.20	1.55		.08
Group 5	13.45	1.20	1.55		.08
Group 6	13.70	1.20	1.55		.08
Group 7	13.95	1.20	1.55		.08
Group 8	14.95	1.20	1.55		.08
Group 9	16.70	1.20	1.55		.08

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Roller-man (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yards and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, and all climbing, rails and tower); Clamshell Operator (3 yards and over); Derricks and Stiff-legs (65 yons and over); Draglines (3 yards and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards); Helicopter Pilot; Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)*
All Counties and portion of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.14	$14.19	$14.59	$15.24	$15.99
2	13.18	14.23	14.63	15.29	16.03
3	13.24	14.29	14.69	15.34	16.09
4	13.33	14.38	14.78	15.43	16.18
5	13.54	14.59	14.99	15.64	16.39
6	13.58	14.63	15.03	15.68	16.43
7	13.64	14.69	15.09	15.74	16.49
8	13.68	14.73	15.13	15.78	16.53
9	13.79	14.84	15.24	15.89	16.64
10	13.83	14.88	15.28	15.93	16.68
11	14.14	15.19	15.59	16.24	16.99
12	14.28	15.33	15.73	16.38	17.13
13	14.44	15.49	15.89	16.54	17.29
14	14.58	15.63	16.03	16.68	17.43

FRINGE BENEFITS:

Health and Welfare	$1.24
Pension	1.33
Apprenticeship Training	0.09

*See ZONE DEFINITIONS - following TRUCK DRIVERS' Classifications

TRUCK DRIVERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.18	$1.06	$1.33		.14
Group 2	15.23	1.06	1.33		.14
Group 3	15.28	1.06	1.33		.14
Group 4	15.39	1.06	1.33		.14
Group 5	15.45	1.06	1.33		.14
Group 6	15.49	1.06	1.33		.14
Group 7	15.50	1.06	1.33		.14
Group 8	15.56	1.06	1.33		.14
Group 9	15.61	1.06	1.33		.14
Group 10	15.63	1.06	1.33		.14
Group 11	15.66	1.06	1.33		.14
Group 12	15.76	1.06	1.33		.14
Group 13	15.78	1.06	1.33		.14
Group 14	15.82	1.06	1.33		.14
Group 15	15.94	1.06	1.33		.14
Group 16	15.98	1.06	1.33		.14
Group 17	16.10	1.06	1.33		.14
Group 18	16.15	1.06	1.33		.14
Group 19	16.31	1.06	1.33		.14
Group 20	16.47	1.06	1.33		.14
Group 21	16.63	1.06	1.33		.14

TRUCK DRIVERS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$12.53	$13.03	$13.43	$13.93	$14.83	$15.53
2	12.58	13.08	13.48	13.98	14.88	15.58
3	12.63	13.13	13.53	14.03	14.93	15.63
4	12.68	13.18	13.58	14.08	14.98	15.68
5	12.73	13.23	13.63	14.13	15.03	15.73
6	12.83	13.33	13.73	14.23	15.13	15.83
7	12.93	13.43	13.83	14.33	15.23	15.93
8	13.03	13.53	13.93	14.43	15.33	16.03
9	13.13	13.63	14.03	14.53	15.43	16.13
10	13.30	13.80	14.20	14.70	15.60	16.30
11	13.40	13.90	14.30	14.80	15.70	16.40
12	13.50	14.00	14.40	14.90	15.80	16.50
13	13.60	14.10	14.50	15.00	15.90	16.60
14	13.70	14.20	14.60	15.10	16.00	16.70

FRINGE BENEFITS:

Health and Welfare	$0.93
Pension	1.19
Vacation	1.00
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

TRUCK DRIVERS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties and the Southern portion of Pacific County

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties and the Southern portion of Pacific County

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

TRUCK DRIVERS: (Area 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.14	$1.24	$1.33		.09
Group 2	13.18	1.24	1.33		.09
Group 3	13.24	1.24	1.33		.09
Group 4	13.33	1.24	1.33		.09
Group 5	13.54	1.24	1.33		.09
Group 6	13.58	1.24	1.33		.09
Group 7	13.64	1.24	1.33		.09
Group 8	13.68	1.24	1.33		.09
Group 9	13.79	1.24	1.33		.09
Group 10	13.83	1.24	1.33		.09
Group 11	14.14	1.24	1.33		.09
Group 12	14.28	1.24	1.33		.09
Group 13	14.44	1.24	1.33		.09
Group 14	14.58	1.24	1.33		.09

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

TRUCK DRIVERS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,00 gallons; Tractor with Steer Trailer; truck mounted Crane with load bearing surface, either mounted pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

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)).

ZONE DESCRIPTIONS (AREA 1)

LABORERS
(Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

ZONE 1 - within a 15 mile radius from the center of the above named Cities
ZONE 2 - 15-30 miles radius from the center of the above named Cities
ZONE 3 - 30-45 miles radius from the center of the above named Cities
ZONE 4 - 45-90 miles radius from the center of the above named Cities
ZONE 5 - over 90 miles radius from the center of the above named Cities

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, The Dalles and Vancouver

ZONE 1 - all jobs or projects located within 10 miles of the respective City Hall
ZONE 2 - more than 10 miles but less than 25 miles from the respective City Hall
ZONE 3 - more than 25 miles but less than 35 miles from the respective City Hall
ZONE 4 - more than 35 miles but less than 45 miles from the respective City Hall
ZONE 5 - more than 45 miles but less than 75 miles from the respective City Hall
ZONE 6 - more than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: Wyoming COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte
DECISION NUMBER: WY81-5108 DATE: Date of Publication
Supersedes Decision No. WY80-5129 dated September 19, 1980, in 45 FR 62689
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.49	.75	$ 1.52		
BOILERMAKERS	13.51	1.375	1.10		.05
BRICKLAYERS; Stonemasons:*					
Area 1	12.63	.60	.40		.07
Area 2	12.90	.60	.50		.15
CARPENTERS:					
Carpenters	11.52	.75	.75	.75	.17
Piledrivermen	11.77	.75	.75	.75	.17
CEMENT MASONS:					
Cement Masons	12.15	.55			.05
Working on Swinging Stage or temporary platform over 20 ft. high	12.65	.55			.05
Composition material, epoxy	12.65	.55			.05
ELECTRICIANS:*					
Area 1:					
Electricians	13.95	.75	3%+.50		3/4of 1%
Cable Splicers	14.20	.75	3%+.50		3/4of 1%
Area 2:					
Contracts $250,000 and under:					
Electricians	13.75	.75	3%+.75		3/4of 1%
Contracts over $250,000:					
Electricians	15.00	.75	3%+.75		3/4of 1%
ELEVATOR CONSTRUCTORS	13.26	1.195	.82	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.28	1.195	.82	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	6.63				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	13.00	.90	1.45		.15
MARBLE, TILE and TERRAZZO WORKERS:*					
Area 1	11.10	.45	.30		
MILLWRIGHTS	12.66	1.00	.85		.14

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$13.31	.95	$1.15		.08
Spray, Swing Stage and Hazardous	13.91	.95	1.15		.08
Sandblaster (interior)	15.23	.95	1.15		.08
Paperhanger	13.91	.95	1.15		.08
Drywall Finisher	13.56	.95	1.15		.08
Finishers (machine)	13.91	.95	1.15		.08
PLUMBERS; Steamfitters:*					
Area 1:					
Zone 1	11.19	.90	.90	1.50	.18
Zone 2	12.04	.90	.90	1.50	.18
Zone 3	12.96	.90	.90	1.50	.18
Zone 4	14.18	.90	.90	1.50	.18
Zone 5: (Footnote "b"):					
General contracts $2,500,000.00 or less	11.19	.90	.90	1.50	.18
General contracts over $2,500,000.00	10.97	.80	.75	1.50	.18
Area 2:					
Zone 1	14.03	.90	1.10	2.00+c	.30
Zone 2	14.90	.90	1.10	2.00+c	.30
Zone 3	15.75	.90	1.10	2.00+c	.30
Zone 4	17.06	.90	1.10	2.00+c	.30
Zone 5	18.05	.90	1.10	2.00+c	.30
ROOFERS	11.03				
SHEET METAL WORKERS:*					
Area 1	13.39	.53	1.32		.09
Area 2	10.92	.51	1.10		.08
SPRINKLER FITTERS	13.61	.85	1.20		.08
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.					
*See AREA and ZONE Descriptions - Page 3					

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' service as Vacation Pay Credit. 7 Paid Holidays: A through F, and the Friday after Thanksgiving Day.
b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Spring within a 5 mile radius from the Post Office.
c. Paid Holiday: D-Labor Day

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Goshen, Laramie and Platte Counties
Area 2: Converse, Natrona and Niobrara Counties

ELECTRICIANS:
Area 1: Goshen, Laramie, Niobrara and Platte Counties
Area 2: Converse and Natrona Counties

MARBLE, TILE and TERRAZZO WORKERS:
Area 1: Converse, Natrona and Niobrara Counties

PLUMBERS; Steamfitters:
Area 1: Goshen, Laramie and Platte Counties:

Zone 1: 15 miles radius from Cheyenne Post Office
Zone 2: 10 miles radius beyond Zone 1
Zone 3: 15 miles radius beyond Zone 2
Zone 4: Jurisdiction beyond Zone 3

Area 2: Converse, Natrona and Niobrara Counties:

Zone 1: 10 miles radius from Post Office in Casper
Zone 2: 10 miles radius beyond Zone 1
Zone 3: 20 miles radius beyond Zone 2
Zone 4: 40 miles radius beyond Zone 3
Zone 5: Jurisdiction beyond Zone 4

SHEET METAL WORKERS:
Area 1: Converse, Natrona and Niobrara Counties
Area 2: Goshen, Laramie and Platte Counties

LABORERS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.28	.55	.50	$1.00	.05
Group 2	8.53	.55	.50	1.00	.05
Group 3	8.78	.55	.50	1.00	.05
Group 4	8.78	.55	.50	1.00	.05
Group 5	8.83	.55	.50	1.00	.05
Group 6	8.68	.55	.50	1.00	.05
Group 7	8.58	.55	.50	1.00	.05
Group 8	8.43	.55	.50	1.00	.05
Group 9	9.18	.55	.50	1.00	.05

LABORERS
BUILDING CONSTRUCTION

Group 1: General Laborers: All work pertaining to pre-watering, pre-irrigation, and pre-wetting); Axeman and Hand Faller; Bin Wall Installer; Bituminous Curb Builder; Burner (Cutting Torch); Car and Truck Loader; Carpenter Tender; Cement Mason Tender; Chuck Tender; Concrete Saw; Concrete Worker (wet or dry) (curing and drying); Creosote Material Handler (corrosive enamel or its equal); Dumpman; Erector and Installer (includes the installation of all fences, right of way, median fences, snow fences, etc., guard rails, section rails, reference posts, guide posts, signs and right of way markers); Form Setter (paving); Form Setter Tender (paving); Form Stripper; General Laborer; Gunnite Tender; Hand Operated Vibrator Roller; Jackhammer and Pavement Breaker; Landscaper; Landscaper Tender; Material Handler (lumber, rods, cement, concrete); Mechanical Form Cleaner; Mortar Man on Stone Riprap; Nozzleman (air and water); Operator or pnuematic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated, culvert pipe multi-plate, sectional plate and similar type); Pipe Setter Tender (corrugated); Pipe Setter Tender (non-metallic); Pipe Wrapper; Powderman Tender; Power Saw Operator (clearing); Power type Concrete Buggy (push); Power type Concrete Buggy (ride); Riprap Man; Rodman; Sandblaster Pot Tender; Shoring and Lagging Open Ditch; Signalman, grade, concrete, etc.; Scissorman or Hopper Man; Stake Jumper for equipment; Tar and asphalt Pot Tender; Toolroom Man; Unloading and packing of steel rods and mesh (reinforcing); Vibrator - concrete; Watchman and Flagman and Heat Tender and Pilot car Operator; Wrecking and Demolition Crews

Group 2: Semi-Skilled Laborers: Asphalt Raker and Tamper; Gunnite Nozzleman; High Scaler (using air tool from bos'n chair, swing stage life belt, or block and tackle, shall receive 20¢ per hour more than the classified rate); Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker);

Group 3: Drilling - Blasting: Powderman and Blaster; Wagon Drill, Air Track, Diamond and other drills for blasting powder or grouting

Group 4: Tenders: Fork Lift Operator (masonry work); Hodcarriers; Mason Tenders; Plasterer Tenders; Scaffold Builders; Terazzzo Tenders; Tile Setter Tenders

LABORERS (Cont'd)
BUILDING CONSTRUCTION (Cont'd)

Group 5: Tunnel - Underground: Drill Doctors; Finishers; Form Setters and Movers; Jackhammer Man; Machine Man; Miners (Drillers); Piling and/or Caisson Workers; Rebar Man; Spaders; Steelman; Timberman; Tuggers

Group 6: Chuck Tender; Nipper; Top Man or Top Lander

Group 7: Brakeman; Vibrator Man

Group 8: Bull Gang Laborer; Mucker

Group 9: Shifter

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))

[FR Doc. 81-9806 Filed 4-2-81; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
April 3, 1981

Part III

Department of Energy

Energy Information Administration

Decontrol of Crude Oil and Refined Petroleum Products; Affected Public Reporting Requirements

DEPARTMENT OF ENERGY

Energy Information Administration

Decontrol of Crude Oil and Refined Petroleum Products; Affected Public Reporting Requirements

AGENCY: Department of Energy; Energy Information Administration.

ACTION: Notice of the status of reporting requirements for data collection forms for which the Emergency Petroleum Allocation Act (EPAA) was used as a legal justification.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Lique, Director, Office of Petroleum and Natural Gas Data Development, Energy Information Administration, Room 4506, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Area Code (202) 633-8568.

SUPPLEMENTARY INFORMATION: On Wednesday, January 28, 1981, the President issued Executive Order 12287 (46 FR 9909, January 30, 1981), entitled "Decontrol of Crude Oil and Refined Petroleum Products." This Executive Order lifted all controls on pricing under the Emergency Petroleum Allocation Act of 1973 (EPAA), Pub. L. No. 93-159, as amended. Section 2 of the Executive Order provided, however, that—

> All reporting and recordkeeping requirements in effect under the Emergency Petroleum Allocation Act, as amended, shall continue in effect until eliminated or modified by the Secretary of Energy. The Secretary of Energy shall promptly review those requirements and shall eliminate them, except for those that are necessary for emergency planning and energy information gathering purposes required by law.

Pursuant to the Executive Order, an overall review of regulations, reporting, and recordkeeping requirements under the EPAA was ordered by the Secretary of Energy.[1] The Energy Information Administration, as the central point in the Department of Energy (DOE) for the gathering, analysis, and dissemination of energy information, was directed by the Secretary to review DOE's EPAA-based reporting requirements. The review, based in large part on a study begun in late 1980 in anticipation of decontrol, involved a review of each reporting requirement authorized in full or in part under the EPAA and consultation with the users of the data, including those within DOE, the Congress, and other agencies. The intent was to identify EPAA-based reports and to determine whether they would still be necessary after decontrol and, if so, for what purpose.

Fifty-seven (57) forms were identified and categorized. The status of the reporting requirements for these forms is categorized as follows:

A. *Forms to be Eliminated (23 Forms): Those that should be eliminated altogether, either immediately upon decontrol, or, upon the expiration of the programs upon which they are based.*

For example, the ERA-136, used for the middle distillate state set-aside program, continues until March 31, 1981. Under the Buy/•Sell program, deliveries of crude oil made by refiner sellers through April 30, 1981, would be reported on the ERA-57 through May 11, 1981. Furthermore, while the entitlements program forms ERA-49, ERA-116, and the FEA-P-129 will no longer have to be filed on a monthly basis, these forms will be needed to implement the entitlements adjustment mechanism that will be adopted for periods prior to February 1, 1981.

B. *Forms to be Retained but Modified (5 Forms):* Those that will be retained, in modified form to meet other statutory needs (e.g., for statistical rather than regulatory purposes), with data elements required to support the EPAA removed (current forms with unneeded data elements blocked out will be utilized on an interim basis).

C. *Forms to be Retained Until September 30, 1981 (8 Forms):* Those that will be retained until the expiration of the EPAA on September 30, 1981, as they are unaffected by the Executive Order and are still required by Section 4 of the EPAA.

D. *Forms to be Retained Until Further Notice (21 Forms):* Those that will be retained in use until further notice because they are used for primarily statistical and emergency planning purposes (the EPAA has been withdrawn as a legal justification for these forms, with the exception of the ERA-59).

The forms by category follow:

A. Forms To Be Eliminated

The Final Reporting Period is the last date for which data is to be reported.

Form	Final reporting period
EIA-27 Foreign Oil Supply Agreements Reports	1/31/81
EIA-169 Prime Suppliers Three-Month Projection of Total Supplies and Stocks	1/31/81
EIA-171 Sales of Asphalts and Road Oils	1/31/81
EIA-175B Weekly Bulk Terminal Stocks of Residual Fuel Oils	1/31/81
EIA-403 Useable Fuel Inventories	1/31/81
ERA-49 Domestic Crude Oil Entitlements Program Refiners Monthly Reports	[2]1/31/81
ERA-56 Crude Oil Buy/Sell Program Refiner Buyer Semi-Annual Report	1/31/81
ERA-57 Crude Oil Buy/Sell Program Refiner Seller Monthly Report	4/30/81
ERA-69 Crude Oil Resellers Self-Reporting Form	1/31/81
ERA-93 Tertiary Enhanced Recovery Program	3/31/81
ERA-99 Request for Assignment of a Supplier and/or Base Period Supply Volume	1/31/81
ERA-100 Certification of Request for Use Under Allocation Levels Not Subject to Allocation Fraction	1/31/81
ERA-102 Application for No Action Determination	1/31/81
ERA-116 Old Oil Entitlements Program—Entitlements Transaction Report	[2]
ERA-135 Application to State for Petroleum Product Hardship or Emergency	3/31/81
ERA-136 State Action on Application for Hardship or Emergency Relief	3/31/81
ERA-137 Wholesale Producer Resellers Certification of Distribution	1/31/81
ERA-140 Complainant's Report	1/31/81
ERA-183R Information Requirements for the Emergency Allocation of Crude Oil	1/31/81
ERA-470 Gasoline Conservation Fee Entitlements Production	1/31/81
ERA-471 State Set-Aside Monthly Report	1/31/81
ERA-480 Application for Certification of Refinery Capacity	1/31/81
FEA-P-129 Naphtha Imports into Puerto Rico	[2]1/31/81
Annual Respondent Burden Reduction (hours)	700,000

[2] The Entitlements Program forms will be retained for use in data cleanup for reporting periods up to and including the indicated final reporting periods. As to the ERA-116, the final reporting period will be for a period subsequent to the issuance of the final adjustment notice.

B. Forms To Be Retained But Modified

Most of the following forms contain data elements used for regulatory purposes under the EPAA. However, there are data elements in these forms that are necessary to the Federal government to carry out its mission to provide basic energy statistics and emergency planning data. Each of these forms will be modified or merged with other data systems at the earliest possible date. In the interim, the following forms will continue in use with the regulatory data elements blocked out. The ERA-59 is to remain in use in a modified version in order to provide data for the Standby Allocation Regulations for future programs of a regulatory nature. The instructions to these forms remain valid where they apply to remaining data reporting requirements. The blocked out forms for interim use are shown below. All current respondents for each of these forms are required to continue to file the remaining data elements. Each such respondent will shortly receive sample copies of the forms with instructions to be filed on an interim basis. The effective reporting period is the period in which the use of these modified forms begins.

Form	Effective reporting period
EIA-14 Refiners Monthly Cost Allocation Report	Jan. 1981
EIA-25 Prime Suppliers Monthly Report	Feb. 1981
ERA-51 Transfer Pricing Report	Feb. 1981
ERA-59 Crude Oil Allocation Program Report	Feb. 1981
ERA-182 Domestic Crude Oil First Purchase Report	Feb. 1981

EIA-14 *Refiners Monthly Cost Allocation Report*

Beginning with the January 1981 reporting period and thereafter, Parts I and II and modified data elements from Parts III and VII will still be required. The modified form is shown below.

BILLING CODE 6450-01-M

[1] In a separate but related action taken pursuant to Executive Order 12287, the Economic Regulatory Administration is issuing simultaneously with this notice a final rule revoking those EPAA regulations as required by the Executive Order.

U.S. DEPARTMENT OF ENERGY
Energy Information Administration
Washington, D.C. 20585

Form Approved
OMB No. 38-R0205

REFINERS' MONTHLY COST ALLOCATION REPORT

This report is mandatory under and P.L. 93-275. Failure to report may result in criminal fines, civil penalties and other sanctions as provided by law.
See instructions for provisions concerning confidentiality of information. Submit a separate EIA-14 for each unconsolidated entity.

PART I: IDENTIFICATION DATA

1. Legal Name of Refiner:

2. DOE Identification Number: [ ][ ][ ][ ][ ][ ]

3. Address of Executive Office:
(1) Street: (2) City: (3) State: (4) Zip Code:

4. Chief Executive Officer:
(1) Name: (2) Title:

5. IRS Employer Identification Number:

6. Reporting Period *(Month, Year)*:
(1) Month of Measurement: (2) Current Month:

7. This Report Is:
(1) ☐ An Original (2) ☐ A Resubmission

8. Contact Person for Information Concerning This Report:
(1) Name: (2) Telephone Number (Including Area Code):

9. Address of Contact Person
(1) Street: (2) City: (3) State: (4) Zip Code:

10. Type of Firm *(mark x for one)*: (1) ☐ Crude Oil Refiner Only (2) ☐ Both Crude Oil Refiner and Natural Gas Plant Processor

PART II: CERTIFICATION

I, the authorized executive officer, certify that the information submitted on and with this form is factually correct, complete, and in accordance with Federal Energy Regulations (Title 10 Code of Federal Regulations) and instructions to EIA-14.
The U.S. Code, Title 18 (Crimes and Criminal Procedures), Section 1001 makes it a criminal offense to make a willfully false statement or presentation to any Department or Agency of the United States as to any matter within its jurisdiction

11. Name:	12. Title:	13. Signature:	14. Date Signed *(Mo, Da, Yr)*:

PART III: SUMMARY OF CRUDE OIL COSTS AND VOLUMES

Item No. (a)	Category Description *(Enter data for the month of measurement.)* (b)		Purchases: Total Cost *(In thousands of dollars)* (c)	Purchases: Total Volume *(In thousands of barrels)* (d)
15	Crude Oils *(Enter original cost and volume)*	Domestic Crude Oil		
~~16~~		~~[illegible]~~		
~~17~~		~~[illegible]~~		
~~18~~		~~[illegible]~~		
19	Imported Crude Oil Purchased or Landed in the Period ~~[illegible]~~			
~~20~~	~~Allocated Crude Oil Purchased or Sold for Refining Pursuant to Section 211.65 and 212.84~~			
~~21~~	~~Costs Incurred or Revenues Earned Under Entitlement Program Pursuant to 10 CFR Section 211.67~~			
22	Unfinished Oils			
23	Net Revenues and/or Volumes Received or Paid in Exchange of Crude Oil *(Report only differential.)*			
~~24~~	~~Prior Period Adjustment for Crude Oil Costs~~			
~~25~~	~~Total (Enter the Sum of 15 through 24)~~			

REFINERS' MONTHLY COST ALLOCATION REPORT

Month of Measurement | DOE Id Number

PART IV: SUMMARY OF COST ELEMENTS [10 CFR 212.83(c)(2).]

Item No. (a)	Description of Cost Element (Enter Data for Month of Measurement Unless Stated Otherwise. Enter Data that is Available for Pass-Through Unless Stated Otherwise.) (b)	No. 2 Oils (c)	Aviation Jet Fuel (d)	Motor Gasoline (e)	Non-Exempt General Refinery Products (f)	(Reserved) (g)	Total Columns (c) thru (g) (h)
Allowable Cost Increases Computed Pursuant to 10 CFR, Part 212, Subpart E (In thousands of dollars)							
26	(1) Total Crude Oil Without Gasoline Price Tilt						
	(2) Crude Oil Increase as Result of Gasoline Price Tilt						
	(3) (Reserved)						
	(4) (Reserved)						
	(5) TOTAL (Enter sum of above items 1, 2, 3)						
27	(1) Total Purchased Product						
	(2) Prior Period Adjustment for Purchased Product						
	(3) TOTAL (Enter sum of above items 1 and 2)						
28	(1) Non-product without Gasoline Price Tilt						
	(2) Non-product Increase as Result of Gasoline Price Tilt						
	(3) Prior Period Adjustment For Non-product						
	(4) TOTAL (Enter sum of above items 1, 2, 3)						
29	(1) Unrecovered "s" Period						
	(2) Unrecovered "r" Period						
	(3) TOTAL (Enter sum of above items 1 and 2)						
30	Over-recovery						
31	Net Product Exchange Cost Differential						
32	Prior Period Adjustment for Recovery						
33	(Reserved)						
Allowable Cost Increases Computed Pursuant to 10 CFR, Part 212, Subpart K (In thousands of dollars)							
34	(1) Total Product						
	(2) Total Non-product						
	(3) Total (Enter sum of above items 1 and 2)						
SUMMARY DATA							
35	Reallocated Cost						
36	TOTAL AVAILABLE COSTS (Enter sum of items 26(5), 27(3), 28(4), 29(3), -30, ±31, ±32, ±34(3) and ±35)						
37	Current Month Recoveries						

REFINERS' MONTHLY COST ALLOCATION REPORT

Month of Measurement | DOE Id Number

PART IV: SUMMARY OF COST ELEMENTS (Con.)

Item No. (a)	Description of Cost Element (b)	No. 2 Oils (c)	Aviation Jet Fuel (d)	Motor Gasoline (e)	Non-Exempt General Refinery Products (f)	(Reserved) (g)	Total Columns (c) thru (g) (h)
38	(1) Total Unrecovered "t" Period						
	(2) New Total Unrecovered "t" Period						
	(3) TOTAL *(Enter sum of above items 1 and 2)*						

PART V: SUMMARY OF NON-PRODUCT COSTS

39 Are Non-product Cost Increases included in the total costs available for pass-through in the current month prices of covered products?

(1) ☐ Yes....*complete the chart below* (2) ☐ No.... *If your firm is not listed in Enclosure I, skip to Part VI. If your firm is listed in Enclosure I, complete the chart below.*

Item No. (a)	Non-Product Cost Category (b)	Increase in Cost Incurred by Firm During Month of Measurement *(In thousands of dollars)* (c)
40	Total Refinery Fuel [10 CFR Section 212.83(c)(2)(iii)(E)(1).]	$
41	Labor	$
42	Additives	$
43	Utilities [10 CFR Section 212.83 (c) (2) (E) (IV).]	$
44	Interest [10 CFR Section 212.83 (c) (iii) (E) (V).]	$
45	Container	$
46	Federal, State and Local Tax	$
47	Maintenance	$
48	Depreciation	$
49	Overhead	$
50	**TOTAL NON--PRODUCT COST** *(Enter sum of items 40 to 49)*	$
51	Total Marketing	$

PART VI: SUMMARY OF SPECIAL PROPANE RULE DATA [10 CFR Section 212.83 (c)(2)(iii)(F) and Part 212 Subpart K.]

52 Does your firm sell propane derived from natural gas plant processing?

(1) ☐ Yes....Continue with item 53 below (2) ☐ No....Skip to Part VII

		(In thousands of dollars, where applicable.)
53	What is the total increase in product and non-product costs recovered on propane sales during the current period of August 1 to the end of the month of measurement (MOM)?	$
54	What is the total increased cost of crude oil purchased or landed for refining during the current period of July 1 to the end of the MOM?	$
55	What is the volumetric ratio, during the current period of August 1 to the end of the MOM, of propane sales to all petroleum product sales? *(Note: The volumetric ratio refers to the sales of propane and petroleum products refined from crude oil.)*	%
56	What is the increased cost of crude oil attributable to propane during the current period of July 1 to end of MOM? *(Enter the product of item 54 times item 55.)*	$

REFINERS' MONTHLY COST ALLOCATION REPORT

Month of Measurement | DOE Id Number

PART VI: SUMMARY OF SPECIAL PROPANE RULE DATA (Con.)

57	What is the volumetric ratio, during the current period of August 1 to the end of MOM, of propane derived from natural gas or natural gas liquids to the sales of natural gas or natural gas liquids?	%
58	What is the increase in the costs of natural gas liquid products incurred during the current period of August 1 to the end of MOM, not including purchased natural gas liquid products?	$ (In thousands of dollars)
59	What is the increase in product costs attributable to propane derived from natural gas or natural gas liquids during the current period of July 1 to the end of MOM? *(Enter the product of items 57 times item 58.)*	$
60	What is the total increased cost of purchased propane incurred during the current period of July 1 to the end of MOM?	$
61	What is the total cumulative non-product increase in the cost of propane derived fron natural gas or natural gas liquids available for recovery during the current period of August 1 to the end of MOM?	$
62	What is the total increase in the non-product costs incurred during the current period of July 1 to the end of MOM?	$
63	What is the product of item 62 times item 55?	$
64	What is the increase in the non-product cost allocable to propane during the current period of July 1 to the end of MOM? *(Enter the sum of item 61 plus item 63.)*	
65	What is the unrecovered increased cost available for recovery from prior annual period of August 1 to the end of MOM?	$
66	What is the total accumulated increase in the cost of propane (derived from crude oil and purchased propane, and natural gas or natural gas liquids) available for recovery during the current period of August 1 to the end of MOM? *(Enter the sum of items 53, 56, 59, 60, 64 and 65.)*	$
67	What is the net under-/over-recovery of increased costs? *(Enter the result of item 66 minus item 53.)*	$

PART VII: SUMMARY OF VOLUMETRIC ELEMENTS

Item No. (a)	Volumetric Element (b)	Feedstock and Additive Purchases *(In thousands of barrels)* (c)	Refiner Volume *(In thousands of barrels)* Production (d)	Refiner Volume *(In thousands of barrels)* Purchases (e)
68	No. 2 Oils			
69	Aviation Jet Fuels			
70	(1) Motor Gasoline			
	~~(2) Leaded Regular~~			
	(3) Leaded ~~Premium~~			
	(4) Unleaded ~~Regular~~			
	(5) ~~Unleaded Premium~~			
71	(1) ~~Natural Refinery Products (GRP)~~			
	(2) Propane			
	(3) Butane			
	(4) Residual Fuel Oil			
	~~(5) Other GRP~~			
~~72~~	~~TOTAL (Enter sum of items 68 through 71 (5))~~			

EIA-25 Prime Suppliers Monthly Report

Beginning with the February 1981 reporting period and thereafter, items 1 through 15 and columns A and B will remain as required data elements. This simplified form is shown below.

Form Approved OMB No. 038-R0288

U.S. DEPARTMENT OF ENERGY
Energy Information Administration
Washington, D.C. 20585

STATE SUPPLIER'S MONTHLY REPORT

This report is mandatory under P.L. 93-275, the Federal Energy Administration Act of 1974, and P.L. 93-319, the Energy Supply and Environmental Coordination Act of 1974. Late filing, failure to keep records, or failure otherwise to comply with these instructions may result in criminal fines, civil penalties, and other sanctions as provided by law.

For DOE Use Only: Form No. 04; Accession No.; State Code

(label)

For New Supplier's and Corrections to Label Only

1. [redacted] Supplier's EIN
2. Name
3. Street/Box/RFD
4. City
5. State
6. Zip Code
7. Name of Contact Person
8. Telephone Number of Contact Person

9. What type of report is this?
☐ Original
☐ Revision, to Report Dated → Month / Day / Year

10. Date of Report — Month / Day / Year

11. What State is this report for?

Petroleum Products	Code	Enter total barrels delivered during the preceding month of: ▶ Maximum 7 Digits (A)	▶ Enter the estimated number of barrels for the following month of: _____ ◀ Total Supply For Month Maximum 7 Digits (B)	State Set-Aside Amount (B × %) Maximum 7 Digits (C)	Amounts Supplied Under Allocation Not Subject to Allocation Fraction Maximum 7 Digits (D)	Allocable Supply (B − C) − D Maximum 7 Digits (E)	Supply Obligation Maximum 7 Digits (F)	Allocation Fraction (E ÷ F) Maximum 5 Digits (G)
Propane	110							
Motor Gasoline (Total)	200							
Unleaded Motor Gasoline	220							
Gasohol	230							
Kerosene, #1 Heating Oil, #1 Diesel Fuel	310							
#2 Heating Oil	320							
#2 Diesel Fuel	330							
Other Middle Distillates	340							
Aviation Gasoline	410							
Kerosene-Base Jet Fuel	420							
Naphtha-Base Jet Fuel	430							
#4 Fuel Oil For Utility Use	510							
#5, #6 Fuel Oils For Utility Use	520							
#4 Fuel Oil For Non-Utility Use	530							
#5, #6 Fuel Oils For Non-Utility Use	540							
Bunker C	550							
Navy Special Fuel Oil	560							
Other Residual Fuel Oils	570							
Crude Oil (Used as Fuel Only)	940							

Certification: I certify that the information provided herein and appended hereto is true and accurate to the best of my knowledge. For information regarding confidentiality of data see the instructions.

12. Name	13. Title	14. Signature	15. Date

Title 18 USC 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

EIA-25 (4-80)

4b

ERA-51 Transfer Pricing Report

Beginning with the February 1981 reporting period and thereafter, only Parts I and V and Schedule B are required to be filed.

ERA—51

DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form approved
OMB No. 38R-0247
Expires 12/81

TRANSFER PRICING REPORT

This Report Is Mandatory Under Public Laws 93-275

PART I—Identification Data

(1) Form applies to: (a) ☐ Parent and consolidated entities (b) ☐ Unconsolidated entity	(2) Is this a resubmission ? (a) Yes ☐ (b) No ☐	ERA USE ONLY A
(3) (a) Name of parent or unconsolidated entity to which this form applies		
(b) Address (number and street)		
(c) City or town, State and ZIP code		
(d) Name and title of chief executive officer		
(e) Name of parent (if item 1(b) is checked)		
(f) Name of person to contact	Address	Telephone Area Code
(4) Reporting Period Year / Month		

PART II—Foreign Crude Petroleum Obtained By Purchase During Month (Schedules A, B and C)

~~Schedule A—Summary of Imported Crude Petroleum Purchase During Month~~

Reporting Period Year / Month	(a) QUANTITY PURCHASED	(b) Total Landed Cost	(c) Average Cost ($/BBL)
1. Form ERA—51 Schedules B and C—II Totals			
2. Form EIA—14 Totals			
3. Difference (Line 1 minus Line 2)			

~~Absolute Summary of Reconciliation Schedules Listed Transactions~~

~~PART III—Foreign Crude Petroleum Sales and Purchases Loaded During Month (Schedules B and C)~~

~~PART IV—Number of Transactions~~

Schedule	B	C			D
		I	II	III	
Enter Number of Transactions					

Schedule	B	Reconciliations From Prior Months
Enter Number If Submitted		

PART V—Certification

I certify that information provided herein and appended is true and accurate to the best of my knowledge and that neither the firm, nor any of the entities for which it is reporting, has engaged in exchanges, purchase and sale arrangements, or any other transaction for the purpose, or with the effect of distorting the results reported herein.

Type name and title of the certifying official of parent, and date signed.

Name	Date	Signature
Title		

U.S. Code—Title 18, Section 1001, makes it a crime for any person knowingly and willingly to make to any agency or department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Company data will be treated as confidential and proprietary to the extent that it is entitled to such treatment under Section 14 of the Federal Energy Administration Act of 1974.

ERA–S1

SCHEDULE B – FOREIGN CRUDE PETROLEUM OBTAINED BY PURCHASE

Form Approved
OMB No.

1.1 Reporting Firm _____ ERA USE ONLY

1.2 Reporting Period — Year / Month

1.3 Reporting Basis (Code 'A' Transactions) (a) ☐ Loaded (b) ☐ Other

1.4 If resubmission, place number of resubmission here ☐

Resubmission date: Year / Month / Day

Complete (r) and (s) only for 'A' Transactions reported on "other" basis.

Page _____ of _____

(a) Transaction Number	(b) Type of Transaction	(c) Country/ Crude Code	(d) Crude Type	(e) Gravity	(f) Date of Loading (YYMMDD)	(g) Port of Loading	(h) Port of Destination	(i) Date of Landing (YYMM)	(j) Vessel	(k) Contract Code	(l) Volume Purchased (Bbls)	(m) Purchase Price (¢/BBL)	(n) Transportation Cost (¢/BBL)	(o) Other Costs (¢/BBL)	(p) Landed Cost (¢/BBL)	(q) Total Landed Cost (In $ Only)	(r) Volume Loaded	(s) Purchase Price (¢/BBL)	(t) Days Credit	(u) Name of Vendor
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
11																				
12																				
13																				
14																				
15																				
16																				
17																				
18																				
19																				
20																				

Explanatory Notes:

TOTAL ▶ | TOTAL ▶

ERA–51

SCHEDULE C – IMPORTED CRUDE PETROLEUM OBTAINED THROUGH EXCHANGES
C – I – CRUDE RECEIVED

Form Approved
OMB No.

1.1 Reporting Form _____ ERA USE ONLY C

1.2 Reporting Period Year Month

1.3 If resubmission, place number of resubmission here →

Resubmission date: Year Month Day

Page _____ of _____

(a) Transaction Number	(b) Exchange Partner	(c) Country/ Crude Code	(d) Gravity	(e) Quota Exchange ID	(f) Point Where Possession Taken	(g) Preferential Crude	(h) Volume Received (Bbls)	(i) Cost of Crude Received at Transfer Point (¢/BBL)	(j) Transportation Cost (¢/BBL)	(k) Other Costs (¢/BBL)	(l) Total Cost of Crude Received (¢/BBL)	(m) Total Cost Of Crude Received ($)
1												
2												
3												
4												
5												
6												
7												
8												
9												
_0												
_1												
_2												
_3												
_4												
_5												
_6												
_7												
_8												
_9												
_0												
						TOTAL						

Explanatory notes:

ERA–51

Form Approved
OMB No.

SCHEDULE C – IMPORTED CRUDE PETROLEUM OBTAINED THROUGH EXCHANGES
C – II – CRUDE GIVEN UP

Page _____ of _____

1.1 Reporting Firm _____ 1.2 Reporting Period

ERA USE ONLY		Year	Month
	C		

1.3 Reporting Basis (Code 'A' Transactions)

(a) ☐ Loaded (b) ☐ Other

1.4 If resubmission, place number of resubmission here → ☐

Resubmission Date:

Year	Month	Day

Complete (q) and (r) only for 'A' transactions reported on 'cash' basis. ↓

(a) Transaction Number	(b) Source of Crude Given Up	(c) Country/Crude Code	(d) Exchange partner	(e) Quota Exchange ID	(f) Gravity	(g) Point Where Possession Given Up	(h) Loading Date (YYMM)	(i) Volume Given Up (Bbls)	(j) Based On Prior Exchange of Equity	(k) Value of Crude at F.O.B. Point (¢/BBL)	(l) Transportation Cost (¢/BBL)	(m) Other Costs (¢/BBL)	(n) Other Consideration (¢/BBL)	(o) Total Cost of Crude Given Up (¢/BBL)	(p) Total Cost of Crude Given Up	(q) Volume Loaded	(r) Purchase Price (¢/BBL)
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	
16																	
17																	
18																	
19																	
20																	
TOTAL ▶																	

Explanatory notes:

ERA—51

SCHEDULE C – IMPORTED CRUDE PETROLEUM OBTAINED THROUGH EXCHANGES
C — III – EXCHANGE CLOSE-OUT REPORT

Form Approved
OMB No.

1.1 Reporting Form _____ | ERA USE ONLY | C | 1.2 Reporting Period | Year | Month | 1.3 If resubmission, place number of resubmission here ☐ | Resubmission date: | Year | Month | Day | Page ____ of ____

Month of Measurement		Related Transactions			
(a)	(b)	(c)	(d)	(e)	(f)
Section of Schedule C	Transaction Number	Reporting Period (YYMM)	Schedule	Transaction Number	Total Volume (BBLS)
				Total:	

Explanatory Notes:

ERA–51

SCHEDULE D – FOREIGN CRUDE PETROLEUM SALES AND PURCHASES LOADED DURING MONTH

Form Approved
OMB No.

1.1 Reporting Form

ERA USE ONLY

1.2 Loading Period — Year | Month

1.3 If resubmission, place number of resubmission here ☐

Resubmission Date: Year | Month | Day

Page ____ of ____

(a) Transaction Number	(b) Type of Transaction	(c) Country/ Crude Code	(d) Crude Type	(e) Gravity	(f) Date of Loading (YYMMDD)	(g) Year, Month of Landing (YYMM)	(h) Port of Loading	(i) Port of Destination	(j) Type Sale	(k) Contract Code	Volume of Shipment	(m) FOB Price (¢/BBL)	(n) Rebates/ Discounts (¢/BBL)	(o) Net FOB Price (¢/BBL)	(p) Days Credit	(q) Name of Vender
1																
2																
3																
4																
5																
6																
7																
8																
9																
_0																
_1																
_2																
_3																
_4																
_5																
_6																
_7																
_8																
_9																
_0																

Explanatory Notes:

Total: ☐

ERA–51

SCHEDULE E – SUPPLEMENTAL CRUDE CHARACTERISTICS DATA AND POSTED PRICE INFORMATION

Form Approval OMB No.

1.1 Reporting Firm

ERA USE ONLY

1.2 Reporting Period — Year | Month

1.3 If resubmission, place number of resubmission here →

Resubmission Date: Year | Month | Day

Page ____ of ____

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Country/Crude Code	Crude Type	Gravity	Sulphur Content	Residual Fuel		Posted Price	Suggested Reference Crude	Differentials	
				Yield	Sulphur Content			Gravity (Per 0.1° API)	Sulphur Premium (Per 0.1% below X%)

Explanatory Notes:

4c

ERA-59 Crude Oil Allocation Program Report

Beginning with the February 1981 reporting period and thereafter, this form is modified as shown below. Parts 5.0 through 8.0 are no longer required. In addition, the reporting time-lag is extended from 10 to 35 days.

Form Approved
OMB No. 038--R0216

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461
CRUDE OIL ALLOCATION PROGRAM REPORT
(This report is mandatory under Public Law 93-275)

FOR ERA USE *ONLY*:
ACCESSION NUMBER:

1.0 IDENTIFICATION INFORMATION

1.1 Reporting Dates:
a. Date of Report: MO. DA. YR.
b. Reporting Period: MO. YR.
c. ☐ Original
d. ☐ Revision to Report for: MO. YR.

1.2 Firm Identification
a. EIN
b. TWX Number
c. Firm Name
d. Address
e. City
f. State
g. ZIP Code

1.3 Contact Person:
a. Name
b. Telephone Number

1.4 ☐ Check if Address or Firm Identification Reported above is a Change From Previous Report.

2.0 ACTUAL CRUDE OIL RUNS TO STILLS

2.1 *Enter actual Domestic Crude Oil Runs for the [redacted] period. (Bbls.) [Do not include crude oil processed for or by other refiners.]*

REFINERY LOCATION (a)	NON ALLOCATED (b)	ALLOCATED (c)	TOTAL (d)
12103			
12102			
12103			
12104			
12105			
12106			
12107			
12108			
12109			
12110			
12111			
12112			
12198 DOMESTIC TOTALS			

2.2 *Enter actual Imported Crude Runs for the [redacted] period. (Bbls.) [Do not include crude oil processed for or by other refiners.]*

REFINERY LOCATION (a)	NON ALLOCATED (b)	ALLOCATED (c)	TOTAL (d)
12201			
12202			
12203			
12204			
12205			
12206			
12207			
12208			
12209			
12210			
12211			
12212			
12298 IMPORTED TOTALS			
12099 TOTALS *(Domestic and Imported)*			

ERA-59 (Rev. 6-80) SUBMIT ORIGINAL AND ONE (1) COPY

ERA-59

Form Approved
OMB No. 038-R0216

Page 2 of 5

FOR ERA USE *ONLY*:
ACCESSION NUMBER:

Date of Report MO. DA. YR.

Reporting Period MO. YR.

☐ Original
☐ Revision to Report for: MO. YR.

Firm Name -

3.0 ACTUAL CRUDE OIL PROCESSED BY OTHER REFINERS

3.1 Enter actual Domestic Crude Oil processed by other refiners for your account during the [redacted] period. (Bbls.)

	(a) REFINER NAME/REFINERY LOCATION	(b) NON-ALLOCATED	(c) ALLOCATED	(d) TOTAL
23101				
23102				
23103				
23104				
23105				
23198	DOMESTIC TOTALS			

3.2 Enter actual Imported Crude Oil processed by other refiners for your account during [redacted] period. (Bbls.)

	(a) REFINER NAME/REFINERY LOCATION	(b) NON-ALLOCATED	(c) ALLOCATED	(d) TOTAL
23201				
23202				
23203				
23204				
23205				
23298	IMPORTED TOTALS			
23099	TOTALS *(Domestic and Imported)*			

4.0 ACTUAL CRUDE OIL PROCESSED FOR OTHER REFINERS

4.1 Enter actual Domestic Crude Oil processed for other refiners during the [redacted] period. (Bbls.)

	(a) REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION)	(b) NON-ALLOCATED	(c) ALLOCATED	(d) TOTAL
24101				
24102				
24103				
24198	DOMESTIC TOTALS			

4.2 Enter actual Imported Crude Oil processed for other refiners during the [redacted] period. (Bbls.)

	REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION) (a)	NON-ALLOCATED (b)	ALLOCATED (c)	TOTAL (d)
24201				
24202				
24203				
24298	IMPORTED TOTALS			
24099	TOTALS *(Domestic and Imported)*			

ERA-59

Form Approved
OMB No. 038-R0216

Page 3 of 5

FOR ERA USE *ONLY*:
ACCESSION NUMBER

Date of Report: MO. DA. YR.

Reporting Period: MO. YR.

☐ Original
☐ Revision to Report for: MO. YR.

Firm Name:

4.0 ACTUAL CRUDE OIL PROCESSED FOR NON-REFINERS

4.3 Enter actual Domestic Crude Oil processed for non-refiners during the [redacted] period. (Bbls.)

(a) NON-REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION)	(b) NON-ALLOCATED	(c) ALLOCATED MO. YR.	(d) TOTAL
34301			
34302			
34303			
34304			
34305			
34398 DOMESTIC TOTALS			

4.4 Enter actual Imported Crude Oil processed for non-refiners during the [redacted] period. (Bbls.)

NON-REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION) (a)	NON-ALLOCATED (b)	ALLOCATED (c) MO. YR.	TOTAL (d)
34401			
34402			
34403			
34404			
34405			
34498 IMPORTED TOTALS			
34899 TOTALS *(Domestic and Imported)*			

5.0 ESTIMATED CRUDE OIL RUNS TO STILLS

Enter estimated Crude Oil Runs for the next allocation period. (Bbls.) [Do not include crude oil processed for or by other refiners, or allocated crude oil.]

REFINERY LOCATION (a)	DOMESTIC (b)	IMPORTED (c)	TOTAL (d) MO. YR.
35001			
35002			
35003			
35004			
35005			
35006			
35007			
35008			
35009			
35010			
35011			
35012			
35099 TOTAL			

ERA–59

Form Approved
OMB No. 038–R0216

Page 4 of 5

FOR ERA USE *ONLY*:
ACCESSION NUMBER:

Date of Report - MO. DA. YR.

Allocation Period - MO. YR.

☐ Original
☐ Revision to Report for: MO. YR.

Firm Name -

6.0 ESTIMATED CRUDE OIL TO BE PROCESSED BY OTHER REFINERS

Enter estimated Crude Oil to be processed by other refiners for your account for the next allocation period. (Bbls.) [Do not include allocated crude oil]

MO. YR.

REFINER NAME/REFINERY LOCATION (a)	DOMESTIC (b)	IMPORTED (c)	TOTAL (d)
46001			
46002			
46003			
46004			
46005			
46099		TOTAL	

7.0 ESTIMATED CRUDE OIL TO BE PROCESSED FOR OTHER REFINERS

7.1 Enter estimated Crude Oil to be processed for other refiners for the next allocation period. (Bbls.) [Do not include allocated crude oil]

MO. YR.

REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION) (a)	DOMESTIC (b)	IMPORTED (c)	TOTAL (d)
47001			
47002			
47003			
47004			
47005			
47099		TOTAL	

ESTIMATED CRUDE OIL TO BE PROCESSED FOR NON-REFINERS

7.2 Enter estimated Crude Oil to be processed for non-refiners for the next allocation period. (Bbls.) [Do not include allocated crude oil]

MO. YR.

NON-REFINER PROCESSED FOR (NAME)/ REFINERY PROCESSED IN (LOCATION) (a)	DOMESTIC (b)	IMPORTED (c)	TOTAL (d)
48001			
48002			
48003			
48004			
48005			
48099		TOTAL	

ERA 59

Form Approved
OMB No. 038-R0216

Page 5 of 5

FOR ERA USE *ONLY*:
ACCESSION NUMBER:

Date of Report - MO. DA. YR.

Reporting Period MO. YR.

☐ Original
☐ Revision to Report for: MO. YR.

Firm Name -

8.0 PURCHASES/SALES OF ALLOCATED CRUDE OIL

8.1 Enter quantity of allocated Crude Oil contracted for purchase under Special Rule No. 10 during the preceding allocation period. (Bbls.) MO. YR.

58101	Domestic Purchases	
58102	Imported Purchases	
58199	**TOTAL PURCHASES**	

8.2 Enter quantity of allocated Crude Oil contracted for sale under Special Rule No. 10 during the preceding allocation period. (Bbls.) MO. YR.

58201	Domestic Sales	
58202	Imported Sales	
58299	**TOTAL SALES**	

9.0 REFINER SUMMARY

Actual Crude Oil stocks and runs during the preceding allocation period. (Bbls.) MO. YR.

59001	Total Crude Oil Stocks at Beginning of Period	
59002	Total Crude Oil Runs During Period (Include Crude Oil processed for non-refiners and Crude Oil processed by other refiners for your account but exclude Crude Oil processed for other refiners.) [Line 12099 (d) plus line 23099 (d).]	
59003	Total Crude Oil Stocks at End of Period.	
59004	Net Crude Oil Transactions During Period Line 59002 – (Line 59001 – Line 59003)	

10.0 CERTIFICATION

I hereby certify that the above information and the addenda hereto are true and accurate to the best of my knowledge.

a. Name _____

b. Title _____

c. Signature _____

d. Date of Signature _____

Title 18 USC 1001, Makes it a crime for any person knowingly and willfully to make to any Department or Agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Failure to comply may result in criminal fines, civil penalties, and other sanctions as provided by law.

See item VII of instructions for procedures for requesting confidential treatment of the data submitted on the form.

4d

ERA-182 Domestic Crude Oil First Purchase Report

Beginning with the February 1981 reporting period and thereafter, only Parts I and II and modified versions of Schedule B and C, are required.

ERA—182

A

DOMESTIC CRUDE OIL PURCHASES
P.O. BOX 19326
20th Street Postal Station
Washington, D.C. 20036

APPROVED BY OMB
NO. 38-R0275
Expires 7-31-82
(Supersedes FEA-P-124-M-1)

The ERA—182 report is mandatory under Public Laws 93-275 and 93-319.

DOMESTIC CRUDE OIL FIRST PURCHASE REPORT—SCHEDULE A: ADMINISTRATIVE

PART I — COMPANY IDENTIFICATION

1. Reporting Period
This report is for the following period ☐☐ Yr. ☐☐ Mo.

2. Report Coverage Indicator
(a) Parent or Parent and consolidated entities ☐
(b) Unconsolidated entity ☐

3. Parent Name and EIN if item 2(b) is checked.
Name _____
EIN ☐☐☐☐☐☐☐☐☐

4. EIN ☐☐☐☐☐☐☐☐☐

5. ERA Identification Number ☐☐☐☐☐

6. ☐ Revision Number (enter "0" if original)

7. Firm Name _____
Firm Short Name ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

8. ☐ Check if name or address of firm has changed since last report

9. Street/Box/RFD

10. City

11. State ☐☐

12. Zip Code ☐☐☐☐☐

13. Contact Person

14. Title

15. Telephone Number (☐☐☐)-☐☐☐-☐☐☐☐

16. Type of Reporter (check one or more as appropriate)
(a) ☐ First Purchaser
(b) ☐ Refiner
(c) ☐ Reseller
(d) ☐ Producer

17. Type of Report (check one or more as appropriate)

	Form	Tape
Schedule A	☐	
Schedule B	☐	
~~Schedule C~~	☐	~~—~~ ☐
~~Schedule D~~	☐	~~—~~ ☐

No First Purchases ☐

PART II — CERTIFICATION

I certify that information submitted on and with this form is factually correct, complete, and in accordance with Department of Energy Regulations (Title 10 Code of Federal Regualtions) and instructions to Form ERA—182 and that neither the firm, nor any of the entities for which it is reporting, has engaged in exchanges, purchases and sale arrangements, or any other transaction for the purpose, or with the effect of distorting the results reported herein.

Name	Title
Signature	Date of Submission

Title 18, USC 1001 makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious of fraudulent statements as to any matter within its jurisdiction.

Please see Instruction XV for (1) the procedures for requesting confidential treatment of data submitted on this form and (2) information on DOE data disclosure policy.

FOR ERA USE ONLY
ACCESSION NO. ☐☐☐☐☐☐
DATE ☐☐ YR. ☐☐ MO. ☐☐ DAY

ERA—182
B

DOMESTIC CRUDE OIL PURCHASES
P.O. BOX 19326
20th Street Postal Station
Washington, D.C. 20036

APPROVED BY OMB
NO. 38-R0275
Expires 7-31-82
(Supersedes FEA-P-124-M-1)

DOMESTIC CRUDE OIL FIRST PURCHASE REPORT — SCHEDULE B: SUMMARY OF FIRST PURCHASE TRANSACTIONS

Submit by the first day of the second month after the close of the reporting month for each month in which there are first purchase transactions of domestic crude oil. Schedule A must accompany the submission.

A. ERA ID Number

B. Firm Short Name

C. Reporting Period This report is for the period — Yr. Mo.

D. Revision Number (enter "0" if original)

E. Submission Date — Yr. Mo. Day

FOR ERA USE ONLY
ACCESSION NUMBER
DATE: Yr. Mo. Day

F. Summary of Transactions

TYPE CODE	TYPE OF DOMESTIC CRUDE OIL	F1. TOTAL FIRST PURCHASE VOLUME (WHOLE BARRELS OF OIL)	F2. WEIGHTED AVG COST	F3. TOTAL COST (WHOLE U.S. $)
[illegible]	[illegible]			
102	OWN PRODUCTION USE [illegible]			
[illegible]	[illegible]			
[illegible]	OWN PRODUCTION USE-UPPER TIER (NEW)			
[illegible]	MARGINAL			
[illegible]	ALASKAN NORTH SLOPE			
[illegible]	STRIPPER			
[illegible]	NAVAL PETROLEUM RESERVES			
[illegible]	INCREMENTAL TERTIARY			
[illegible]	NEWLY DISCOVERED			
[illegible]	HEAVY CRUDE OIL			
[illegible]	TERTIARY INCENTIVE			
621	OTHER [illegible] FIRST PURCHASES			
[illegible]	[illegible]			

ERA—182
C-1

Page ☐☐ of ☐☐ Pages

DOMESTIC CRUDE OIL PURCHASES
P.O. BOX 19326
20th Street Postal Station
Washington, D.C. 20036

APPROVED BY OMB
NO. 38-R0275
Expires 7-31-82
(Supersedes FEA-P-124-M-1)

FOR ERA USE ONLY
ACCESSION NUMBER ☐☐☐☐☐
DATE: ☐☐ ☐☐ ☐☐
YR. MO. DAY

DOMESTIC CRUDE OIL FIRST PURCHASE REPORT — SCHEDULE C: FIRST PURCHASE PRODUCER REPORT

Submit by the first day of the second month after the close of the reporting month for each month in which there are first purchases of domestic crude oil. Use Schedule C-1 and/or C-2 as applicable. Report by producer/operator within state of production. Aggregate stripper production in each production state. Schedule A must accompany the submission.

A. ERA ID Number ☐☐☐☐☐☐

B. Firm Short Name ☐☐☐☐☐☐☐☐☐☐☐☐☐☐

C. Reporting Period
This report is for the period ☐☐☐☐
Yr. Mo.

D. Revision Number
(enter "0" if original) ☐

E. Submission Date ☐☐☐☐☐☐
Yr. Mo. Day

F. Producer/Operator Transactions

LINE NO.	PRODUCER/OPERATOR			LOWER TIER (OLD) OIL		UPPER TIER (NEW) OIL		STRIPPER OIL		LINE TOTAL FOR C-1	
	F1 STATE (2 CHAR.)	F2 ERA ID NO.	F3 NAME	F4 TOTAL VOLUME (BBLS)	F5 TOTAL AMOUNT PAID (U.S. $)	F6 TOTAL VOLUME (BBLS)	F7 TOTAL AMOUNT PAID (U.S. $)	F8 TOTAL VOLUME (BBLS)	F9 TOTAL AMOUNT PAID (U.S. $)	F10 TOTAL VOLUME (BBLS)	F11 TOTAL AMOUNT PAID (U.S. $)
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15	F12 TOTAL FOR SCHEDULE C-1 (USE ONLY ON LAST PAGE OF C-1)										

ERA—182
C-2

Page ☐☐ of ☐☐ Pages

DOMESTIC CRUDE OIL PURCHASES
P.O. BOX 19326
20th Street Postal Station
Washington, D.C. 20036

APPROVED BY OMB
NO. 38-R0272
Expires 7-31-82
(Supersedes FEA-P-124-M-1)

FOR ERA USE ONLY
ACCESSION NUMBER
DATE: YR. MO. DAY

DOMESTIC CRUDE OIL FIRST PURCHASE REPORT — SCHEDULE C: FIRST PURCHASE PRODUCER REPORT (CONT.)

Submit by the first day of the second month after the close of the reporting month for each month in which there are first purchases of domestic crude oil. Use Schedule C-1 and/or C-2 as applicable. Report by producer/operator within state of production. Aggregate stripper production in each production state. Schedule A must accompany the submission.

A. ERA ID Number ☐☐☐☐☐ B. Firm Short Name ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ C. Reporting Period This report is for the period ☐☐☐☐ Yr. Mo. D. Revision Number (enter "0" if original) ☐ E. Submission Date ☐☐☐☐☐☐ Yr. Mo. Day

F. Producer/Operator Transactions

LINE NO.	PRODUCER/OPERATOR F1 STATE (2 CHAR.)	F2 ERA ID NO.	F3 NAME	NAVAL PETROLEUM RESERVES AND INCREMENTAL TERTIARY F13 TOTAL VOLUME (BBLS)	F14 TOTAL AMOUNT PAID (U.S.$)	NEWLY DISCOVERED F15 TOTAL VOLUME (BBLS)	F16 TOTAL AMOUNT PAID (U.S.$)	HEAVY CRUDE AND OTHER UNCONTROLLED CRUDE F17 TOTAL VOLUME (BBLS)	F18 TOTAL AMOUNT PAID (U.S.$)	LINE TOTAL FOR C-2 F19 TOTAL VOLUME (BBLS)	F20 TOTAL AMOUNT PAID (U.S.$)
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15	F21 TOTAL FOR SCHEDULE C-2 (USE ONLY ON LAST PAGE OF C-2)										

ERA – 182

D

DOMESTIC CRUDE OIL PURCHASES
P.O. BOX 19326
20th Street Postal Station
Washington, D.C. 20036

APPROVED BY OMB
NO. 38-R0275
Expires 7-31-82
(Supersedes FEA-P-124-M-1)
Page [ ] of [ ] Pages

DOMESTIC CRUDE OIL FIRST PURCHASE REPORT – SCHEDULE : D PRODUCER/OPERATOR IDENTIFICATION

Submit annually by April 1 of the year following the reporting period, accompanied by Schedule A. The initial report must cover all producers/operators form whom you purchased domestic crude oil as a first purchaser. Subsequent reports will include only additions or delections to the producer/operator list, or changes to earlier reported information.

A. ERA ID Number [ ]

B. Firm Short Name [ ]

C. Reporting Period This report is for the Calendar Year [19]

D. Revision Number (enter "0" if original) [ ]

E. Submission Date [ ] [ ] [ ] Yr. Mo. Day

FOR ERA USE ONLY
ACCESSION NUMBER [ ]
DATE: [ ] [ ] [ ] YR. MO. DAY

F. Producer/Operator Administrative Information

1. ERA ID No. [ ] 2. Producer Name [ ]
3. Address Street/Box [ ] 4. Stripper Only [ ]
5. Address (cont.) [ ]
6. City [ ] 7. State [ ] 8. Zip [ ]
9. Subsidiary Yes [ ] No [ ]
10. Change: Enter A for Addition, D for Deletion, C for Partial Change [ ]

1. ERA ID No. [ ] 2. Producer Name [ ]
3. Address Street/Box [ ] 4. Stripper Only [ ]
5. Address (cont.) [ ]
6. City [ ] 7. State [ ] 8. Zip [ ]
9. Subsidiary Yes [ ] No [ ]
10. Change: Enter A for Addition, D for Deletion, C for Partial Change [ ]

1. ERA ID No. [ ] 2. Producer Name [ ]
3. Address Street/Box [ ] 4. Stripper Only [ ]
5. Address (cont.) [ ]
6. City [ ] 7. State [ ] 8. Zip [ ]
9. Subsidiary Yes [ ] No [ ]
10. Change: Enter A for Addition, D for Deletion, C for Partial Change [ ]

1. ERA ID No. [ ] 2. Producer Name [ ]
3. Address Street/Box [ ] 4. Stripper Only [ ]
5. Address (cont.) [ ]
6. City [ ] 7. State [ ] 8. Zip [ ]
9. Subsidiary Yes [ ] No [ ]
10. Change: Enter A for Addition, D for Deletion, C for Partial Change [ ]

1. ERA ID No. [ ] 2. Producer Name [ ]
3. Address Street/Box [ ] 4. Stripper Only [ ]
5. Address (cont.) [ ]
6. City [ ] 7. State [ ] 8. Zip [ ]
9. Subsidiary Yes [ ] No [ ]
10. Change: Enter A for Addition, D for Deletion, C for Partial Change [ ]

C. Forms To Be Retained Until September 30, 1981

The following forms will remain in use until September 30, 1981.

FEA–P–306 Refiner/Importer Monthly Report of Petroleum Product Distribution.
FEA–P–314 Monthly Survey of Distillate and Residual Fuel Oil Sales Volume to Ultimate Consumers.
FEA–P–315 Monthly Survey of Propane Sales Volume to Ultimate Consumers.
EIA–460 Petroleum Industry Monthly Report for Product Prices.
SG 1, 2, 4 and 7 Survey of Gallonage Sales of Gasoline.

Section 4(c)(2)(A) of the Emergency Petroleum Allocation Act (EPAA) of 1973, as amended, mandates the collection of data and subsequent monthly reports to the Congress by the President on the market shares of marketers and distributors of refined petroleum products and motor gasoline. This section is not affected by the Executive Order mentioned above. The submission of the forms listed above will continue to be required until the expiration of the EPAA on September 30, 1981.

D. Forms To Be Retained Until Further Notice

The following forms remain unaffected by the Executive Order. The Windfall Profit Tax Act of 1980 makes the tertiary incentive program adopted under the EPAA the basis for an exemption or refund with respect to the Windfall Profit Tax. The filing of the ERA–424A (Application), ERA–424B (Monthly Producer Report), and the ERA–424C (Monthly Project Report) is a prerequisite to participation in the tertiary program. Accordingly, the EIA will require that the monthly producer and project reports be submitted so as not to preclude the Department of the Treasury from recognizing allowed expenses under the tertiary incentive program for purposes of the Windfall Profit Tax. The remaining forms are used to collect statistical and emergency planning data and are justified under other legislation as well as the EPAA. The EPAA has been withdrawn as a justification for these forms. The forms are to continue in use as active forms except where noted as "standby," for emergency use.

B–1156 Survey of Fuel Oil Dealers (Retail Firm).
B–1157 Survey of Fuel Oil Dealers (Retail Firm).
B–1158 Survey of Fuel Oil Dealers (Wholesale Firm).
B–1159 Survey of Fuel Oil Dealers (Wholesale Firm).
B–1160 Survey of Fuel Oil Dealers (Petroleum Bulk Stations).
B–1161 Survey of Fuel Oil Dealers (Petroleum Bulk Stations).
EIA–19 Synthetic Natural Gas Plant Report.
EIA–81 Gaseous Fuels Emergency Telephone Survey (Standby).
EIA–82 Monthly Gaseous Fuels Supply Disposition (Standby).
EIA–142 IEA Emergency Supply Report.
ERA–160 Monthly Electrical Utility and Fuel Planning Report.
EIA–170 Tanker and Barge Shipments of Crude Oil and Petroleum Products.
EIA–172 Sales of Fuel Oil and Kerosene.
EIA–174 Sales of Liquified Petroleum Gases.
EIA–447D Feasibility Survey of Building-Rate Schedules, Fuel Surcharges, and Sales Tax Forms.
EIA–447E Feasibility Survey of Building-Utility Survey Forms.
ERA–60 Report of Oil Imports into the U.S. and Puerto Rico.
IA–401 Emergency Report—Questionnaire A (Standby).
ERA–424A Report Form for Enhanced Oil Recovery Incentives Program—Application.
ERA–424B Report Form for Enhanced Oil Recovery Incentives Program—Monthly Producer Report.
ERA–424C Report Form for Enhanced Oil Recovery Incentives Program—Project Monthly Report.

Issued at Washington, D.C., March 30, 1981.

James B. Edwards,

Secretary of Energy.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81–10010 Filed 4–2–81; 8:45 am]

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federal register

Friday
April 3, 1981

Part IV

Department of Energy

Economic Regulatory Administration

Price and Allocation Regulation Revocation

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205, 210, 211, 212, 214, and 220

[Docket No. ERA-R-81-03]

Price and Allocation Regulation Revocation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is revoking those regulations made unnecessary by the President's January 28, 1981 Executive Order exempting crude oil and refined petroleum products from price and allocation regulations. The revocation is effective immediately except with respect to either the limited number of programs that will remain in effect through March 31, 1981 or shortly thereafter under the Executive Order or with respect to the standby crude oil regulations that will be retained to provide the Nation with those mechanisms that may be necessary to meet its obligations under the Agreement on an International Energy Program (IEP). Technical amendments are also being made to conform the Strategic Petroleum Reserve allocation regulations with the Executive Order and with the revocation of the petroleum price and allocation regulations.

DATES: Effective dates: There will be four dates on which regulations will be revoked: (1) March 30, 1981; (2) April 1, 1981; (3) May 1, 1981; and (4) May 11, 1981. For the exact revocation date of a particular provision, see the amendatory language of this rule. Written comments are to be submitted by May 15, 1981.

ADDRESSES: All written comments to: Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-81-*03*, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055

William Caldwell or Maurice Boehl (Office of Regulatory Policy), Economic Regulatory Administration, Room 7202, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3256 or 653-4290

William Funk, Christopher Was or Joel Yudson (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736 or 252-6744

SUPPLEMENTARY INFORMATION:

I. Background
II. Provisions Revoked and Retained
A. Product Regulations
B. Crude Oil Allocation Regulations
C. Crude Oil Price Regulations
D. Standby Crude Oil Regulations
E. General Provisions of Part 210
F. Reporting and Recordkeeping Requirements
G. Strategic Petroleum Reserve Allocation Regulations
III. Procedural Requirements
A. FERC Review
B. EPA Review
C. NEPA Review
D. Section 501 of the DOE Act
E. The Administrative Procedure Act
F. Executive Order No. 12291
G. Regulatory Flexibility Act
IV. Written Comment Procedures

I. Background

On January 28, 1981, the President, by Executive Order No. 12287 (46 FR 9909, January 30, 1981), exempted all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93-159, EPAA). The Secretary of Energy was directed to take action promptly to revoke the price and allocation regulations made unnecessary by the Executive Order.

Certain exceptions to the immediate exemption were set forth in the Executive Order. These included continuation of:

(1) The State set-aside for middle distillates (effective until March 31, 1981);

(2) The special allocation of middle distillates for mass transit (effective until March 31, 1981);

(3) The Canadian Allocation Program (effective until March 31, 1981);

(4) The issuance of entitlement notices (and the establishment of a mechanism for entitlements adjustments) for periods prior to the date of the Executive Order; and

(5) The Buy/Sell lists and orders issued prior to the Executive Order under the Buy/Sell Program and under the Emergency Buy/Sell Program.

In response to the President's directive, this final rule revokes all of the price and allocation regulations made unnecessary by the Executive Order.

II. Provisions Revoked and Retained

A. Product Regulations

All of the refined product allocation regulations in 10 CFR Part 211 are immediately revoked except for Special Rules Nos. 9 and 10 in Subpart A (and except for certain recordkeeping requirements, discussed *infra*). The product regulations immediately removed from the Code of Federal Regulations include §§ 211.1 through 211.29, all of Subparts D through L and the Standby Regulation 211-2. Subpart B of Part 205 which provides for allocation adjustments is also being revoked immediately.

Standby Regulation 211-2 is being removed because, if it ever became necessary to reimpose controls, the Standby Product Allocation Regulations would need substantial revision, as would Part 211 upon which they rely. For similar reasons, Standby Regulation 212-2, the Standby Product Price Regulations, is being removed immediately.

Special Rules Nos. 9 and 10, the special allocation of middle distillates for mass transit and the State set-aside for middle distillates that will remain in effect until March 31, 1981, will be revoked effective April 1, 1981. Other regulations incorporated by reference in these Special Rules will remain in effect through March and will be revoked effective April 1. These include the non-discrimination provisions of § 210.62 (a) and (b); certain definitions in § 212.31; and Subparts C and Q of Part 205 pertaining to assignments and State office procedures respectively.

Almost all of the refined product price rules are being revoked immediately, including Standby Regulation 212-2, with certain exceptions relating to the refiner cost reallocation provisions set forth in paragraph (d) of § 212.126 and § 212.127. These provisions are being retained to permit refiners to resubmit and refile cost allocation reports with respect to the period prior to January 28, 1981. The one year time limit routinely permitted under § 212.126(d)(1) will end one year from the date of decontrol, or January 28, 1982. Non-routine filings made subsequently could be permitted in certain cases under paragraphs (d)(2) and (d)(3) of § 212.126. Section 212.127 prescribes the manner of filing.

B. Crude Oil Allocation Regulations

The crude oil supplier/purchaser rule and the mandatory refinery yield program are being revoked immediately. The revocation dates of the other crude oil allocation provisions are discussed below. In light of the different revocation dates applicable to provisions of the crude oil allocation programs that will remain in effect temporarily under the Executive Order, the definitions set forth in §§ 211.51 and

211.62 will remain in effect through May 10, 1981 (the last day of filing for certain reports under the Buy/Sell Program) to allow for the orderly termination of the crude oil allocation programs, rather than being revoked in piecemeal fashion.

Entitlements Program. The Executive Order permits the issuance of entitlements notices for periods prior to January 28, 1981. The last such entitlements notice was scheduled to be issued in March 1981, excluding any separate entitlements adjustment mechanism that will be adopted pursuant to a pending proposal (46 FR 15112, March 3, 1981). Regardless of when the March 1981 entitlements notice will be issued, § 211.67 will be retained pending the adoption of a final rule providing a mechanism for entitlements adjustments for periods prior to decontrol, because portions of that section may be needed for the adjustment provision.

Paragraphs (h) and (j) of § 211.66 are being revoked immediately because the information required to be submitted by refiners that is necessary for the preparation of the March 1981 entitlements notice should have been submitted by March 5, 1981. Paragraph (i) of § 211.66 will be retained through the month after issuance of the March 1981 entitlements notice, to require each refiner and eligible firm to file with the DOE on or before the tenth day of that month a report certifying its purchases or sales of entitlements under the March 1981 notice (reflecting January 1981 receipts and runs to stills).

Crude Oil Buy/Sell Program. Portions of the crude oil Buy/Sell Program are being revoked immediately. However, we are retaining, until May 1, 1981, those provisions in the crude oil Buy/Sell Program, specifically paragraphs (b), (h), (i), (j) and portions of (f) and (g) of § 211.65, which are necessary to give effect to the Buy/Sell lists and orders issued prior to issuance of E.O. 12287. Similarly the Buy/Sell Program pricing provisions set forth in § 212.94 and Special Rule No. 2 to Subpart F of Part 212 will be retained until May 1, 1981. Retention of these provisions is necessary to prescribe the price for deliveries of crude oil under the Buy/Sell Program within the 30 day period following the close of the final allocation period, as permitted in § 211.65(g)(1).

Paragraphs (a) and (e) of § 211.66 will remain in effect until May 11, 1981 to permit the orderly collection of refiner-sellers' monthly reports for final transactions under the Buy/Sell Program. This is necessary because deliveries of crude oil under the final Buy/Sell list may be made as late as April 30, 1981, and reports regarding those deliveries are due no later than May 10, 1981.

Canadian Allocation Program. Since the Canadian Allocation Program set forth in 10 CFR Part 214 will remain in effect until March 31, 1981, it will not be revoked until April 1, 1981. The requirement in § 214.41(d)(2) that refiners file a report certifying the volumes of Canadian crude oil and plant condensate utilized in their priority refineries remains in effect until May 1, 1981 to permit the orderly collection of information for the final allocation period ending March 31, 1981.

NPR–SPR Exchanges. On January 5, 1981, we issued a final rule (46 FR 3368, January 14, 1981) to establish procedures for obtaining crude oil for the Strategic Petroleum Reserve (SPR) by exchange of Naval Petroleum Reserves (NPR) crude oil and other means. This rule would have added, effective February 13, 1981, a new section (§ 1.68) to the allocation regulations to require certain refiners to supply crude oil for storage in the SPR. This rule also provided for amendments to the Emergency Buy/Sell Program, at § 1.65(c)(2), to accord special temporary relief for certain small refiners suffering a crude oil supply loss due to the Federal Government's withdrawal of NPR crude oil from the market. On February 6, 1981, in response to a directive from the President, we issued a notice (46 FR 11943, February 12, 1981) postponing the effective date of this rule until March 30, 1981. The rule is no longer necessary because, with the exemption of crude oil from regulation, the rule would have no effect. Accordingly, we have determined that this final rule shall not become effective on March 30, 1981, but rather shall be withdrawn immediately.

C. Crude Oil Price Regulations.

All of the crude oil price regulations have been made unnecessary and are revoked immediately except certain definitions in § 212.31, provisions relating to the Buy/Sell Program, provisions relating to the tertiary incremental and incentive programs, and the certification provision.

Definitions. Five definitions contained in § 212.31 that are incorporated by reference in Special Rules 9 and 10 to Subpart A of Part 211 will remain in effect until April 1, 1981. These include the definitions of "kerosene," "No. 1 heating oil," "No. 1–D diesel fuel," "No. 2 heating oil," and "No. 2–D diesel fuel." These five definitions will be revoked effective on that date, when the Special Rules will also be revoked.

Buy/Sell Price Rules. The crude oil price rules pertaining to the Buy/Sell Program are contained in § 212.94 and Special Rule No. 2 to Subpart F of Part 212. It is necessary that these provisions remain in effect through April 30, 1981 since deliveries of crude oil allocated under the Buy/Sell Program may be made until that date. Accordingly, they will be revoked effective May 1, 1981.

Tertiary Program. The provisions of the Tertiary Incremental Program ("incremental program") and the Tertiary Incentive Program ("incentive program") are set forth in 10 CFR 212.78. The incremental program permits a producer to receive the market price for incremental production from a "qualified tertiary enhanced recovery project." The incentive program permits a producer to receive the market price for otherwise price-controlled oil in order to recover the "allowed costs" associated with an enhanced oil recovery ("EOR") project.

Absent the Executive Order, a producer that received an order designating its EOR project as a qualified tertiary enhanced recovery project could recertify through March 31, 1981 some of its price-controlled crude oil sold prior to January 28, 1981 as tertiary incremental crude oil. Also, absent the Executive Order, a producer that incurred, paid and reported allowed expenses could recertify through March 31, 1981 some price-controlled crude oil sold prior to January 28, 1981 as tertiary incentive crude oil.

The Executive Order does not abrogate a right that accured to a firm to establish prices for crude oil sold prior to January 28, 1981. Accordingly, the provisions of 10 CFR 212.78, the definitions of "crude oil" and "producer" in § 212.31 and the definition of "property" in § 212.72 remain in effect until April 1, 1981 in order to preserve the rights of producers with respect to crude oil sold prior to January 28, 1981. However, pursuant to the Advance Notice of Proposed Rulemaking issued on March 17, 1981 (46 FR 17566, March 19, 1981), § 212.78 may be amended to preclude the recoupment of allowed expenses that were not already incurred or paid by March 19, 1981.

The tertiary incentive program contains several reporting requirements that will be retained beyond April 1, 1981. Specifically, 10 CFR 212.78(h)(1)(i) requires by the last day of each month the submission of a monthly producer report that details a producer's activity in the incentive program through the prior month. 10 CFR 212.78(h)(2)(i) requires by the last day of each month the submission of a monthly project

report that details the expenses incurred and paid with respect to a particular project through the prior month. Since activity in the incentive program will continue through March, these reporting requirements will remain in effect until May 1, 1981. Although the regulations will be removed that pertain to the initial report, producer reports and project reports (Forms ERA 424A, 424B and 424C), the Energy Information Administration will require that such reports be submitted to ERA so as not to preclude the Department of the Treasury from recognizing allowed expenses under the Tertiary regulations for purposes of the Windfall Profits Tax. 10 CFR 212.78(h)(5) requires a producer to file an annual report with respect to prepaid expenses attributed to that producer until the actual use of the item for which those expenses were incurred and paid. Since this report is necessary to confirm the satisfaction of a condition subsequent to the recovery of prepaid expenses, this requirement will be retained indefinitely.

Certification Provision. Under paragraph (a) of § 212.131, crude oil produced and sold during the first 27 days of January 1981 must be certified by producers through March 31, 1981. Thus, § 212.131(a) will be revoked effective April 1, 1981. Under § 212.131(b), reseller certifications with respect to crude oil sold before January 28, 1981 could occur after April 1, 1981.[1] Therefore, paragraph (b) of § 212.131 will be retained as will paragraph (d) of that section which prescribes the form for certifications. Paragraph (c) of § 212.131 will be removed immediately because it pertained only to sales of crude oil occurring prior to January 31, 1981. A new paragraph (e) will be added to § 212.131 to make explicit that there is no certification requirement for producers with respect to crude oil produced and sold subsequent to January 31, 1981 or for resellers with respect to sales of crude oil that occur subsequent to January 31, 1981.

D. Standby Crude Oil Regulations

Standby Regulation 211–1, the Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs, and Standby Regulation 212–1, the Mandatory Allocated Crude Oil Pricing Rules, will be retained. These standby regulations provide a mechanism for the pricing and allocation of crude oil during a severe shortage and may be necessary to enable our country to meet its obligations under the IEP. Several conforming changes have been made in the Standby Regulations to reflect the elimination of other provisions of Parts 211 and 212, including modification of cross-references to provisions that will no longer be in effect. All remaining cross-references will be to provisions that were in effect on January 27, 1981. None of these changes have substantive effect.

E. General Provisions of Part 210

The general allocation and price regulations contained in 10 CFR Part 210 will be revoked immediately except as specifically discussed. As previously noted, § 210.62 (a) and (b) will be revoked effective April 1, 1981. Section 210.61, which proscribes retaliatory actions by firms or individuals against persons that exercise rights under the EPAA, the Economic Stabilization Act or Chapter II of Title 10 of the CFR will be retained to ensure that such firms and individuals are not harmed.

F. Reporting and Recordkeeping Requirements

Reporting. While Executive Order No. 12287 continued in effect all reporting and recordkeeping requirements under the EPAA, DOE was directed to review and to eliminate them, except those necessary for emergency planning and for energy information gathering purposes required by law. That review has been undertaken. Except as specifically enumerated for particular programs that remain in effect under the Executive Order for specified periods of time after the date of decontrol, the reporting requirements of Parts 210, 211, and 212 are revoked immediately.

Information determined to be necessary for the purposes indicated in the Executive Order has been rejustified by the Energy Information Administration (EIA) and will continue to be collected without a lapse. EIA is publishing a contemporaneous **Federal Register** notice setting forth the disposition of specific forms with EPAA–related data collection elements. Thus, while reporting requirements under the *regulations* in Parts 210, 211, and 212 are being revoked, certain reports that previously were filed under the authority of these regulations will continue to be required under EIA's separate statutory reporting authorities.

Recordkeeping. A provision is being inserted in Part 210 which will require all firms to continue to maintain records that were required under the regulations in effect on January 27, 1981. The records required to be maintained pertain only to periods prior to January 31, 1981, except that records will be required to be maintained after that date insofar as is necessary to document transactions under programs that continue to remain in effect as specified in the Executive Order.[2] By adopting a general "savings" provision, we can immediately revoke the other recordkeeping provisions of Parts 210, 211 and 212 so as to eliminate required maintenance of records which pertain to future periods without eliminating the required maintenance of records for past periods. These latter records will continue to be needed for enforcement purposes. With regard to the period subsequent to January 31, 1981, nothing contained in this rule shall limit the DOE's authority concerning recordkeeping requirements to the extent necessary for DOE to monitor compliance with final remedial orders or consent orders.

G. Strategic Petroleum Reserve Allocation Regulations

The SPR regulations set forth in 10 CFR Part 220 are being modified to delete the references to provisions of Parts 211 and 212 that are being revoked. One set of conforming changes includes the removal of the references to § 211.65 that are contained in §§ 220.1(b), 220.2, 220.10 and 220.30. Also being removed is the reference in § 220.32 to § 212.84 as the regulatory basis for which refiners file Transfer Pricing Reports.

Since the SPR price rule, § 220.32, incorporates by reference the § 212.82 definition of "landed cost," which is being revoked, the relevant portions of that definition will be set forth in a new section in Part 220, § 220.33. Specificially, § 220.33 will contain the last three paragraphs from the definition of "landed cost" that pertain to crude oil. Section 220.33 will not include the references in § 212.82 to computations required by §§ 212.84 and 212.85 because those provisions will no longer be in effect.

Section 220.33 will include in paragraph (c) most of the language formerly set forth in § 212.84(g) which was referenced in the Part 212 "landed cost" definition. That paragraph described refiners' costs of crude oil in certain transactions involving both unaffiliated and affiliated entitles. The

[1] In the notice proposing an entitlement adjustment mechanism, we proposed that no purchaser of crude oil will be required to pay a higher price for crude oil as a result of a certification pursuant to section 212.131(b) that the purchaser receives after May 1, 1981. 46 FR 15119.

[2] Records for periods prior to January 31, 1981 will be required to be maintained, rather than only for periods prior to January 27, 1981 (the last day of controls), because many records are kept on a monthly basis and some compliance methodology for January 1981 could be based on 27/31's of the full month's transactions.

final sentence in § 212.84(g), which contained a limitation on the dollar amount of the services includable in refiners' costs of crude oil, is not contained in § 220.33, because its retention would have no practical effect since future available refiner landed cost data will not reflect prior regulatory constraints.

None of the changes to Part 220 will substantively change the operation of Part 220.

III. Procedural Requirements

A. FERC Review

The Federal Energy Regulatory Commission (FERC) was notified of the proposed rule and given an opportunity, under section 404 of the Department of Energy Organization Act, Pub. L. 95-91 (DOE Act), to make a determination whether the proposed rule may significantly affect a matter within its jurisdiction under sections 402(a)(1), (b) and (c)(1) of the DOE Act. We were notified by the FERC that it has declined to exercise its jurisdiction in this matter.

B. EPA Review

Under section 7 (a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93-275 as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

A copy of the rule was sent to the EPA Administrator. The Administrator commented that he does not foresee these actions as having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

C. NEPA Review

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment.

The DOE's action in issuing this rule clearly will not cause significant environmental effects since it either merely removes regulations already made inoperative by Executive Order No. 12287 or retains regulations already in effect. Thus, the preparation of an Environmental Impact Statement is not required.

D. Section 501 of the DOE Act

Under section 501(c) of the DOE Act, we are not bound by the prior notice and hearing requirements of subsections (b), (c) and (d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where it is determined that no such substantial issue or impact exists, the rule may be promulgated in accordance with section 553 of Title 5, United States Code.

The revocation of unnecessary price and allocation regulations pursuant to Executive Order 12287 raises no substantial issues of fact or law. The amendment is not likely to have a substantial impact on the Nation's economy or on large numbers of individuals or businesses because it will merely remove from the Code of Federal Regulations those provisions which have been made unnecessary by the exemption of crude oil and refined petroleum products. Therefore, the amendment shall be promulgated in accordance with section 553 of Title 5, United States Code.

E. The Administrative Procedure Act

Paragraph (b) of 5 U.S.C. section 553 requires that general notice of a proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedure thereon is impracticable, unnecessary, or contrary to the public interest. We find that the notice and public procedures of section 553(b) are unnecessary, since the purpose and effect of this rule is to implement Executive Order No. 12287 by revoking regulations that no longer have any effect.

Paragraph (d) of section 553 provides that the required publication of a rule be made at least 30 days before the effective date of the rule. One of the exceptions to this requirement is for substantive rules that grant or recognize an exemption or relieve a restriction. The revocation of the price and allocation regulations fits within this exception and may be made effective less than 30 days following its publication.

F. Executive Order No. 12291

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director for those regulations issued pursuant to Executive Order No. 12287. The request was granted.

G. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analyses, do not apply to this rule.

IV. Written Comment Procedures

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the matters contained in this rule. Comments should be submitted by 4:30 p.m., e.s.t., on the date set forth in the "Dates" section of this rule, to the address indicated in the "Addresses" section of this rule and should be identified on the outside envelope and on the document with the docket number and the designation: "Price and Allocation Regulation Revocation." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185, E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Parts 205, 210, 211, 212, 214 and 220 of Chapter II of Title 10 of the Code of Federal Regulations are amended as set forth below.

Amendments 1 through 17 become effective March 30, 1981.

Amendments 18 through 23 become effective April 1, 1981.

Amendments 24 through 27 become effective May 1, 1981.

Amendment 28 becomes effective May 11, 1981.

Issued in Washington, D.C., March 30, 1981.

James B. Edwards,

Secretary of Energy.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

The following amendments are effective March 30, 1981:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. Subpart B of Part 205 is removed.

Subpart B—[Removed]

PART 210—GENERAL ALLOCATION AND PRICE RULES

2. Subpart A of Part 210 is amended by revising the heading, revising § 210.1 and by removing §§ 210.2, 210.3 and 210.4 as follows:

Subpart A—Recordkeeping

§ 210.1 Records.

The recordkeeping requirements that were in effect on January 27, 1981 in Parts 210, 211 and 212 will remain in effect for (1) all transactions prior to February 1, 1981; and (2) all allowed expenses incurred and paid prior to April 1, 1981 under § 212.78 of Part 212. These requirements include, but are not limited to, the requirements that were in effect on January 27, 1981 in § 210.92 of this Part; in §§ 211.67(a)(5)(ii); 211.89; 211.109; 211.127; and 211.223 of Part 211; and in §§ 212.78(h)(5)(ii); 212.78(h)(6); 212.83(c)(2)(iii)(E)(I); 212.83(c)(2)(iii)(E)(II); 212.83(c)(2)(iii)"F_i'"; 212.83(i); 212.93(a); 212.93(b)(4)(iii)(B)(I); 212.93(i)(4); 212.94(b)(2)(iii); 212.128, 212.132; 212.172; and § 212.187 of Part 212.

§ 210.2 [Removed].

§ 210.3 [Removed].

§ 210.4 [Removed].

3. Subparts B and C of Part 210; paragraphs (c) and (d) of § 210.62; § 210.63; Subpart G of Part 210; and Appendix A of Part 210 are removed.

Subpart B—[Removed]

Subpart C—[Removed]

§ 210.62 [Amended].

* * * * *

(c) [Removed]

(d) [Removed]

§ 210.63 [Removed].

Subpart G—[Removed]

APPENDIX A—[REMOVED]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

4. Removed are §§ 211.1 through 211.29; the definition of "Naval Petroleum Reserves (NPR)" in § 211.62; §§ 211.63 and 211.64; paragraphs (a), (c), (d), (e), and (k) of § 211.65; paragraphs (b), (d), (g), (h) and (j) of § 211.66; § 211.68; § 211.71; Subparts D through L of Part 211; and in Appendix A to Part 211, Standby Regulation 211–2.

§ 211.1 through 211.29 [Removed].

§ 211.62 Definitions.

* * * * *

"Naval Petroleum Reserves" [Removed].

* * * * *

§ 211.63 [Removed].

§ 211.64 [Removed].

§ 211.65 [Amended].

(a) [Removed].

* * * * *

(c) [Removed].

(d) [Removed].

(e) [Removed].

* * * * *

(k) [Removed].

§ 211.66 [Amended].

* * * * *

(b) [Removed].

* * * * *

(d) [Removed].

* * * * *

(g) [Removed].

(h) [Removed].

* * * * *

(j) [Removed].

* * * * *

§ 211.68 [Removed].

§ 211.71 [Removed].

Subparts D through L—[Removed].

APPENDIX A—[AMENDED].

Standby Regulation 211–2 [Removed].

5. Paragraphs (f) and (g) of § 211.65 are revised to read as follows:

§ 211.65 Method of allocation.

* * * * *

(f) *Refiner-sellers' sales obligations.* Each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation period a quantity of crude oil equal to that refiner-seller's sales obligation.

(g)(1) *Buy/Sell notice.* All sales, except directed sales pursuant to paragraph (j) of this section, must be contracted for within thirty (30) days after the publication of the buy/sell notice, and all deliveries must be completed within thirty (30) days following the close of the allocation period.

(2) Following the issuance of a buy/sell notice pursuant to paragraph (g)(1) of this section, the DOE may (i) adjust any allocation shown on such buy/sell notice, or (ii) issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period pursuant to paragraph (j)(3) of this section, without issuing a supplemental buy/sell notice listing such allocations, adjustments to allocations or increased sales obligations.

* * * * *

APPENDIX A—[Amended].

6. In Appendix A to Part 211, Standby Regulation 211–1 is revised to read as follows:

211–1 Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs

1. *Scope.* This Standby Regulation sets forth the DOE Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs. This Standby Regulation also provides for the distribution of such amounts of SPR crude oil as the Secretary of Energy determines pursuant to Part 220 of this Chapter shall be distributed under this Standby Regulation.

2. *Applicability.* (a) This Standby Regulation is effective beginning on the day:

(i) When the emergency allocation provisions of the Agreement on an International Energy Program (IEP) take effect, unless the Secretary of Energy determines that this Standby Regulation shall not be effective on that date; or

(ii) When ordered by the Administrator.

(b) This Standby Regulation terminates:

(i) On the sixtieth (60th) calendar day after the emergency allocation provisions of the IEP terminate, unless the Secretary of Energy determines this Standby Regulation should terminate at an earlier date; or

(ii) When ordered by the Administrator, if this Standby Regulation is made effective under paragraph 2(a)(ii) hereof.

3. *Exemption.* (a) Refiners that have a DOE certified crude oil refining capacity not exceeding 175,000 barrels per day are exempt from the provisions of this Standby Regulation, unless the Administrator determines that this exemption is not warranted by the severity of the crude oil supply shortage that is the basis for the effectiveness of this Standby Regulation and issues an order making the exemption inapplicable to such refiners. During the period this exemption is applicable, the

provisions of §§ 211.62, 211.65 and 211.71, Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) in effect on January 27, 1981 shall become effective with respect to such refiners.

(b) Sellers that have a DOE certified crude oil refining capacity not exceeding 50,000 barrels per day are exempt from the sales obligations of this Standby Regulation, unless (i) the Administrator determines that this exemption is not warranted by the severity of the crude oil supply shortage that is the basis for the effectiveness of this Standby Regulation and issues an order making the exemption inapplicable to such sellers; or (ii) total U.S. crude oil consumption decreases by seven percent or more as a direct or indirect result of a crude oil supply shortage.

4. For purposes of this Standby Regulation, a term shall have the same meaning as it did for purposes of the provisions of Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) in effect on January 27, 1981, except for the following terms:

"Administrator" means the Administrator of the Economic Regulatory Administration, Department of Energy.

"Allocation period" means a calendar month, except as otherwise ordered by the Administrator.

"Base period" means the twelve (12) consecutive calendar months ending with the second month prior to the month in which this Standby Regulation becomes effective unless otherwise ordered by the Administrator.

"Base period average monthly crude oil runs to stills" means a refiner's total crude oil runs to stills for all its refineries during the base period as reported on the Bureau of Mines Form P-320, including crude oil processed for the refiner's account by other refiners, divided by the number of days in the base period and multiplied by the number of days in the allocation period.

"Buyer" means any refiner whose estimated crude oil runs to stills during the allocation period is less than the national utilization rate multipled by that refiner's base period average monthly crude oil runs to stills.

"Crude oil runs to stills" means, in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units or directly to downstream facilities processed by a refiner for its own account, and the numnber of barrels processed for its account by other refiners, measured in accordance with Bureau of Mines Form P-320. In the case of a petrochemical producer, "crude oil runs to stills" means the total number of barrels of crude oil input to processing units for conversion into petrochemicals.

"DOE" means the Department of Energy, established by Pub. L. 95-91 (August 14, 1977).

"ERA" means the Economic Regulatory Administration, Department of Energy.

"Estimated crude oil runs to stills" means the volume of crude oil a refiner estimates it will run to stills for its own account during an allocation period for all of its refineries, the volume of crude oil to be processed for nonrefiners, the volume of crude oil to be processed for the refiner's account by other refiners, and, if SPR crude oil is distributed in a manner other than pursuant to this Standby Regulation, the volume of SPR crude oil purchased from, or received through exchange with, the Government. A refiner's estimated runs to stills shall be based on the volume of its total crude oil supply (as defined in paragraph 4 of this Standby Regulation) that could be processed in its refineries or for its account by other refiners in the particular allocation period, excluding crude oil purchased or to be purchased under this Standby Regulation. If the exemption in paragraph 3(a) of this Standby Regulation is applicable, "estimated crude oil runs to stills" shall not include the quantity of crude oil a refiner-seller estimates it will be required to sell to refiner-buyers during the allocation period pursuant to the provisions made effective by paragraph 3(a) of this Standby Regulation.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The ERA may, in regulations and forms issued in this part, treat as a firm: (1) a parent and the consolidated and uinconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"IEA" means the International Energy Agency established to implement the IEP.

"IEP" means the International Energy Program established pursuant to the Agreement on an International Energy Program signed at Paris, France, on November 18, 1974, including (a) the Annex entitled "Emergency Reserves," (b) any amendment to such Agreement that includes another nation as a Party to such Agreement, and (c) any technical or clerical amendment to such Agreement.

"National base period average monthly crude oil runs to stills" means the total base period average monthly crude oil runs to stills of all U.S. refiners.

"National estimated crude oil runs to stills" means, for any allocation period, the total of the estimated crude oil runs to stills for all U.S. refiners, plus the volume of SPR crude oil to be allocated under this Standby Regulation, minus the quantity of crude oil directed to all refiners pursuant to paragraph (5) (d) (2) or paragraph 7(d) of this Standby Regulation.

"National utilization rate" means national estimated crude oil runs to stills for an allocation period divided by national base period average monthly crude oil runs to stills.

"New refining capacity" means for each refiner, the capacity of its refineries, as certified by the DOE, operated continuously in the normal course of such refiner's business for a period of at least one full calendar month, which must include the month preceding the month of the effective date of this Standby Regulation, but for less than the full 12 months of the base period.

"Petrochemical plants" means those industrial plants, regardless of capacity, that process pertrochemical feedstocks and obtain at least thirty (30) percent conversion, by weight, to petrochemicals or other products that are converted to petrochemicals, as long as the weight of hydrocarbon contained in the final petrochemical is equal to at least thirty (30) percent of the initial petrochemical feedstock fed to the plant under consideration.

"Refiner" means a firm which owns, operates or controls the operations of one or more refineries within the United States.

"Refinery" means an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant operated continuously in the normal course of business during the base period.

"Seller" means any refiners whose estimated crude oil runs to stills during the allocation period is greater then the national utilization rate multiplied by that refiner's base period average monthly crude oil runs to stills, including the United States Government when SPR crude oil is allocated pursuant to this Standby Regulation. Except as expressly provided, the provisions of paragraphs (a) and (c)-(j) of paragraph 5 of this Standby Regulation shall not apply to the U.S. Government.

"Total crude oil supply" means the total quantity of crude oil to which a refiner has access during an allocation period, including, but not limited to, crude oil owned, controlled or purchased by the refiner in associated storage, in nonassociated storage, in transit for delivery to a refinery during the allocation period, or to be processed for the account of non-refiners, excluding pipeline fill and tank bottoms. If the exemption in paragraph 3(a) of this Standby Regulation is applicable, "total crude oil supply" shall not include the quantity of crude oil a refiner-seller estimates it will be required to sell to refiner-buyers during the allocation period pursuant to the provisions made effective by paragraph 3(a) of this Standby Regulation.

"United States" means the several states, the District of Columbia, Puerto Rico, the territories and possessions of the United States other than the Panama Canal Zone, and the Hawaiian Free Trade Zone.

5. *Method of Allocation.* (a) *General rule.* (1) In each allocation period a buyer shall be entitled to purchase and a seller shall be required to offer for sale an amount of crude oil equal to the difference between

(i) the national utilization rate multiplied by the refiner's base period average monthly crude oil runs to stills, and

(ii) the refiner's estimated crude oil runs to stills during the allocation period.

(2) *Definitions.*

X = quantity of crude oil a buyer is entitled to purchase (if X is a positive number) or required to offer for sale (if X is a negative number) during the allocation period

A = refiner's Estimated Crude Oil Runs to Stills during the allocation period

B = refiner's Base Period Average Monthly Crude Oil Runs to Stills
C = National Estimated Crude Oil Runs to Stills for all U.S. refiners for the allocation period
D = National Base Period Average Monthly Crude Oil Runs to Stills by all U.S. refiners

(3) *Formula.*

$(C/D \times B) - A = X$

(4) *Calculation Procedure.* For each allocation period, the amount of crude oil a refiner is eligible to buy or required to offer for sale shall be calculated as follows:

(i) Each U.S. refiner shall submit to the ERA its estimate of crude oil runs to stills for the allocation period.

(ii) For each allocation period, the ERA shall compute the national estimated crude oil runs to stills, which shall equal the total estimated crude oil runs to stills for all U.S. refiners for that allocation period, plus the quantity, if any, of SPR crude oil allocated under this Standby Regulation, minus the quantity of crude oil directed to all refiners pursuant to paragraph (5)(d)(2) or paragraph 7(d) of this Standby Regulation.

(iii) The ERA shall compute the average daily crude oil runs to stills during the base period for each domestic refiner by dividing the total volume of that refiner's crude oil runs to stills in the base period by the number of days in the base period (365 or 366).

(iv) The ERA shall multiply this daily average volume of crude oil runs to stills for each refiner by the number of days in the allocation period, to determine the refiner's base period average monthly crude oil runs to stills for the allocation period.

(v) The ERA shall compute a national base period average monthly crude oil runs to stills by aggregating the base period average monthly crude oil runs to stills of all U.S. refiners for the allocation period.

(vi) The ERA shall divide the national estimated crude oil runs to stills (clause (ii)) for the allocation period by the national base period average monthly crude oil runs to stills (clause (v)) to determine the national utilization rate for the allocation period.

(vii) The ERA shall multiply the national utilization rate by the refiner's base period average monthly crude oil runs to stills for the allocation period (clause (iv)) to determine the refiner's allowable crude oil runs to stills during the allocation period.

(viii) The ERA shall subtract the refiner's estimated crude oil runs to stills (clause (i)) from the refiner's allowable crude oil runs to stills during the allocation period (clause (vii)) to determine the refiner's purchase or sale obligation, subject to any adjustments made pursuant to (d)(2) of this paragraph or paragraph 7(d) of this Standby Regulation.

(ix) If the result of the calculation in clause (viii) is positive, the refiner is entitled to purchase that quantity of crude oil.

(x) If the result of the calculation in clause (viii) is negative, the refiner is required to offer that quantity of crude oil for sale, unless the exemption provided for in paragraph (3) of this Standby Regulation is applicable to that refiner.

(5) *First allocation period.* The first allocation period shall commence on the date ordered by the Administrator.

(b) *Buyers.* Each buyer shall:

(1) be entitled to purchase, either directly or through exchange, from a seller, a quantity of crude oil equal to the amount computed pursuant to paragraph (5)(a) of this Standby Regulation and,

(2) be required to refine or have processed any crude oil purchased or exchanged for crude oil purchased pursuant to this Standby Regulation within 60 days following the date of execution of the sale/purchase agreement.

(3) Any buyer desiring to purchase SPR crude oil under this Standby Regulation in an allocation period must submit to DOE an offer in accordance with the procedures set forth in Subpart C of Part 220 of this chapter.

(c) *Sellers.* Except as provided in paragraph (3) of this Standby Regulation, each seller shall be required to offer for sale, directly or through exchange, to buyers a quantity of crude oil equal to the amount computed pursuant ot paragraph (5)(a) of this Standby Regulation; *provided* that the sales obligations with respect to buyers that have a DOE certified crude oil refining capacity of 50,000 barrels per day or less shall be distributed on a pro-rata basis among all sellers, and each seller's pro-rata share of such sales obligations shall be equal to its percentage share of the total sales obligations, as specified in the buy/sell notice issued pursuant to paragraph (5)(g) of this Standby Regulation.

(d) *Adjustments to Purchase and Sale Amounts.* (1) The ERA shall recalculate the buy/sell list for each allocation period based on actual crude oil runs to stills and crude oil purchased under this Standby Regulation during that allocation period and then make appropriate adjustments in a subsequent allocation period to reflect what each refiner's sale or purchase amount should have been, except that positive adjustments to a buyer's allocations in subsequent allocation periods will not be made if that buyer failed to purchase its total allocations during the allocation period in which the sales were made. Such recalculation shall be for the Primary purpose of correcting errors in erstimates, and shall also:

(i) Increase a seller's sales obligation in any allocation period to reflect crude oil offered for sale by that seller but not purchased by a buyer in a prior allocation period;

(ii) Decrease a seller's sales obligation in any allocation period to deduct crude oil sales in excess of the amount required to be offered for sale in a prior allocation period pursuant to paragraphs (5)(f) and (5)(i)(2) of this Standby Regulation; and,

(iii) Either decrease a refiner's sales obligation or increase its purchase opportunity in any allocation period or periods, as the case may be, to reflect any adjustments made under (5)(d)(2) of this paragraph or paragraph 7(d) of this Standby Regulation and to account for sales made by that refiner under the IEP in the current or one or more previous allocation periods, where the refiner reasonably could not have forseen such a sale and adjusted its estimated crude oil runs to stills for the allocation period in question to reflect the sale, and to reflect any purchases by a refiner made under the IEP.

(2) Whenever the Administrator determines that a refined petroleum product or residual fuel oil is or potentially will be in short supply in any region or area of the United States, the Administrator may adjust the sales obligation or purchase opportunity of one or more refiners which produce that refined petroleum product or residual fuel oil and supply or are capable of supplying that refined petroleum product or residual fuel oil in or into those regions or areas experiencing shortage conditions, to permit such refiners to operate one or more of their refineries, as specified by the Administrator, at a rate greater than the national utilization rate, provided that such refiners agree to supply that refined petroleum product or residual fuel oil at a level specified by the Administrator in or into those areas or regions experiencing shortage conditions.

(e) *New refining capacity.* The ERA may adjust a refiner's base period average monthly crude oil runs to stills to reflect new refining capacity, pursuant to application by that refiner under provisions of subpart G of Part 205 of this Chapter that were in effect on January 27, 1981.

(f) *Adjustments to Base-Period Crude Oil Runs to Stills and Directed Transactions.* (1) Prior to the first day of the second allocafion period, a refiner may request the Administrator to adjust its based period crude oil runs to stills for unusual and non-recurring operating conditions during the base period at one or more of its refineries. If the Administrator does not approve, in whole or in part, or disapprove the request within fifteen (15) business days of receipt of the request, it shall be deemed denied.

(2) Notwithstanding the provisions of this Standby Regulation, the Administrator may:

(i) Order a refiner to offer to sell crude oil to reduce its total crude oil supply as defined in paragraph (4) of this Standby Regulation over and above any reduction in its total crude oil supply required under paragraphs (5) (a) through (c) of this Standby Regulation; and (ii) order a refiner purchasing crude oil under this Standby Regulation to place and retain that crude oil in its inventory.

(g) *Buy/Sell Notice and Negotiation of Transactions.* (1) Except for the first allocation period, a buy/sell notice shall be published at least 10 days prior to the beginning of the allocation period. Except when the exemption in paragraph 3(a) of this Standby Regulation is applicable, each buy/sell notice shall contain two lists. One list shall set forth the quantity of crude oil each buyer whose DOE certified crude oil refining capacity is 50,000 barrels per day or less is eligible to purchase and the quantity of crude oil that each seller shall be obligated to offer for sale to such buyers. The other list shall set forth the quantity of crude oil each buyer whose DOE certified crude oil refining capacity exceeds 50,000 barrels per day is eligible to purchase and the quantity of crude oil that each seller shall be obligated to offer for sale to such buyers (less the obligations shown on the first list). If SPR crude oil is distributed under this Standby Regulation for an allocation period, the buy/sell notice shall set forth to the maximum extent practicable information concerning the quantity, quality

and delivery points of the SPR crude available for sale; any maximum or minimum volume restrictions; and any delivery and/or transportation restrictions.

(2) Upon publication of the notice, buyers and sellers shall negotiate purchases and sales of crude oil allocated pursuant to the notice. All sales, except directed sales pursuant to paragraph (5)(i) of this Standby Regulation, must be contracted for within ten (10) days after the publication of the buy/sell notice, and all deliveries must be completed within thirty (30) days following the date of execution of the sale/purchase agreement.

(3) The ERA may issue a supplemental notice for an allocation period to reflect adjustments under paragraph (5)(d)(1)(iii) of this Standby Regulation for voluntary or mandatory sales under the IEP for that allocation period, where the operations of the refiner making the sale could be adversely affected by reason of the sale and where the refiner could not reasonably forsee the sale so as to have adjusted its estimated crude oil runs to stills accordingly.

(h) *Terms and Conditions of Sales.* (1) The terms and conditions of each sale, processing agreement, or exchange of crude oil, other than sales prices, shall be consistent with normal business practices.

(2) Sellers shall deliver crude oil purchased pursuant to this Standby Regulation to any refinery designated by the buyer, whether or not it is operated by the buyer; *provided,* that the buyer (i) has title to the product or products refined from the purchased crude oil when the refining process is completed, or (ii) sells or exchanges such product in accordance with normal business practices.

(3) Crude oil offered for sale must be suitable for processing in the buyer's refinery or the refinery designated by the buyer, *provided,* that the refinery so designated does not require a significantly higher quality of crude oil than the buyer's own refinery or refineries. Crude oil is deemed to be suitable for processing in a refinery if it has historically been processed in the refinery or if it has the same or similar characteristics as crude oil that has historically been processed in the refinery. A seller may not be required to supply a specific type of crude oil to a buyer's refinery if the crude oil supplied would account for a greater percentage of the refinery's total crude oil runs to stills in the allocation period concerned than was the case with similar or higher quality crude oils during the previous twenty-four month period.

(4) Crude oil offered to a buyer must be practical for delivery to and physically capable of being delivered to the buyer's refinery or a refinery designated by the buyer. The seller and the buyer shall make mutually satisfactory arrangements for the delivery of allocated crude oil to the buyer's refinery or to the designated refinery.

(5) All crude oil except SPR crude oil sold pursuant to this Standby Regulation shall be priced in accordance with the provisions of Standby Regulation 212–1. SPR crude oil shall be priced in accordance with the provisions of § 220.32 of this chapter.

(6) Exchanges of crude oil may be utilized to comply with the purchase and sale provisions of this Standy Regulation.

(7) Sales of SPR crude oil pursuant to this Standby Regulation shall be conducted in accordance with the procedures set forth in Subpart C of Part 220 of this chapter.

(8) The buyer shall be responsible for the transportation, including the cost thereof, of SPR crude oil from the delivery points specified by DOE to its refinery.

(i) *Failure to Negotiate Transactions.* (1) Each buyer shall make its best effort to consummate purchases of crude oil under this Standby Regulation from sellers prior to requesting assistance from the ERA. A buyer that is able to demonstrate its inability to consummate a sale despite making such effort may request that the ERA direct one or more sellers to sell a suitable type of crude oil to such buyer. Such a request must be made in accordance with the procedures established under 10 CFR Part 205, Subpart G that were in effect on January 27, 1981, and must be received by the ERA no later than 12 days after the publication of the buy/sell notice for the allocation period for which the assignment of a seller is requested. Such a request must also document the buyer's inability to purchase crude oil from sellers by supplying the following to the ERA:

(i) Name of the buyer and the person authorized to act for the buyer in transactions under this Standby Regulation.

(ii) Names and locations of each refinery for which crude oil has been sought; whether the buyer owns the refinery; the amount of crude sought for each refinery; and the technical specifications and proportions of crude oil that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations or constraints on the buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Statement describing terms and conditions or processing agreements that the buyer plans to enter into for purposes of having the crude oil refined and the extent to which such processing agreements are consistent with the buyer's normal business practices.

(v) Names and locations of all sellers from which crude oil has been sought under the buy/sell notice and the volume and specifications of the crude oil sought from each seller.

(vi) The response of each seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such seller.

(vii) Such other pertinent information as the ERA may request.

(2) Upon receipt of a request for a directed sale under paragraph (1), the ERA may direct one or more sellers that have not sold their required sales obligations for the allocation period to sell crude oil to the buyer. In directing sellers to make such sales, the ERA shall consider which seller or sellers can best be expected to consummate particular directed sales. If the buyer declines to purchase crude oil from the seller specified by the ERA, the rights of that buyer to purchase that volume of crude oil are forfeited during that allocation period, provided that the seller or sellers have fully complied with the provisions of this Standby Regulation. If the ERA determines that a valid directed sale request cannot reasonably be expected to be consummated by a seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more sellers selling more than their published sales obligations for that allocation period.

(j) *Coordination with the IEP.* (1) An IEP-designated domestic reporting company that submits a written voluntary offer pursuant to the IEP shall simultaneously transmit a copy of the offer to the ERA if the offer either results in crude oil or petroleum products intended to be imported to the U.S. being rerouted to another country, or results in crude oil being exported from the U.S., or crude oil or petroleum products being rerouted from another country to the U.S.

(2) The DOE will notify the IEA within forty-eight (48) hours of being notified of a voluntary offer as to whether acceptance of such offer by the IEA could impair the operation of the U.S. domestic allocation system.

6. *Procedures and reporting requirements.* For purposes of this Standby Regulation, the following reports must be made:

(a) *Filing.* All matters pertaining to the allocation of crude oil and the refinery yield control program shall be addressed to the ERA in accordance with the provisions of 10 CFR section 205.12 that were in effect on January 27, 1981, unless otherwise provided.

(b) *Monthly Reports.* Not later than the tenth (10th) day of each allocation period, unless ordered otherwise by the Administrator, each firm subject to this Standby Regulation shall file with the ERA a report for each of its refineries which includes (1) a statement of the actual crude oil runs to stills for each refinery for the preceding allocation period and an estimate of its crude oil runs to stills for the next allocation period; (2) a statement of its actual total crude oil supply as defined in paragraph (4) of this Standby Regulation for the preceding allocation period and an estimate of its total crude oil supply for the next allocation period; and (3) a statement of the volume of crude oil (other than crude oil sold pursuant to the provisions of this Standby Regulation) sold during the preceding allocation period and an estimate of such sales for the next allocation period. For the first allocation period, such information must be filed on the date specified by the Administrator.

(c) *Transaction Report.* Within forty-eight hours of the completion of arrangements therefor, each transaction made to comply with this Standby Regulation shall be reported by telephone and confirmed in writing or by telex to the ERA by both the buyer and seller. This report shall identify the seller, the buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

7. Mandatory refinery yield control program. (a) *Purpose.* The refinery yield control program is designed to require each refiner to utilize available supplies of crude

oil in a manner best suited to ensure adequate production levels of refined petroleum products and residual fuel oil which are or may be in short supply.

(b) *Scope.* This paragraph applies as specified to the production of refined petroleum products and residual fuel oil from crude oil by each refiner in the United States.

(c) *Product Yield Controls.* (1) *Definitions.* As used in this paragraph,

"Base percentage yield" means the ratio, expressed as a percentage, of the total number of barrels of a particular refined petroleum product or residual fuel oil produced by a refiner during a specified base period to the refiner's total crude runs to stills in that base period.

"Base period" means an appropriate historical period determined by the Administrator during which the petroleum product or residual fuel oil was produced by the refiner.

(2) *Adjustment of Base Percentage Yield.* Whenever a refined petroleum product or residual fuel oil is or will be in short supply, the ERA may direct refiners to adjust their base percentage yield of that product or residual fuel oil in order to increase the relative output of that product or residual fuel oil in short supply. Such directives may require either percentage changes in yields or changes in yields that would permit the refiner(s) to supply a product or residual fuel oil at specified levels. The ERA may direct a refiner or refiners to adjust yields of a particular refined petroleum product or residual fuel oil for a specific refinery or on a geographic or national basis.

(3) *Joint Compliance.* Upon approval by the ERA, two or more refiners may adjust their base percentage yield of a particular refined petroleum product or residual fuel oil on a pooled basis such that the combined production of that product or residual fuel oil by the two or more refiners would equal the combined production of those refiners if each refiner had separately equalled or exceeded its base percentage yield of that product or residual fuel oil.

(d) *Allocation of Crude Oil.* The ERA may adjust the quantities of crude oil allocated among refiners pursuant to this Standby Regulation in a manner designed to ensure desired production levels of refined petroleum products or residual fuel oil in short supply for which an adjusted base percentage yield has been directed. Such adjustments shall be designed to meet the objectives of this Standby Regulation, so that refiners which increase production in excess of their adjusted percentage yield of that product or residual fuel oil, or which decrease production to less than the adjusted percentage yield of that product or residual fuel oil, may be allocated greater or lesser quantities of crude oil during the next allocation period, respectively.

8. *Special Allocation Procedures.* When the provisions of this Standby Regulation are in effect, the Administrator may order the provisions of §§ 211.62, 211.65 and 211.71 of this Part that were in effect on January 27, 1981 to be effective with the following modifications to paragraphs (c) and (i) of § 211.65 and, in that event, paragraphs 3, 4 (except the definitions of "Administrator," "DOE" and "ERA"), 5, 6 and 7 of this Standby Regulation shall not be in effect:

(a) Paragraph (c) is modified by revising the heading and subparagraph (2) to read as follows:

"(c) *Review of eligibility for allocations, adjustments to purchase opportunities, and emergency allocations.*

* * * * *

"(2)(i) Notwithstanding any provision of § 211.62 or any other provision of this section, upon application at any time by any refiner, the ERA may grant that refiner an emergency allocation for one or more allocation periods, or for part of an allocation period, the effect of which shall be to maintain that refiner's crude oil supplies at a level equivalent to that refiner's supply level for the corresponding period of the previous year; *provided, that,* such refiner shall be required to demonstrate that it is incurring, or will incur in the allocation period for which the allocation is sought, a significant reduction, due to circumstances over which such refiner reasonably had no control, in its supply of crude oil due directly or indirectly to shortages of crude oil in the world markets. Each application shall contain the information (including documentation where appropriate) necessary for the ERA to determine that the applicant's reduction in crude oil supplies is due to circumstances over which the applicant reasonably had no control. In granting a request of a refiner for an emergency allocation, the ERA may direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner pursuant to paragraph (j) of this section.

"(ii) In the event the ERA grants an emergency allocation to any refiner that is a refiner-seller under this section, that refiner-seller shall be relieved of the appropriate portion of its sales obligation for a period of time as specified by the Administrator and the sales obligation of such refiner-seller so relieved shall be distributed on a pro-rata basis among all remaining refiner-sellers.

"(iii) The ERA may (A) grant an emergency allocation to a refiner under this paragraph, (B) adjust any allocation or sales obligation shown on the buy/sell notice specified in paragraph (g) of this section or (C) issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period pursuant to subparagraph (3) of paragraph (j) of this section, without issuing a supplemental buy/sell notice listing such emergency allocations, adjustments to allocations or increased sales obligations; *provided, that,* no such directed sale shall increase any refiner-seller's sales obligation by more than twenty-five percent (25%) and any such directed sale amounts shall serve to reduce the refiner-seller's obligation in the next allocation period."

(b) Paragraph (i) is modified by revising subparagraph (4) to read as follows:

"(4) All crude oil sold pursuant to this section to refiners other than small refiners shall be priced in accordance with the provisions in standby Regulation 212-1 of Part 212. All crude oil sold pursuant to this section to small refiners whose DOE certified crude oil refining capacity is 50,000 barrels per day or less shall be priced in accordance with the provisions in § 212.94 of this chapter that were in effect on January 27, 1981. With respect to sales of crude oil pursuant to this section to refiners whose DOE certified crude oil refining capacity is greater than 50,000 barrels per day but less than 175,000 barrels per day, the Administrator may determine that either the provisions in § 212.94 of this chapter that were in effect on January 27, 1981 or the provisions in standby Regulation 212-1 of Part 212 shall apply."

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

7. Removed are §§212.1 through 212.3; paragraph (a) of §212.10; Subpart C of Part 212; §212.73; paragraphs (a), (b), (d) and (e) of §212.74; §§212.75 through 212.77; §212.79; Subpart E of Part 212; §§212.91 through 212.93; §§212.95 through 212.97; Special Rule No. 1 to Subpart F of Part 212; Subpart H of Part 212; paragraphs (a), (b) and (c) of §212.126; §§212.128 through 212.130; paragraph (c) of §212.131; §212.132; Subparts J, K, and L of Part 212; in Appendix A to Part 212, Standby Regulation 212-2; and Special Rule No. 2 of Appendix B to Part 212.

§§ 212.1 through 212.31 [Removed]

§ 212.10 [Amended]

(a) [Removed].

* * * * *

Subpart C—[Removed]

§ 212.73 [Removed]

§ 212.74 [Amended]

(a) [Removed].

(b) [Removed].

* * * * *

(d) [Removed].

(e) [Removed].

§ 212.75 through 212.77 [Removed]

§ 212.79 [Removed]

Subpart E—[Removed]

§§ 212.91 through 212.93 [Removed]

§§ 212.95 through 212.97 [Removed]

Subpart F—[Amended]

APPENDIX A TO SUBPART F [AMENDED]

Special Rule No. 1—[Removed]

Subpart H—[Removed]

§ 212.126 [Amended]

(a) [Removed].

(b) [Removed].

(c) [Removed].

* * * * *

§ 212.128 through 212.130 [Removed]

§ 212.131 [Amended]

* * * * *

(c) [Removed].

* * * * *

§ 212.132 [Removed]

Subpart J—[Removed]

Subpart K—[Removed]

Subpart L—[Removed]

APPENDIX A—[AMENDED]

Standby Regulation 212-2—[Removed]

APPENDIX B—[AMENDED]

Special Rule No. 2—[Removed]

8. Section 212.31 is revised to read as follows:

§ 212.31 Definitions.

"Crude oil" means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities. "Crude oil" includes condensate recovered in associated or non-associated production by mechanical separators, whether located on the lease, at central field facilities, or at the inlet side of a gas processing plant.

"Kerosene" means all refined petroleum distillate suitable for use as an illuminant when burned in a wick lamp.

"No. 1 heating oil" means heating oil grade No. 1 as defined in American Society for Testing and Materials (ASTM) D396-71.

"No. 1-D diesel fuel" means diesel fuel grade No. 1 as defined in American Society for Testing and Materials (ASTM) D975-71.

"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396-71.

"No. 2-D diesel fuel" means diesel fuel grade No. 2 as defined in american Society for Testing and Materials (ASTM) D975-71.

"Producer" means a firm or that part of a firm which produces crude oil or natural gas, or any firm which owns crude oil or natural gas when it is produced.

9. Section 212.72 is revised to read as follows:

§ 212.72 Definitions.

"Property" means the right to produce domestic crude oil, which arises from a lease or from a fee interest. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

10. Paragraph (e) is added at the end of §212.131 to read as follows:

§ 212.131 Certification of domestic crude oil sales.

* * * * *

(e) *Exemption.* Notwithstanding the other provisions of this section, there is no certification required under this section for producers with respect to crude oil produced and sold subsequent to January 31, 1981 or for resellers with respect to sales of crude oil that occur subsequent to January 31, 1981.

APPENDIX A [AMENDED]

11. In Appendix A to Part 212, Standby Regulation 212-1 is revised to read as follows:

Standby Regulation 212-1—Mandatory Allocated Crude Oil Pricing Rules

1. *Scope.* This Standby Regulation sets forth the rules for pricing of crude oil subject to the DOE's Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs.

2. *Applicability.* (a) This Standby Regulation is effective beginning on the day when Standby Regulation 211-1 becomes effective pursuant to paragraph 2(a) thereof.

(b) If the exemption in paragraph 3(a) of Standby Regulation 211-1 is applicable, the provisions in § 212.94 of this Part that were in effect on January 27, 1981 shall apply to sales of crude oil pursuant to Standby Regulation 211-1 to small refiners whose DOE certified crude oil refining capacity is 50,000 barrels per day or less. With respect to sales of crude oil pursuant to Standby Regulation 211-1 to refiners whose DOE certified refining capacity is greater than 50,000 barrels per day but less than 175,000 barrels per day, the Administrator may determine that either the provisions in section 212.94 of this Part that were in effect on January 27, 1981 or the provisions in this Standby Regulation shall apply.

(c) This Standby Regulation terminates when Standby Regulation 211-1 terminates.

3. (a) *Definitions.* For the purpose of this Standby Regulation all terms shall have the same meaning as they had for the provisions of 10 CFR section 211.65 that were in effect on January 27, 1981, except for the following terms:

"Administrator" means the Administrator of the Economic Regulatory Administration, Department of Energy.

"Allocation period" means a calendar month, except as otherwise ordered by the Administrator.

"Domestic crude oil" means crude oil produced in the United States or from the "Outer Continental Shelf" as defined in 43 U.S.C. section 1331, but excluding crude oil stored in, or owned and controlled by the United States Government, in connection with the Strategic Petroleum Reserve.

"High sulfur crude oil" means crude oil the sulfur content of which is equal to or greater than 0.6% (six-tenths of one percent) by weight.

"Imported crude oil" means crude oil brought into the United States from a foreign country for consumption within the United States, but excluding crude oil stored in, or owned and controlled by the United States Government, in connection with the Strategic Petroleum Reserve.

"Low sulfur crude oil" means crude oil the sulfur content of which is less than 0.6% (six-tenths of one percent) by weight.

"Transportation expenses" means pipeline tariffs, water transportation and terminaling costs, exchange differentials, insurance and taxes paid to deliver the crude oil to the buyer's refinery or to the refinery designated by the buyer for processing the crude oil.

"United States" means the several states, the District of Columbia, Puerto Rico, the territories and possessions of the United States other than the Panama Canal Zone, and the Hawaiian Free Trade Zone.

(b) *Rule.* (1) For each allocation period, the price at which low sulfur and high sulfur crude oil shall be sold when required pursuant to Standby Regulation 211-1 shall not exceed the purchase cost to the seller as specified in subparagraph (2) of this paragraph (b), plus a handling fee of 25 cents per barrel and any transportation (including exchange differential), gravity, and sulfur content adjustments as specified in subparagraphs (3) through (5), respectively of this paragraph (b).

(2) The purchase cost to sellers of crude oil offered for sale pursuant to Standby Regulation 211-1 shall be:

(i) When the buyer has a DOE certified refining capacity of more than 50,000 barrels per day, the actual cost in an arms-length transaction or the landed cost of acquiring the imported crude oil offered for sale, or the actual cost of domestic crude oil sold.

(ii) When the buyer has a DOE certified refining capacity of 50,000 barrels per day or less, the weighted average landed cost of all the seller's imported crude oil of the same sulfur content category (other than crude oil sold under paragraph (b)(2)(i) above) for the allocation period in which the sale is made, or where the seller has no purchases of imported crude oil in the month in which the sale is made, the actual cost of acquiring the domestic crude oil offered for sale.

(3) A price adjustment shall be made for transportation expenses for crude oil offered for sale pursuant to Standby Regulation 211-1 as follows:

(i) Where domestic crude oil (other than Alaskan crude oil sold to a buyer located in other than Alaska) is sold, the actual cost of transporting the domestic crude oil from:

(1) The wellhead, in the event the seller is also the producer of the crude oil so sold, or

(2) The point of purchase or exchange in the event the seller acquires the crude oil so

sold pursuant to a purchase or exchange, to the buyer's refinery;

(ii) Where Alaskan crude oil is sold to a buyer located other than in Alaska, the actual cost of transporting the Alaskan crude oil from the point of landing to the buyer's refinery;

(iii) Where imported crude oil is sold, the actual cost of transporting the imported crude oil from the United States port of entry to the buyer's refinery.

(4) A price adjustment shall be made for gravity differential of crude oil offered for sale under Standby Regulation 211–1 that is priced under paragraph (b)(2)(ii) of this Standby Regulation by adding to or subtracting from the price three cents per barrel (or as otherwise determined by the Administrator in light of prevailing market conditions) for each degree API that the crude oil being offered for sale is above or below, respectively, the weighted average degree API of the seller's imports of crude oil of the same sulfur content category.

(5) A price adjustment shall be made for sulfur content differential of crude oil offered for sale under Standby Regulation 211–1 that is priced under paragraph (b)(2)(ii) of this Standby Regulation by adding to or subtracting from the price three cents per barrel (or as otherwise determined by the Administrator in light of prevailing market conditions) for each one tenth of one percent that the sulfur content by weight of the crude oil being offered for sale is either below or above, respectively, the percentage representing the weighted average sulfur content of the seller's imported crude oil of the same sulfur content category.

(6) For purposes of the computations set forth in subparagraphs (4) and (5) of this paragraph, crude oil imported from Canada shall not be included.

(7) Each refiner making a purchase or sale pursuant to the provisions of Standby Regulation 211–1 shall maintain records for such sales, which shall be made available to the ERA upon request, listing the volumes and types of domestic and imported crude oil bought or sold, the purchase cost as defined in subparagraph (b)(2) of this standby regulation, and the actual sales price and transportation expenses incurred in transporting the domestic or imported crude oil to the buyer's refinery.

PART 220—STRATEGIC PETROLEUM RESERVE CRUDE OIL ALLOCATION

12. Paragraph (b) of § 220.1 is revised to read as follows:

§ 220.1 Purpose and Scope.

* * * * *

(b) *Applicability.* This part applies to any allocation of SPR crude oil, other than distribution by price competition, whether or not conducted pursuant to Standby Regulation 211–1 in Part 211 (Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs), or this part.

13. Section 220.2 is amended by revising the definition of "Notice of Sale" to read as follows:

§ 220.2 Definitions.

* * * * *

"Notice of sale" means the document issued by DOE announcing the sale of SPR crude oil. The Notice of Sale will specify the method of sale, eligibility to purchase, prices, applicable terminalling, handling and transportation charges, the crude oil types and quantities available for purchase, the sales period, delivery location(s), minimum and maximum volume restrictions, place and date for submission of offers, modes of transportation applicable for each delivery point (i.e., pipeline, barge, tanker and applicable port data/restrictions), special terms and conditions of sale, and the criteria to be employed in evaluating offers to purchase.

* * * * *

14. Paragraph (a) of § 220.10 is revised to read as follows:

§ 220.10 Rule.

(a) Upon a determination by the President that implementation of the Distribution Plan contained in the Strategic Petroleum Reserve Plan is required by a severe energy supply interruption or by obligations of the United States under the International Energy Program, the Secretary may allocate, in a manner consistent with the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, in such amounts as he shall determine: (1) pursuant to the provisions of Standby Regulation 211–1 in Part 211 (standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs) of this chapter, or (2) to any refiner, in accordance with criteria announced in a Notice of Sale.

* * * * *

15. Section 220.30 is revised to read as follows:

§ 220.30 Applicability.

The price rule stated in this subpart shall apply to any sale of SPR crude oil pursuant to Standby Regulation 211–1 in Part 211 of this chapter, or this part.

16. Paragraph (a) of § 220.32 is revised to read as follows:

§ 220.32 Rule.

(a) DOE shall establish the price at which low sulfur SPR crude oil and high sulfur SPR crude oil shall be sold, plus any gravity, and sulfur content adjustments as specified in paragraphs (b) and (c), respectively, of this section. The sale prices of SPR crude oils shall not be significantly higher or significantly lower than the highest and lowest prices, respectively, in comparable sales of allocated crude oil in the month of sale, should such sales occur. In determining the prices of SPR crude oils, the DOE shall consider (i) the weighted average per barrel landed cost (as defined in § 220.33) for all low sulfur crude oil and for high sulfur imported crude oil deliverd to all U.S. refiners in the month of sale; (ii) the data on the Transfer Pricing Report ERA–51 (or any successor to this form), wherein refiners report crude oil prices obtained in transactions between affiliated entities and in transactions between nonaffiliated entities; and (iii) other data that the DOE considers to be appropriate for price determination purposes.

* * * * *

17. Section 220.33 is added to read as follows:

§ 220.33 Landed cost.

(a) For purposes of this Subpart, "landed cost" means:

(1) For purposes of crude oil purchased in an arm's-length transaction or purchased in a transaction to which paragraph (c) is applicable, the purchase price (or the cost if paragraph (c) is applicable) plus the cost of transportation, if any, from the point of delivery to the firm to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation to the refinery, plus import fees and duties incurred. For purposes of this paragraph (1), the landed cost shall be considered to be incurred when the cost is recognized as having been incurred by application of the refiner's customary accounting procedures generally accpeted and consistently and historically applied.

(2) For purposes of crude oil purchased in a transaction between affiliated entities (other than crude oil to which paragraph (c) is applicable), the cost of crude oil f.o.b. the port of loading in the country of origin plus the cost of transportation from the port of loading in the country of origin to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation to the refinery, plus import fees and duties incurred.

(b) When delivery is taken at a point other than in the country of loading and paragraph (c) is not applicable, the crude oil shall be treated as though the crude oil has been shipped to the U.S. port of entry from the country of origin of the crude oil, on the route and in the class of vessels most commonly used by the firm and its affiliated entities for

shipments between the country of origin and the U.S. port.

(c) A refiner's cost of crude oil which is purchased from unaffiliated entities and which is produced in a country from which the refiner and its affiliated entities lift no equity crude or do not otherwise receive crude on a preferential basis shall be the price paid to the unaffiliated entities, plus the cost of brokerage or other services, if any, provided to the refiner by the affiliated entities.

The following amendments are effective April 1, 1981:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

18. Subparts C and Q of Part 205 are removed.

Subpart C—[Removed]

Subpart Q—[Removed]

PART 210—GENERAL ALLOCATION AND PRICE RULES

19. Section 210.62 is removed.

§ 210.62 [Removed].

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

20. Removed is Subpart A of Part 211.

Subpart A—[Removed]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

21. Removed are Subpart B of Part 212; §§ 212.71 and 212.72; and paragraph (a) of § 212.131.

Subpart B—[Removed]

§ 217.71 [Removed]

§ 212.72 [Removed]

§ 212.131 [Amended]

(a) [Removed].

* * * * *

22. Section 212.78 is revised to read as follows:

§ 212.78 Tertiary incentive crude oil reporting requirements.

(a) *Monthly producer reports.* (1) By the close of each month, a qualified producer shall file with DOE a report in which the producer shall certify (i) the recoupable allowed expenses attributed to it during the previous month; (ii) the project from which each such expense is attributed; (iii) the cumulative total of recoupable allowed expenses attributed to it at the close of the previous month; (iv) the amount of tertiary incentive revenue received by it during the previous month; (v) the cumulative total of tertiary incentive revenue received by it at the close of the previous month; (vi) the properties from which tertiary incentive crude oil was sold by or for the interest of the producer and the amounts sold from each such property during the previous month; (vii) the maximum lawful selling price(s) of crude oil from each such property absent the provisions of subsection (a)(2) of this section that were in effect on January 27, 1981; (viii) the price at which tertiary incentive crude oil was actually sold at each such property; and (ix) the names of the purchasers of tertiary incentive crude oil. Copies of the certifications provided to purchasers of tertiary incentive crude oil under § 212.131 shall be attached to this report.

(2) An operator of a tertiary project may file the reports required by paragraph (a)(1) of this section on behalf of any producer that is a qualified producer with respect to the project, *provided that,* (i) the operator and the producer agree to the operator's filing; (ii) the producer is not a qualified producer with respect to any other project; and (iii) no crude oil is sold by or for the behalf of the producer pursuant to paragraph (a)(2) of this section as it was in effect on January 27, 1981 except from properties on which the project is located. For purposes of this paragraph, the term "operator of a tertiary project" shall include with respect to a particular project any qualified producer for that project that purchases crude oil produced from a property on which that project is located.

(b) *Monthly project reports.* With respect to a particular project, the qualified producers therefor shall submit to DOE by the close of each month a consolidated monthly report in which they shall certify (1) the recoupable allowed expenses for the previous month; and (2) the amount of such recoupable allowed expenses attributable to each qualified producer.

(c) *Annual prepaid expenses report.* By January 31 of each year after 1980, a qualified producer shall file with DOE a report in which the producer shall certify to DOE (1) which of the expenses that it had reported previously to DOE pursuant to paragraph (h)(1)(i) of this section as that paragraph was in effect on January 27, 1981 were prepaid expenses; (2) the goods or services for which it incurred and paid such prepaid expenses; (3) the dates on which it intends to use such goods or services; and (4) the dates on which it actually uses such goods or services. A producer shall file an annual prepaid expenses report each year until it has reported that it has actually used all the goods and services for which it incurred and paid a prepaid expense. For purposes of this subsection, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

PART 214—MANDATORY CANADIAN CRUDE OIL ALLOCATION REGULATIONS

23. Removed are Subparts A, B, and C of Part 214; and paragraphs (a), (b), (c) and (d)(1) of § 214.41.

Subpart A—[Removed]

Subpart B—[Removed]

Subpart C—[Removed]

§ 214.41 [Amended]

(a) [Removed].
(b) [Removed].
(c) [Removed].
(d) * * *
(1) [Removed].

* * * * *

The following amendments are effective May 1, 1981:

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

24. Sections 211.61 and 211.65 are removed.

§ 211.61 [Removed]

§ 211.65 [Removed]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

25. Section 212.74; Subpart F of Part 212 and § 212.133 are removed.

§ 212.74 [Removed]

Subpart F—[Removed]

§ 212.133 [Removed]

26. Section 212.78 is amended by removing paragraphs (a) and (b) and by redesignating paragraph (c) as § 212.78.

§ 212.78 [Amended]

(a) [Removed].
(b) [Removed].
(c) [Redesignated as § 212.78].

PART 214—MANDATORY CANADIAN CRUDE OIL ALLOCATION REGULATIONS

27. Subpart D of Part 214 is removed.

Subpart D—[Removed]

The following amendments are effective May 11, 1981:

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

28. Subpart B of Part 211; § 211.62; and paragraphs (a) and (e) of § 211.66 are removed.

Subpart B—[Removed]

§ 211.62 [Removed]

§ 211.66 Amended

(a) [Removed].

* * * * *

(e) [Removed].

* * * * *

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Part V

Department of Energy

Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease; Proposed Rulemaking and Public Hearing

DEPARTMENT OF ENERGY

10 CFR Part 376

Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases; Proposed Rulemaking and Public Hearing

AGENCY: Department of Energy.

ACTION: Proposed Rule.

SUMMARY: On December 19, 1980, the U.S. District Court for the District of Columbia issued an order requiring the Department of Energy (DOE) to issue a proposed regulation implementing the bidding system described at 43 U.S.C. 1337(a)(1)(G) by March 30, 1981. Pursuant to that court order, DOE is issuing this proposed regulation. This proposal would establish a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The intended effect is to encourage a greater diversity of firms to participate in OCS oil and gas lease sales. The proposed bidding system ("variable work commitment bidding system") uses a dollar value exploration work commitment as the bid variable, the basis for award of OCS oil and gas leases, and requires payment of a fixed cash bonus, a fixed royalty, and an annual rental for each tract. The proposed system also makes use of sections of existing accounting procedures, codified at 10 CFR Part 390 (45 FR 36784, May 30, 1980), to identify, measure, and allocate the exploration expenditures to be applied in satisfaction of the work commitment. The accounting procedures were initially issued to establish the method for calculating net profit share payments due the United States under leases issued pursuant to the profit share bidding systems.

This proposal implements rulemaking responsibilities under section 8(a) of the Outer Continental Shelf Lands Act, as amended, that were transferred to DOE under sections 302(b) and 303(c) of the Department of Energy Organization Act.

DATES: Written comments are due by April 29, 1981, at 4:00 p.m. Requests to speak at the hearing to be held in Washington, D.C. are due by April 20, 1981, at 4:00 p.m. The hearing will be held on Tuesday, April 28, 1981, at 9:30 a.m. Witnesses who are chosen to speak at the hearing will be notified by April 22, 1981.

ADDRESSES: All written comments and requests to speak at the Washington, D.C., public hearing should be sent to: Office of Public Hearings Management, Economic Regulatory Administration, Box XZ (Docket No. LPDO 81-2), 2000 M Street, N.W., Washington, D.C. 20461. The hearing will be held in Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

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Cynthia A. Ford, Director (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461.

Milton Jordan, Director, Division of Freedom of Information and Privacy Acts (Office of Administrative Services), Department of Energy, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-5955.

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I. Introduction

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95-372, 92 Stat. 629)), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act grants the Secretary of Energy the authority to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

As required by section 303(b) of the DOE Act, the Secretary of the Interior was consulted during the preparation of this proposed regulation and afforded an opportunity to comment formally on them. In view of the fact that this proposed regulation has been developed in an expedited manner in order to comply with the U.S. District Court Order, DOE requested that DOI waive the formal 30-day comment period specified by section 303(b) of the DOE Act. The Secretary of the Interior has provided comments which were

consideration in drafting this regulation prior to today's publication.

II. Outer Continental Shelf Leasing—General

According to a schedule established pursuant to section 18 of the OCSLA, the Department of the Interior (DOI) periodically offers for sale oil and gas leases for tracts on the OCS. The lease sale is the culmination of a series of DOI actions, including nominations for the inclusion of OCS tracts in a sale, geological/geophysical analysis, preparation and publication of an Environmental Impact Statement (EIS), public hearings, coordination with State officials and members of the public, coordination with Federal agencies, the publication of a notice of sale in the **Federal Register**, and the submission of bids. Bidders submit bids on the basis of the bidding system that is applicable to a particular tract as specified in the notice of OCS lease sale. After the bids submitted at the publicly held OCS lease sale are opened and evaluated, leases are awarded to successful bidders on a tract-by-tract basis. The bidding system used also determines the method by which the successful bidder pays the United States for the lease.

The bidding system or systems to be utilized by DOI in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed DOE regulation (10 CFR Part 376). DOE has promulgated regulations implementing four of the bidding systems authorized by section 8(a)(1) of the OCSLA. On February 5, 1980, DOE issued final regulations implementing three bidding systems: 1) cash bonus bid with a fixed royalty; 2) royalty bid with a fixed cash bonus; and 3) cash bonus bid with a sliding scale royalty (45 Fed. Reg. 9536, February 12, 1980). On May 14, 1980, DOE issued a final regulation implementing a fourth bidding system, cash bonus bid with a fixed net profit share (45 FR 36784, May 30, 1980). These systems implement, respectively, sections 8(a)(1)(A)–(D) of the OCSLA.

In addition, on February 27, 1981, DOE issued a proposed regulation that would establish an OCS bidding system ("variable net profit share") that uses a percentage of net profits as the bid variable and also requires payment of a fixed cash bonus for each tract (46 FR 15484, March 5, 1981).

III. The Proposed Regulation

A. Authority

The Secretary of Energy is specifically authorized by section 302(b)(2) of the DOE Act to promulgate regulations under the OCSLA as they relate to the implementation of alternative bidding systems for the award of Federal leases. The Secretary of Energy is also authorized by section 303(c)(1) of the DOE Act to disapprove lease terms and conditions which relate to DOE's authority to promulgate regulations under section 302(b) of the DOE Act. As noted earlier, DOE has already promulgated final regulations implementing four bidding systems authorized by section 8(a)(1)(A)–(D) of the OCSLA and has, as discussed above, proposed one additional bidding system authorized by section 8(a)(1)(E) of the OCSLA.

The bidding system proposed by this regulation is authorized by section 8(a)(1)(G) of the OCSLA, which authorizes the use of a bidding system with a "work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold."

Section 8(a)(1)(H) of the OCSLA also provides authority for the Secretary of Energy to establish any bidding system that is determined to be useful in accomplishing the purposes and policies of the OCSLA, provided that no bidding system established under this provision shall have more than one bid variable. Prior to the implementation of a system established under that provision, it must be submitted to both the Senate and to the House of Representatives for review. If neither the Senate nor the House of Representatives passes a resolution of disapproval within thirty days, the system may then be utilized.

Prior to the U.S. District Court order in *Energy Action Educational Foundation* v. *Andrus* (discussed in greater detail in section III. C. of this preamble), which requires issuance of a bidding system which utilizes work commitment as the bid variable, DOE had initiated activity with a view toward developing a bidding system that contained a fixed work commitment component. To assist DOE in its consideration and possible development of a work commitment bidding system, a Notice of Inquiry (NOI) was issued on July 17, 1980 (45 FR 49588, July 25, 1980), requesting views and comments from interested parties on any topic that was germane to work commitment bidding systems. A discussion of the relevant comments received follows.

B. Comments Received in Response to Notice of Inquiry

Although the Notice of Inquiry requested comments on any topic that was germane to work commitment bidding systems, it specifically requested comments on the use of work commitment as: (1) a fixed component of the bid; (2) the bid variable; and (3) a time dependent component (i.e., bidding the time required to complete a predetermined work commitment).

The response received were unanimous in opposing the use of time as a component of the bid variable. Most respondents were also opposed to utilizing work commitment as the bid variable. In discussing the inappropriateness of work commitment as the bid variable, several respondents stated that there was little relationship between the level of exploration required to develop a tract and the value of the tract. One respondent commented that since there is no premium placed on a lessee's efficiency or the cost effectiveness of its exploratory operations, leases might be awarded to bidders who could least efficiently bring the leases into production. Several other respondents stated that those bidders which can provide and perform all of the necessary exploration functions from within their own corporate resources would have an advantage over bidders who must contract out all of the exploration required. For example, a firm that must contract out the majority of the exploration functions, and pays not only for the cost of the actual work performed but also for another firm's profit and associated overhead expenses, would be at a competitive disadvantage relative to firms that do not contract out such exploratory work.

Five of the respondents, however, favored utilization of a work commitment bid. One of the respondents stated that a variable work commitment bidding system would encourage aggressive exploration and would provide an incentive for operators to explore tracts thoroughly in a timely manner.

DOE found the comments submitted in response to the NOI helpful in preparing the regulation we are proposing today. DOE anticipates that the public comments on the proposed regulation will provide additional useful information which will be considered in the preparation of the final regulation.

C. Mandate of the U.S. Court of Appeals

On June 22, 1979, Energy Action Educational Foundation, with several other parties, filed an action in the U.S. District Court for the District of Columbia which sought to halt further sales of OCS leases and to upset past sales on the basis of alleged violations of the OCSLA. Plaintiffs claimed, *inter alia*, that the Secretary of Energy had violated the OCSLA through failure to issue regulations for certain bidding

systems authorized by the OCSLAA, including the system employing work commitment as the bid variable (section 8(a)(1)(G)).

On September 17, 1980, the U.S. District Court denied plaintiff's request to enjoin scheduled OCS leases sales. The U.S. Court of Appeals for the D.C. Circuit affirmed the District Court's refusal to grant the injunction, but retained jurisdiction and proceeded to address certain issues on the merits.

On October 30, 1980 the Court of Appeals issued an opinion, *Energy Action Educational Foundation v. Andrus* (No. 80–2127, D.C. Cir., October 30, 1980), which held that the Secretary of Energy had violated the provisions of the OCSLA by failing to issue certain bidding system alternatives enumerated in the OCSLA. Specifically, the Court directed DOE to issue regulations establishing the two remaining bidding system alternatives which employ bid variables other than the cash bonus, namely, the net profit share and the work commitment, in order to allow empirical experimentation with these systems by the Secretary of the Interior. The Court noted that injunctive relief for future OCS lease sales might be appropriate, if the regulatory process for these two bidding system alternatives were not completed by mid-1981.

In its opinion, the Court found in the language and legislative history of the OCSLAA " * * * a Congressional imperative to promulgate regulations, as a necessary prelude to experimentation, involving non-cash bonus statutory bidding alternatives * * *" (*Slip. op.*, at 41). In order to accomplish the required "experimentation" within the five-year period set out in the OCSLAA, the court concluded that DOE must fulfill its obligation to promulgate a regulation establishing a variable work commitment bidding system "* * * with the maximum possible speed consistent with procedural and statutory rulemaking requirements." (*Slip. op.*, at 42.)

The Court of Appeals remanded the case to the U.S. District Court for the District of Columbia, and directed it to set a precise timetable for the issuance of the two non-cash bonus bidding options set out in sections 8(a)(1)(E) and (G) before further OCS lease sales take place in 1981.

The U.S. District Court, on December 19, 1980, ordered the Secretary of Energy to issue a proposed regulation for implementing a variable work commitment bidding system described at 43 U.S.C. 1337(a)(1)(G) by March 30, 1981 and a final regulation by June 30, 1981.

A petition for a writ of certiorari requesting Supreme Court review of the opinion of the Court of Appeals and consequent order of the District Court was filed by the Solicitor General on February 26, 1981.

D. Purpose and Scope

As noted earlier, in response to the Court order, DOE has already published a proposed regulation to implement a bidding system which employs a percentage of net profits as the bid variable with a fixed cash bonus. The regulation proposed today is DOE's further response to that Court order.

Today's proposal would amend the regulations in 10 CFR Part 376 by establishing one additional bidding system which utilizes a work commitment bid variable with a fixed cash bonus, a fixed royalty, and an annual rental payment for each tract.

One of Congress' objectives in adopting the 1978 amendments to the OCSLA was to encourage greater competition for OCS leases through lessened reliance on large front-end cash bonuses as the primary means for obtaining a fair price for the public's property. Congress perceived that bidding systems that require large cash bonus payments may inhibit competition for OCS leases by preventing smaller, independent firms from participating in OCS lease sales. These concerns were noted in the Report to accompany H.R. 1614 on the Outer Continental Shelf Lands Act Amendments of 1977 (H.R. Rep. No. 95–590, 95th Cong., 1st Sess. (1977)) issued by the Ad Hoc Select Committee on the Outer Continental Shelf.

In order to provide for a bidding system that would increase the competitiveness of smaller firms, the 1978 amendments to the OCSLA established, as one of several alternative bidding systems, a variable work commitment bidding system designed to reduce DOI's historic reliance on the front-end cash bonus as the mechanism for awarding OCS leases.

In response to criticisms that a work commitment bidding system might encourage unnecessary, inefficient exploration activities on leased OCS oil and gas tracts, the Conference Committee Report for the Outer Continental Shelf Lands Act Amendments of 1978 (H.R. Rep. No. 95–1474, 95th Cong., 2nd Sess. (1978)) noted that certain safeguards to prevent such behavior are included in the statute. Specifically, the report noted that, in order to insure that unnecessary exploration work charegable against the work commitment bid will not occur, the Secretary of the Interior retains the authority to monitor exploration activities, including approving, modifying, or disapproving exploration plans. In order further to ensure that the lessee does not engage in unnecessary exploration, section 8(a)(7)(B) of the OCSLA provides that only 50 percent of qualifying exploration expenditures incurred by the lessee may be included in satisfaction of the work commitment. Thus, the lessee shares with the government at least a portion of risks of exploration.

E. Summary of the Proposed Regulation

The variable work commitment bidding system involves four components: a dollar amount work commitment bid, a fixed cash bonus, a fixed royalty, and an annual rental. The bid variable, the determinant of lease award, is a dollar amount work commitment bid, which obligates the lessee to commit either in cash or by performance bond the stated dollar bid amount, with the commitment to be satisfied and recouped by conducting qualifying exploration activities. Satisfaction of the work commitment shall be at the rate specified for applying allowable expenditures in satisfaction of the bid and shall be determined in accordance with the procedures provided by this regulation. As with all bidding systems, leases would be awarded to the highest qualified bidder whose bid is determined to be adequate pursuant to standards established by DOI. Upon award of the lease, the successful bidder would be required to deliver, at its option, either a cash deposit for the full amount of the work commitment bid or a performance bond, in form and substance and with a surety satisfactory to the Secretary of the Interior, in the principal amount of the work commitment. The three other elements of payment under this bidding system, the cash bonus, the royalty based on all production saved, removed, or sold, and the annual rental would be fixed at amounts specified in the notice of OCS lease sale. The manner and schedule of payments of the cash bonus and annual rental would also be specified in the notice of the OCS lease sale.

In order to determine which expenditures may be applied in satisfaction of the work commitment and the method for calculating those expenditures, DOE has determined that several sections of the accounting procedures established for use with the fixed net profit share bidding system and codified in 10 CFR Part 390 (45 FR 36784, May 30, 1980), are appropriate for

use in connection with the work commitment bidding system. Specifically, DOE is adopting for use in conjunction with this proposed bidding system the general cost categories entitled "Schedule of allowable direct and allocable joint costs and credits" (10 CFR 390.011(a)–(n) and (p)), "Unallowable costs" (10 CFR 390.013), "Allocation of joint costs and credits" (10 CFR 390.014), and "Pricing of materiel purchases, transfers, and disposition" (10 CFR 390.015). Identification, measurement, and allocation of expenditures allowable in satisfaction of the work commitment shall be made in accordance with those sections, except as those sections prescribe a specific accounting procedure for determining net profit share payments to the government. Section 390.011(o) is not adopted for use in this regulation, as it relates primarily to costs incurred during development and production rather than those exclusively associated with exploration activities. For purposes of this proposed regulation, any references to a net profit share lease (NPSL) and its associated activities that are contained in those sections are deemed to refer to a lease issued under a work commitment bidding system and its associated activities.

Because the OCSLA specifically prohibits the application of the lessee's general overhead costs towards the satisfaction of the work commitment, the proposed regulation incorporates that prohibition. A lessees' general overhead costs normally encompass those costs of doing business (i.e., the costs of maintaining a place of business, corporate scientific research facilities, etc.) that are not specifically identified or incurred with respect to a particular operation or enterprise. The accounting procedures have, with some degree of specificity, identified those allowable expenditures incurred with respect to operations on a particular OCS tract and therefore, may be applied in satisfaction of the work commitment to the extent that they apply to qualifying exploration activities. Any expenditures not so identifiable are presumed to represent general costs of doing business and are not allowable in satisfaction of the work commitment.

Section 8(a)(7)(b) of the OCSLA does require, however, that the "* * * cost (including employee benefits) of employees directly assigned to such exploration work * * *" be included in satisfaction of work commitment. 10 CFR 390.011(b) specifically identifies those labor costs (including benefits) that may be attributed to a particular lease and DOE believes that the costs allowed under that section represent all costs required to be included by the statutory provision cited above.

The cost categories identified above generally follow accepted industry accounting practices as set out in procedures of the Council of Petroleum Accounting Societies of North America (COPAS). A fuller explanation of the basis for the selection of the cost categories may be found in the preamble to the "Fixed Net Profit Share Bidding System for Outer Continental Shelf Oil and Gas Leases and Accounting Procedures for Determining Net Profit Share Payments" (45 FR 36784, May 30, 1980). DOE believes that these cost categories accurately represent those costs associated with exploration, development, or production of an OCS tract. As utilized in conjunction with this proposed regulation, these cost categories provide a mechanism for identifying, measuring, and allocating expenditures incurred by a lessee in performing certain specified exploration activities in order subsequently to apply them in satisfaction of the work commitment. The costs incurred by a lessee in conducting exploration activities are identical regardless of the particular bidding system under which a lease may be awarded. Therefore, except for modification of those references applicable solely to leases issued under a net profit share bidding system, as noted above, DOE is proposing to employ the previously established cost categories without modification for the identification, measurement, and allocation of expenditures associated with qualifying exploration activities undertaken on tracts leased under a variable work commitment bidding system.

The proposed regulation further provides that allowable expenditures may only be applied in satisfaction of the work commitment if they are incurred prior to the termination of the period for qualifying exploration activities. Section 8(a)(7)(C) of the OCSLA appears to contemplate allowing costs of exploration to be applied in satisfaction of the work commitment until the end of the primary term of the lease, including any extension thereof. However, not all activities undertaken on a tract during that period may properly be classified as exploration activities. The proposal, therefore, provides that the period for qualifying exploration activities shall be deemed terminated with respect to any prospect on a tract when: (1) the lessee begins performing activities under an approved development and production plan; (2) in the judgment of the USGS designated official, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the reservoir into commercial production; (3) the entire amount of the work commitment has been satisfied; or (4) the primary term of the lease, or any extension thereof, has expired or the lease has been relinquished, whichever occurs first. It should be noted that the provision permitting the USGS designated official to make a determination regarding the point at which costs of activities on the lease may no longer be applied in satisfaction of the work commitment requires the official to make a judgment as to whether the information gathered by the lessee through exploration activities is sufficient to permit the lessee to begin activities to bring the reservoir into commercial production. This discretionary judgment provision may insert the government into an economic decision-making process that has, heretofore, been the sole responsibility of the lessee. However, DOE believes that such a judgment is contemplated by the statute and, in some cases, may be required to prevent demonstrably uneconomic investment in exploration or the application towards satisfaction of the work commitment of expenditures for activities that may be more appropriately characterized as relating to development or production.

DOE anticipates that on the majority of tracts expenditures for qualifying exploration activities applied in satisfaction of the work commitment will be associated with a single prospect and that when qualifying exploration activities are terminated for that prospect they will be terminated for the entire tract. However, DOE recognizes the possibility that additional prospects on the same tract may require an independent exploration effort. Therefore, the proposed regulation provides some flexibility by allowing the expenditures for exploration activities on a separate and distinct prospect to be applied in satisfaction of the work commitment, if incurred during the primary term of the lease, or any extension thereof, or prior to the relinquishment of the lease, if they are expenditures for exploration activities that are specifically segregable, and that it can be demonstrated, to the satisfaction of the USGS designated official, to require a discrete exploration effort.

As explained earlier, only 50 percent of the allowable expenditures incurred by the lessee prior to the termination of

the period for qualifying exploration activities may be included in satisfaction of the work commitment. Thus the lessee must spend, in allowable expenditures, twice the amount of the bid amount in order to satisfy the work commitment. For example, if an OCS lease was awarded on the basis of a $50 million work commitment bid, and the allowable expenditures chargeable in satisfaction of the work commitment totaled $50 million, the lessee would receive a credit of $25 million toward satisfaction of the work commitment.

DOE is also proposing to incorporate an inflation adjustment factor to be applied to the dollar amount of allowable expenditures prior to applying that amount toward satisfaction of the work commitment, so that the work commitment is satisfied in constant dollars. This should provide a degree of certainty desirable to both government and prospective lessees.

Upon the lessee's performance of qualifying exploration activities in satisfaction of any or all of the work commitment, and the lessee's submission of periodic reports detailing such exploration activities and allowable expenditures incurred therefor, the Secretary of the Interior shall authorize the reduction of the principal amount of the work commitment performance bond, or shall reduce the cash deposit, by 50 percent of the allowable expenditures.

If, at the termination of the period for qualifying exploration activities for all prospects on a tract, the full dollar amount of the work commitment has not been satisfied the balance of the work commitment shall be paid in cash to the Secretary of the Interior. If the lessee delivered a cash deposit, the adjusted balance shall be forfeited. In the event that the lessee posted a performance bond, the adjusted amount of the bond required by the Secretary of the Interior to be maintained at that time shall be paid to the Secretary of the Interior.

DOE recognizes that the percentage of cases in which all or a portion of the performance bond amount is actually required to be paid may be significantly higher for performance bonds posted with respect to work commitment leases than in more typical cases of surety arrangements. This raises the possibility that distortions may arise in the prices or terms and conditions of work commitment performance bonds because of the higher probability that substantial payments by the bonding institution may be required. In an effort to mitigate any such distortions, § 376.110(a)(6)(xi), "Payment of unsatisfied work commitment", merely requires that the amount of the unsatisfied work commitment remaining for a lease on which a performance bond has been posted be remitted to the Secretary of the Interior, but does not specify the party who must remit the payment. This would permit either the lessee or the bonding institution to remit the payment and, therefore, to the extent consistent with statutory requirements, would allow a degree of flexibility in the design of private contractual arrangements for work commitment performance bonds.

F. Impact of Proposal

Congress indicated that the principal impacts of a variable work commitment regulation would be to: (1) increase competition for OCS oil and gas leases by reducing the reliance on the traditional, high front-end cash bonus; and (2) encourage more rapid and extensive exploration and subsequent development of OCS areas.

The legislative history of the OCSLA Amendments of 1978 addresses both Congress' general objectives in adopting the new OCS bidding system alternatives and, more specifically, the projected impacts of leasing OCS tracts under the variable work commitment bidding system option.

It is apparent that the Committee concluded that several of the alternative bidding systems, including the variable work commitment bidding system, would reduce reliance on the high front-end cash bonus and would, therefore, presumably encourage competition. The Committee Report on H.R. 1614 identifies the primary problem associated with the use of the front-end cash bonus as the principal system for awarding OCS leases as the fact that such bidding systems require a "potential lessee to secure large amounts of capital for the payment of the front-end bonus immediately after a winning bid is accepted." (H.R. Rep. No. 95–590, at 136) Similarly, the Report to accompany S. 9 on the OCS Lands Act Amendments of 1977, issued by the Senate Committee on Energy and Natural Resources (S. Rep. No. 95–284, 95th Cong., 1st Sess. (1977)), states that:

> [t]he basic thrust of all of these new options is to reduce the reliance on large front-end cash bonuses as the means of obtaining a fair price for the public's property. The committee wants to authorize lease allocation systems that would encourage the widest possible participation in competitive lease sales consistent with a receipt by the public of fair market value for its resources (S. Rep. No. 95–284, at 73).

The Committee Report on H.R. 1614 also specifically discussed the use of a variable work commitment bidding system in OCS lease sales, and concluded that:

> competition would be enhanced if "work commitment bidding" was authorized. In addition this system would encourage rapid and extensive exploration and development of our off-shore resources. With more funds committed to exploration, it could reasonably be expected that the discovery rate and production time schedules will be substantially accelerated (H.R. Rep. No. 95–590, at 136).

The Conference Committee report went to some lengths in discussing safeguards to ensure that the bidding system would lead to efficient and expeditious exploration activities. The report stated that:

> [t]o insure that unnecessary work is not performed, two safeguards are included. First, the Secretary retains the authority to monitor exploration activities, including approving, modifying, or disapproving exploration plans. Second, the lessee must put up 50 percent of his own funds, as work continues, as a match to the credit against his work commitment bid. That is, for every dollar spent on exploration, the lessee's cash deposit or bond principal would be reduced by one-half dollar, rather than a full dollar. This would assure the element of risk. If an operator is awarded a lease based on a dollar figure work commitment bid, he would have to spend twice the bid amount on exploration to satisfy the commitment (H.R. Rep. No. 95–1474, at 94–95).

While the beneficial impacts noted above may occur, DOE anticipates that the proposed variable work commitment bidding system may also have some negative effects on OCS exploration and development. First, although the work commitment bidding system is intended to encourage diligent exploration of OCS tracts, it is also possible that utilization of a variable work commitment bidding system could have the unintended result of encouraging "over-exploration" on a given work commitment tract, to the point where scarce physical resources (e.g., drilling rigs, drill pipe, etc.) would be misutilized. In cases where "over-exploration" occurred, it could be expected that fewer scarce physical resources would be allocated to the exploration of alternative prospects. It is also possible that, in the aggregate, more OCS exploration may occur than is economically efficient.

Second, the application of a variable work commitment bidding system may cause distortions in the ordering of tract development. Firms may change the order in which they would develop tracts in various OCS regions given their perception of the economic incentives or disincentives that may be inherent in the various alternative bidding systems.

Other things being equal, firms may develop tracts with high cash bonus payments first, in order either to recoup expenditures early through production revenue or to maximize tax write-offs. Since a variable work commitment system would reduce initial sunk costs, and therefore the need to recoup those expenditures, tracts leased under this system may receive a lower priority for exploration than those leased under systems that require higher front-end payments. Consequently, efficient and orderly development on the OCS may be somewhat undermined by use of this bidding system.

Third, assuming that most firms will opt to post a performance bond rather than a cash deposit for the full amount of the work commitment, a variable work commitment bidding system may lower the incentive for diligent exploration. Since the fixed cash bonus under the work commitment bidding system is expected to be lower than the front-end bonus under other bidding systems, and payment of any unfulfilled work commitment obligation is deferred, firms may tend to delay exploration of tracts leased under a variable work commitment bidding system relative to tracts leased under bidding systems without a work commitment component. This effect may be offset, however, by the tax benefits of expensing certain exploration expenditures (i.e., write-offs of certain costs in the year they are incurred, rather than amortizing them over a longer time period) and of the current investment tax credit equal to 10 percent of new "qualified" investments.

Fourth, a variable work commitment bidding system may contribute to inequitable risk sharing between the government and the firms undertaking the exploration. Like other bidding systems, the work commitment bidding system could be subject to the criticism that the risks of unsuccessful exploration ventures are not adequately borne by the lessee. For example, on tracts where the results of initial exploration are favorable, the proposed system would encourage the lessee to continue diligent exploration by providing for partial reductions of the cash deposit or performance bond to help finance exploration activities. Therefore, total payments to the government would be lower under a variable work commitment bidding system than under other OCS bidding systems. It is possible, although unlikely, that the government may receive payments in excess of the amount it would have received under the traditional cash bonus bidding system. This would only occur, however, in those situations where the amount that would be paid as a bonus is small relative to the amount to be spent on exploration, and where initial exploration was decisively negative. On average, the government should expect a lower fixed cash bonus to attract a higher work commitment bid.

Finally, several other issues are to be noted. There may be significant administrative costs incurred on the part of both the government and industry associated with the utilization of a variable work commitment bidding system. The verification of exploration expenditures applied in satisfaction of the work commitment may be costly and time consuming. Consideration must also be given to the difficulty and potential costs, on the part of the government, of evaluating a firm's exploratory program and making a judgement whether to terminate the allowability of exploration costs from a portion of a lease that may be applied in satisfaction of the work commitment prior to the expiration of the primary term of the lease.

IV. Public Comment and Hearing Procedure

DOE requests comments on any aspect of this regulation as proposed. To the extent substantive comments are submitted in response to this rulemaking they should be accompanied by supporting data. Data submitted in response to this proposal that is deemed proprietary should be so labeled. Generally, DOE suggests that comments and suggestions be directed towards assisting DOE in developing and issuing a regulation that will minimize perceived negative effects that may result from the application of this proposed regulation. DOE also anticipates that public comments received will be of use to DOI in selecting appropriate opportunities for the application of this bidding system and in setting the bidding system parameters for particular tracts. DOE will utilize public comments received in evaluating bidding systems that DOI may select for use in future OCS lease sales, in accordance with DOE's authority with regard to disapproval of lease terms and conditions.

A. Specific Comments Requested

DOE requests comments on the following matters relating to the proposed regulation establishing a variable work commitment bidding system:

1. Will the application of this bidding system lead to increased discoveries of oil and gas and will it substantially accelerate exploration and production of OCS leases? If so, under what circumstances? If not, why not?

2. Would a low fixed cash bonus encourage firms to submit bids for tracts that would not have attracted bids under the cash bonus bid system?

3. What effect(s) on the exploration behavior on the part of successful bidders will the variable work commitment bidding system have?

4. a) To what extent will the application of this system tend to affect the amount of exploratory drilling undertaken, as contrasted with what would customarily or reasonably be performed under a cash bonus bid system with comparable fixed terms, due to the 50 percent credit that is allowed for exploration costs?

b) Would a higher or lower crediting rate, other than the statutory 50% (i.e., 10%, 25%), better serve the purposes of this regulation?

5. Will the application of the proposed variable work commitment bidding system tend to promote inefficient exploration by lessees, not only on the work commitment tracts but also with respect to the total OCS?

6. Should a high royalty rate (e.g., 33%) or profit share rate (e.g., 60%) be used with work commitment bidding? Would this reduce the perceived tendency of work commitment bidding to result in too much exploration on a tract?

7. Should DOE incorporate in the regulation a requirement that a fixed percentage of the work commitment be expended by a specific time from the award of the lease? What would be its probable effects?

8. Should the Secretary of the Interior be permitted to use his discretion, if available, to minimize the possibilities of wasteful exploration behavior if it becomes apparent that additional exploration was undersirable?

9. What are the probable effects of this proposed bidding system on competition for OCS leases?

a) Will it provide increased opportunities for small and medium sized firms to participate successfully for OCS oil and gas leases? If not, why not? If so, how?

b) Would it better provide for increased competition if it is used in mature areas (i.e., Gulf of Mexico) or in frontier areas (i.e., Alaska OCS)?

10. What effect(s) can be expected from the utilization of this bidding system on the total receipts to the U.S. Treasury from OCS lease sales as compared to the cash bonus bid/fixed royalty bidding system?

11. What will be the probable effects of including an inflation adjustment factor in this proposed regulation? DOE

is proposing to use a factor obtained from the Department of Labor, Bureau of Labor Statistics, Producer Prices and Price Indexes, Oil Field Machinery and Tools, Commodity Code No. 1191. Are there other indices that would more accurately reflect increases in the costs of OCS exploration?

12. The proposed regulation requires that the lessee, at its option, deliver a cash deposit for the full amount of the exploration work commitment or to post a performance bond in form and substance and with surety satisfactory to the Secretary in the principal amount of such exploration work commitment. a) Given that DOE believes that most lessees will opt to post a performance bond, what effects might there be on the commercial bond market? b) What criteria should the Secretary of the Interior apply in determining what is "a surety satisfactory" to the Secretary? c) If the full amount of the work commitment is not satisfied and the remainder of the work commitment becomes due and payable, what mechanism should be used to pay the remaining balance? Should the regulation provide the option of either allowing either the lessee or the bond institution to be responsible for the balance due?

13. Given some of the perceived negative effects of the application of this bidding system, what measures may be available to ameliorate such effects? a) Would a high fixed cash bonus or a high royalty rate serve to lessen some of the perceived negative impacts? b) On what types of tracts should this proposed bidding system be used?

14. The bidding system specified in section 8(a)(1)(G) of the OCSLA is the only bidding system authorized by section 8(a)(1) that does not specify a minimum royalty rate. Should DOE by regulation specify such a minimum rate and what should it be?

15. As explained earlier in the preamble, DOE has determined that it is appropriate to incorporate by reference certain portions of the accounting procedures established for use with the fixed net profit share bidding system (45 FR 36784, May 30, 1980). a) Would it be preferable to establish a separate set of accounting procedures for use with the work commitment bidding system? b) Does use of the same accounting procedures reduce the costs to lessees of complying with the provisions of these regulations for a lease issued under the work commitment bidding system? c) What additional costs might such a set of separate accounting procedures represent to OCS lessees?

16. Should DOE consider developing an OCS bidding system regulation that utilizes a fixed or variable net profit share component in conjunction with a work commitment component? What effect(s) would that type of bidding system have on OCS lease sales and subsequent development?

17. What criteria should the USGS designated official utilize in making the determination that sufficient information has been gathered through exploratory operations so that the lessee may begin activities to bring the reservoir into commercial production and make the determination that no further costs of exploration activities may be chargeable in satisfaction of the work commitment?

18. Views and comments regarding the following issues are also sought:

a. The appropriateness of the definition of allowable and unallowable costs (§ 376.110(a)(6)(vii));

b. The termination of the period for qualifying exploration activities (§ 376.110(a)(6)(vi));

c. The ability of lessees or the USGS designated official to identify discrete exploratory prospects on a tract; and

d. The administrative burden imposed by the reporting requirements and record keeping requirements (§ 376.110(a)(6)(ix)).

B. Written Comments

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in today's proposed rulemaking. Written comments should be submitted by April 29, 1981 to the address indicated in the "ADDRESSES" section of this preamble. Comments should be identified on the outside envelope and on the document with the designation: Box XZ (Docket No. LPDO 81-2), "DOE Proposed OCS Variable Work Commitment Bidding System Regulation". Fifteen copies should be submitted. All copies received by the above date and all other relevant information will be considered by DOE before final action is taken on this proposed regulation. Any information or data which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

C. Public Hearing

1. Procedure for Request to Make Oral Presentation.—The time and place of the hearing is indicated in the "DATES" and "ADDRESSES" sections at the beginning of the preamble.

If you have an interest in today's proposal, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation. This request should be made by April 20, 1981 and should be sent to the appropriate address indicated in the "ADDRESSES" section of this preamble. Please describe your interest and, if appropriate, state why you are a proper representative of a group or class of persons that has such an interest. Please provide a concise summary of the proposed oral presentation. You should also provide a phone number where you may be contacted through the day before the hearing. If you are selected to be heard, you will be so notified prior to the hearing. Fifty copies of your statement, labeled "Proposed OCS Variable Work Commitment Bidding System," are due by 9:00 a.m. on the date of the Washington hearing and should be delivered to the address indicated in "ADDRESSES" section at the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Hearings Management at (202) 653-3988.

2. *Conduct of the Hearing.* DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE offical (presiding officer) will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given an opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Prior to the hearing, you may submit questions to be asked of any persons making a statement at the hearing to the address indicated in the "ADDRESSES" section of this preamble before 4:30 p.m. the day prior to this hearing. At the hearing, you may submit the question, in writing, to the DOE presiding officer. In either case, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. Either the presiding officer or

another member of the panel will ask the question.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Interested persons may purchase a copy of the transcript from the reporter.

3. *Hearing cancellation.*—In the event that the hearing is cancelled, actual notice of the cancellation will be given to all persons scheduled to testify at the hearing, and every effort will be made to publish advance notice in the **Federal Register**. However, since it may not be possible to give actual notice of cancellation or changes in the date or time of the hearing to persons not identified to DOE as participants, persons planning to attend the hearing are advised to contact the appropriate DOE office on the working day immediately preceeding the date of the hearing to confirm that it will be held as scheduled.

V. Environmental and Competitive Review

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321)), DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental impact statement is required for the proposed regulation.

Environmental impacts resulting from the use of the variable work commitment bidding system are expected to be minimal. There are two sources of potential environmental impact. Since the variable work commitment system is intended to improve economic incentives for expeditious exploration and development of OCS oil and gas leases, its adoption may result in increased exploration and more rapid development of OCS tracts leased under this bidding system. However, DOE does not expect absolute rates of activity or ultimate levels of production to fall outside the range of those that are typically considered in the environmental impact analyses for specific lease sales conducted under conventional leasing systems. Environmental impacts associated with using the variable work commitment bidding system will, of course, be examined in the environmental impact statements prepared in connection with specific lease sales. Potential environmental impacts resulting from the use of this system will be considered prior to the selection of a leasing system for tracts in each sale.

Pursuant to section 5(a) of the OCSLA (43 U.S.C. 1334 (a)), a copy of this proposed regulation has been transmitted to the Attorney General for his views on any matters contained herein that may affect competition. The Attorney General will consult with the Federal Trade Commission in accordance with section 5 of the OCSLA in preparing his comments. Their views will be carefully considered by DOE before the promulgation of the final regulation.

VI. Executive Order 12291

Subsection 8(a)(2) of Executive Order 12291, issued February 17, 1981 (46 F.R. 13193, February 19, 1981), provides an exemption from the procedures prescribed by the Order whenever satisfying the terms of the Order would conflict with deadlines imposed by judicial order. DOE has determined that, in view of a court order requiring that this proposed rule be issued no later than March 30, 1981, it is not possible to comply with the procedures in the Order governing proposed rules. In accordance with the further requirements of subsection 8(a)(2) of that Order, we have reported the proposed rule to the Director of the Office of Management and Budget with an explanation of the conflict.

VII. Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*, (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small government units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a Regulatory Flexibility Analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have significant economic impact on a substantial number of small entities. DOE certifies that, for the reasons discussed below, the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis is not required.

Of the approximately 200 oil and gas firms in the United States identified by a DOE study as having the resources and capability to engage in OCS exploration, very few, if any, are independently owned and operated and fit the definition of "small entity" within the meaning of the Regulatory Flexibility Act. Although a few smaller firms may operate in the shallow OCS areas of the Gulf of Mexico, virtually none of the smaller firms have the capital or resources to explore the deep-water OCS areas in the North Atlantic or off the cost of Alaska. Most of the 200 firms which would be affected by this regulation are very large in terms of availability of resources and capitalization or are subsidiaries of such firms. Small entities, generally, cannot afford to compete effectively for OCS leases due to the prohibitively expensive exploration and development costs ($17.5—$80.5 million for exploratory wells and $89—$1270.9 million for pre-production oil field development), the uncertainity of successful exploration, and the distant payoff on investment. This regulation implements a bidding system which will have the effect of reducing a successful bidders' leasing expenses and front-end cash bonus payments. The impact of this reduction, however, is so small in comparision to the other front-end development costs, that the entry barrier for small firms will not be affected in a significant way. Simply put, the amount of resources and investment required for OCS exploration is beyond the capability of small entities. Since there are no small entities in the OCS exploration field, small entities will not be affected by this regulation.

(Outer Continental Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95-372; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977), E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., March 30, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

Part 376 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a new subparagraph (6) to § 376.110(a), to read as follows:

§ 376.110 Bidding Systems.

(a) * * *

(6) *Work commitment bid based on a dollar amount for exploration with a fixed cash bonus, a fixed royalty in amount or value of the production saved, removed, or sold, and an annual rental.*

(i) *Work commitment bid.*

(A) The work commitment is the bid for the lease and is determined by the person submitting the bid. The bid shall be submitted in accordance with provisions specified in the notice of OCS lease sale. The work commitment is the dollar amount which the bidder must satisfy through either one or a combination of the following:

(1) Performance of sufficient qualifying exploration activities determined in accordance with the provisions of paragraph (a)(6) of this section; or

(2) In the event that sufficient qualifying exploration activities are not performed as provided for by paragraph (a)(6)(i)(A)(1) of this section, by cash payments to the Secretary of the Interior, as required by paragraph (a)(6)(xi) of this section.

(B) The lessee, at its option, shall deliver to the Secretary of the Interior, upon issuance of the lease, either:

(1) a cash deposit for the full amount of the work commitment; or

(2) a performance bond, in form and substance and with a surety satisfactory to the Secretary of the Interior, in the principal amount of the work commitment.

(ii) *Fixed cash bonus.*

The cash bonus to be paid by the lessee shall be an amount that is specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract. Any deferment of the payment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register.**

(iii) *Fixed royalty.*

The royalty rate to be paid by the lessee shall be fixed at a percent of the amount or value of the production saved, removed, or sold, shall be specified in the notice of OCS lease sale published in the **Federal Register,** and may vary from tract to tract.

(iv) *Annual rental.*

The annual rental to be paid by the lessee shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(v) *Exploration activities qualifying for credit against the bid.*

The following exploration activities shall qualify as exploration activities the allowable expenditures for which, as specified in paragraph (a)(6)(vii) of this section, may be applied in satisfaction of the work commitment:

(A) Geological investigations and directly related activities and geophysical investigations including seismic, geomagnetic, and gravity surveys, data processing and interpretation, exploratory drilling, core drilling, redrilling, and well completion or abandonment, including the drilling of wells sufficient to determine the size and areal extent of any newly discovered field, and including the cost of mobilization and demobilization of drilling equipment.

(B) Any other activities as specified in the approved exploration plan, filed in accordance with 30 CFR 250.34–1, and approved by the USGS designated official.

(vi) *Termination of the period for qualifying exploration activities.*

(A) Expenditures incurred in performing qualifying exploration activities, as specified in paragraph (a)(6)(v) of this section, for any prospect on a lease issued under paragraph (a)(6) of this section, shall not be applied in satisfaction of the work commitment after the occurrence of the earliest of the following events:

(*1*) The lessee begins performing any of the activities described in an approved development and production plan, as specified in 30 CFR 250.34–2, applicable to that prospect and lease;

(*2*) In the judgment of the USGS designated official, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the prospect into commercial production;

(*3*) The entire amount of the work commitment is satisfied in accordance with the provisions of paragraph (a)(6)(i) of this section; or

(*4*) The primary term of the lease, or any extension thereof, has expired or the lease has been relinquished.

(B) Expenditures incurred in performing qualifying exploration activities for any additional prospect(s) may be allowable in satisfaction of the work commitment despite the termination of the period for qualifying exploration activities for a previous prospect on the same tract. However, such expenditures are only allowable in satisfaction of the work commitment if, in the judgment of the USGS designated official, any such additional prospect(s) is sufficiently separate and distinct as to require a discrete exploration effort.

(vii) *Allowable and unallowable expenditures.*

(A) Expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section shall be allowable to the extent that they are identified, measured, and allocated in accordance with the provisions of §§ 390.011(a)–(n) and (p), 390.014, and 390.015 of this chapter.

(B) Fifty percent of the allowable expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section that are incurred prior to the termination of the period for qualifying exploration activities specified in paragraph (a)(6)(vi) of this section, shall be included in determining the satisfaction of the work commitment.

(C) A lessee's general overhead costs and those costs identified in § 390.013 of this chapter shall not be allowed as expenditures to be applied in satisfaction of the work commitment.

(D) For purposes of determining allowable and unallowable expenditures, any reference in §§ 390.011, 390.013, 390.014, or 390.015 of this chapter that would restrict the application of any provision to a lease issued under a net profit share bidding system or to an operation, project area, property, or tract related to such a lease shall be deemed a reference to a lease issued under the work commitment bidding system described in paragraph (a)(6) of this section or to an operation, project area, property, or tract related to such a lease.

(E) To the extent that any provision of §§ 390.011, 390.013, 390.014, or 390.015 of this chapter specifies a particular accounting procedure which relates solely to the calculation of net profits due to the government, rather than a mechanism for identifying, measuring, and allocating costs, such provision shall not apply.

(viii) *Adjustment to allowable expenditures.*

(A) Expenditures allowable under paragraph (a)(6)(vii) of this section shall be adjusted for inflation before being applied in satisfaction of the work commitment.

(B) The Secretary of the Interior, concurrently with the review of reports submitted in compliance with paragraphs (a)(6)(ix) (A) and (B) of this section, shall adjust such allowable expenditures by applying a factor that is obtained from the Producer Prices and Price Indexes, Oil Field Machinery and Tools, Commodity Code No. 1191, published by the Department of Labor, Bureau of Labor statistics, for the calendar period corresponding to the reporting period.

(C) The procedures for calculating the inflation adjustment shall be included in the notice of OCS lease sale and published in the **Federal Register.**

(ix) *Reporting and recordkeeping requirements.*

(A) Each person holding a lease issued under paragraph (a)(6) of this section shall file an annual report during the period beginning with issuance of the work commitment lease and ending with the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section. This report shall be submitted not later than 60 days after the anniversary date of the issuance of the lease. Such report shall list the allowable exploration expenditures to be applied in satisfaction of the work commitment.

(B) A final report relating to the allowable expenditures shall be filed not later than 60 days after the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section.

(C) For each report filed under paragraphs (a)(6)(ix)(A) and (B) of this section, the following information is required:

(*1*) The amount of the work commitment;

(*2*) The amount previously permitted by the Secretary of the Interior to be applied in satisfaction of the work commitment; and

(*3*) The amount and description of all expenditures and credits for qualifying exploration activities incurred during the reporting period.

(D) Reports required by paragraphs (a)(6)(ix)(A) and (B) of this section shall be filed with the Director, USGS, either separately, or included with any other reports currently required.

(E) Each person holding a lease issued under paragraph (a)(6) of this section shall maintain such records as are necessary to establish the allowability of expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section and claimed in satisfaction of the work commitment. Such records shall be maintained for twelve months after the termination of the period for qualifying exploration expenditures as specified in paragraph (a)(6)(vi) of this section, except that nothing in these regulations shall limit the time of investigation or the need to produce records when *prima facie* evidence of fraud or willful misconduct is obtained with respect to the government's interest in a lease issued under paragraph (a)(6) of this section.

(x) *Reduction of cash deposit or bond.*

The Secretary of the Interior shall review the reports submitted in compliance with paragraphs (a)(6)(ix)(A) and (B) of this section and shall determine the total amount of allowable expenditures incurred during the reporting period. Upon making the determination that the lessee has satisfied any portion or all of the work commitment, and after having adjusted the allowable expenditures in accordance with the provisions contained in paragraph (a)(6)(viii) of this section and having determined the amount that may be applied in satisfaction of the work commitment, the Secretary of the Interior shall, if the lessee delivered a cash deposit, remit to the lessee 50 percent of such amount or, if the lessee posted a performance bond, authorize the lessee to reduce the principal amount of the performance bond by 50 percent of such amount.

(xi) *Payment of unsatisfied work commitment.*

If at the termination of the period for qualifying exploration activities for all prospects on the tract as specified in paragraph (a)(6)(vi) of this section, the full dollar amount of the work commitment has not been satisfied, the adjusted balance shall be paid in cash to the Secretary of the Interior. If the lessee delivered a cash deposit, the adjusted balance shall be forfeited. If the lessee posted a performance bond, the adjusted amount of the bond required by the Secretary of the Interior to be maintained at that time shall be paid to the Secretary of the Interior at the time of the filing of the final report.

* * * * *

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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.)

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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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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 April 2, 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.

WHAT: Free public briefings (approximately 2½ hours) to present:

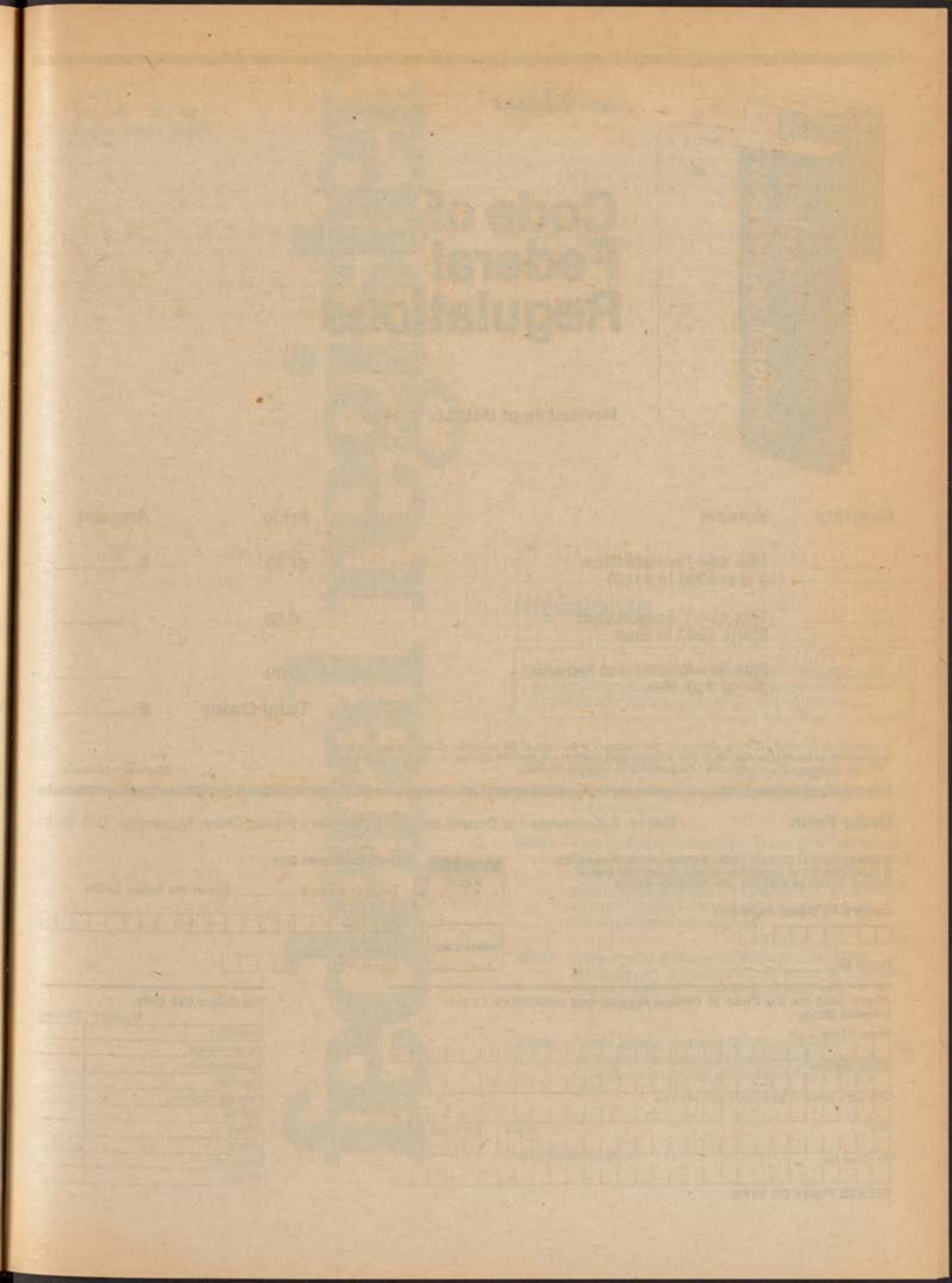
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the 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 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.



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