US GOVERNMENT INFORMATION GPO

5-22-81
Vol. 46 No. 99
Pages 27899-28144

federal register

Friday
May 22, 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.

27899 **Father's Day** Presidential proclamation.

28013 **Medicare** HHS/HCFA seeks information and suggestions for coverage and reimbursement of surgical procedures that may be performed in ambulatory surgical centers under the Medicare program.

27960 **Food Stamps** USDA/FNS amends regulations establishing procedures for issuance of half-month benefits in the month of application.

28058 **Grant Programs—Business** OPM announces reduced allocations of Intergovernmental Personnel Act (IPA) grant funds. These grant funds assisted States and local governments in personnel management and training projects.

27986 **Grant Programs—Minority Businesses** Commerce/MBDA solicits applications under its General Business Services Program (GBS) to operate one project for a 12-month period beginning 8-31-81, in Washington, D.C.

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

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

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

Highlights

27953 **Communications Equipment** FCC permits a licensee to transmit the licensee's program material and services to the licensee's customers using microwave frequencies in the Private Operational Fixed Microwave Service (OFS) for this purpose.

27944 **Radio** FCC rules on the noncommercial nature of educational broadcast stations.

27969 **Government Employee Wages** Treasury/FS proposes to amend regulation governing service charge for allotments of pay to savings accounts of civilian employees employed within the United States.

27908 **Loan Programs—Agriculture** USDA/FmHA adopts changes to regulations pertaining to insured Emergency (EM) Loans.

27968 **Oil and Gas** Interior/GS is considering the development of rulemaking to revise and modernize regulations governing the operation of oil and gas leases with the exception of royalty provisions.

27911 **Natural Gas** DOE/FERC alters those regulations which established a filing schedule by which interstate pipelines collect customer data regarding essential agricultural uses, prepare revisions to their curtailment plans to reflect the data collected, and file these revisions with the Commission.

28022 **Continental Shelf** Interior/BLM has prepared an environmental impact statement relating to a proposed oil and gas lease sale of 253 tracts off the coast of the Mid-Atlantic States.

27909 **Grant and Loan Programs—Indians** USDA/FmHA changes the regulations regarding Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems to recognize that certain Indian tribes might not be subject to State and local laws.

27916 **Indians** Navajo and Hopi Indian Relocation Commission establishes procedures for submission, review and approval, and administration of applications for financial assistance from the Discretionary Fund.

28088 **Minimum Wages** Labor/ESA publishes the basic hourly wage rates and fringe benefit payments for described classes of laborers and mechanics employed on construction projects. (Part II of this issue)

28061 **Sunshine Act Meetings**

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28088 **Part II, Labor/ESA**
28138 **Part III, EPA**

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Presidential Documents

Title 3—

The President

Proclamation 4845 of May 20, 1981

Father's Day, 1981

By the President of the United States of America

A Proclamation

There is no institution more vital to our Nation's survival than the American family. Here the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and our public citizenship.

The days of our childhood forecast our lives, as poets and philosophers long have told us. "The childhood shows the man as morning shows the day," John Milton wrote. "Train up a child in the way he should go: and when he is old, he will not depart from it," Solomon tells us. Clearly, the future is in the care of our parents. Such is the responsibility, promise and hope of fatherhood. Such is the gift that our fathers give us.

Our fathers bear an awesome responsibility—one that they shoulder willingly and fulfill with a love that asks no recompense. By turns both gentle and firm, our fathers guide us along the path from infancy to adulthood. We embody their joy, pain and sacrifice, and inherit memories more cherished than any possession.

On Father's Day each year, we express formally a love and gratitude whose roots go deeper than conscious memory can recite. It is only fitting that we have this special day to pay tribute to those men—our natural fathers, adoptive fathers and foster fathers—who deserve our deepest respect and devotion. It is equally fitting, as we recall the ancient and loving command to honor our fathers, that we resolve to do so by becoming ourselves parents and citizens who are worthy of honor.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim, in accordance with the joint resolution of Congress (36 U.S.C., § 142a), that Sunday, June 21, 1981 be observed as Father's Day. I call upon all citizens to mark this day with appropriate public and private expressions of the honor we owe our fathers, and invite the States and local communities throughout the Nation to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-15575
Filed 5-20-81; 4:23 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

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

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 195]

Food Stamp Program; Adjustments to the Income Eligibility Standards—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands and Correction to Thrifty Food Plan Amount for Alaska

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule and correction.

SUMMARY: The Food Stamp Act of 1977, as amended, specifies that the income standards to be used in determining eligibility for the Food Stamp Program shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (OMB) adjusted annually. This final action sets forth the Food Stamp Program net monthly income eligibility standards to be effective for the period July 1, 1981–June 30, 1982 in all areas operating the Program. Households applying for participation in the Program after June 30, 1981 must meet these new net monthly income eligibility limits. Additionally, this final action corrects the Thrifty Food Plan Amount for the three-person household for Alaska that appeared in the **Federal Register** of December 19, 1980 (45 FR 83474).

EFFECTIVE DATE: The effective date for the adjustments to the monthly net income limits is July 1, 1981. The effective date for Alaska's three-person Thrifty Food Plan correction is retroactive to January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Chief, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250, 202–447–9075. In view of the fact that this rule is mandated by law and no administrative decision is involved, an impact statement has not been prepared.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1955 and Executive Order 12291. While the rule may, at least temporarily, result in a somewhat increased number of participants, those additional participants will be at the very top of the eligibility scale which would mean that their benefit levels would be at or near the minimum. However, since these newly eligible participants would be at the top of the eligibilty scale and since their incomes would rise due to inflation, it is not expected that they will be eligible for long. Additionally, since these changes must be made each year, States have designed their systems to be able to implement the changes with negligible cost. Thus the rule will not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region, or have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "not major".

Additionally, Mr. G. William Hoagland, Administrator, Food and Nutrition Service, has determined that this rule warrants publication without opportunity for a public comment period because the legislation did not provide the Department any options as to the timing nor content of these changes. Therefore, public comments would have no impact on the content of the rule. Further, the changes must be implemented on July 1, 1981, and State agencies need adequate advance notice of the new standards to carry out all steps necessary to enable them to meet the implementation deadline. For these reasons, pursuant to the administrative procedure provisions in 5 U.S.C. 553(b)(B), it is found upon good cause that notice and other public procedure with respect to this final action are unnecessary.

This final action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action would adjust the net monthly income eligibility standards, in accordance with the Food Stamp Act of 1977, as amended, used in determining eligibility for the program. This action affects the eligibility of potential applicant households and has no effect on current participants. Requirements are not placed on small businesses or small organizations. There are requirements placed on State agencies, and to the extent that county governments operate the Food Stamp Program, some requirements would be placed on them. However, the requirements do not have a significant economic impact on local governments.

While the Act provides that the income eligibility standards for Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam shall be the income poverty guidelines for those areas, it further provides that in no event shall the eligibility standards for those areas exceed those for the forty-eight states and the District of Columbia. Using the new OMB guidelines, this provision has the effect of equalizing the income standards of eligibility for all program jurisdictions. Thus a single table of standards is being published for all jurisdictions.

The Food Stamp Act of 1977 requires annual updates to be made to the net income eligibility standards. Public Law 96–249 (the 1980 Amendments to the Food Stamp Act of 1977) mandated that the nonfarm poverty guidelines prescribed by the Office of Management and Budget (OMB) shall be the income eligibility standards used for determining Food Stamp Program eligibility. While the 1980 Amendments to the law essentially dropped direct language which required that this adjustment occur in July each year, the Act retains the language that the adjustment be made annually. Since the last adjustment was made effective on July 1, 1980, subsequent adjustments would continue to be made on July 1 each year. Under the provisions of the Act, the income eligibility standards to be effective in all areas on July 1, 1981

will be the most recent nonfarm poverty guidelines prescribed by OMB.

Correction

On December 19, 1980 the Department issued regulations which set forth the Thrifty Food Plan amounts for Puerto Rico. For reproduction purposes, the December 19 rules included information previously published in the **Federal Register** of December 2, 1980 (45 FR 79743) concerning the Thrifty Food Plan amounts for all other geographical areas. However, the December 19 rule unintentionally contained an incorrect figure for the three-person Thrifty Food Plan amount for Alaska. This final action provides that the three-person Thrifty Food Plan amount for Alaska shall be $283, as published on December 2, 1980.

Special Notice

In accordance with the 1980 Amendments to the Food Stamp Act, the Thrifty Food Plan Amounts, Standard Deduction Amounts, and Maximum Excess Shelter Expense/Dependent Care Deduction Amounts, appearing in the appendices to § 273.10 of the Code of Federal Regulations, will not be adjusted until January each year. The following tables are published for the convenience of the reader and show the amounts that became effective on January 1, 1981 for all areas. These amounts will remain in effect until January 1, 1982:

Thrifty Food Plan Amounts

Household size	48 States and District of Columbia	Alaska	Hawaii	Guam	Virgin Islands	Puerto Rico
1	$70	$108	$95	$101	$88	$66
2	128	197	175	185	161	122
3	183	283	250	256	230	174
4	233	359	318	337	292	221
5	277	426	376	400	347	262
6	332	512	453	480	416	315
7	367	565	501	531	460	348
8	419	646	572	607	526	398
Each additional member	+53	+81	+72	+76	+66	+50

48 States and the District of Columbia	Alaska	Hawaii	Puerto Rico	Guam	Virgin Islands
Standard Deductions					
$85	$145	$120	$50	$170	$75
Maximum Excess Shelter Expense/Dependent Care Deductions					
$115	$200	$165	$40	$140	$85

Accordingly, Appendix A to § 273.9 is revised to provide the net monthly income eligibility standards to be effective for the period July 1, 1981–July 30, 1982 for the 48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands, and Appendix A to § 273.10 is revised to provide that the three-person Thrifty Food Plan Amount for Alaska shall be $283.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. Appendix A to § 273.9 is revised to read as follows:

§ 273.9 Income and deductions.

* * * * *

Appendix A.—*Net Monthly Income Eligibility Standards*

Household size	48 States, District of Columbia, Guam, Puerto Rico, and Virgin Islands	Alaska	Hawaii
1	$360	$451	$415
2	475	595	547
3	590	738	679
4	705	881	810
5	820	1,025	942
6	935	1,168	1,074
7	1,050	1,311	1,205
8	1,165	1,455	1,337
Each additional	+115	+144	+132

§ 273.10 Appendix A [Amended]

2. In 45 FR 83474, dated December 19, 1980, under the revision to the table for Appendix A to § 273.10, the figure of $293 appearing in the column entitled "Alaska" of the table should read $283.

(91 Stat. 958 (7 U.S.C. 2001–2027))

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps)

Dated: May 19, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-15450 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 306]

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 May 24–30, 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: May 24, 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 May 19, 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 easier.

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 purposes 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.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of reviews. They shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.606 is added as follows:

§ 910.606 Lemon regulation 30.

The quantity of lemons grown in California and Arizona which may be handled during the period May 24, 1981, through May 30, 1981, is established at 300,000 cartons.

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

Dated: May 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-15642 Filed 5-21-81; 12:12 pm]

BILLING CODE 3410-02-M

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7 CFR Part 1040

[Docket No. AO-225-A33]

Milk in the Southern Michigan Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the order provisions pertaining to supply plant pooling qualifications and the conditions under which milk may be diverted from one plant to another. Also, handlers will be allowed to subtract authorized deductions from partial payments to producers. This action is based on industry proposals considered at a public hearing held March 25–26, 1980. The amendments are needed to reflect current marketing conditions and to assure orderly marketing in the area.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 28, 1980; published March 4, 1980 (45 FR 14047).

Recommended Decision: Issued December 30, 1980; published January 6, 1981 (46 FR 1279).

Extension of Time for Filing Exceptions to the Recommended Decision: Issued January 16, 1981, published January 22, 1981 (46 FR 6973).

Final Decision: Issued May 5, 1981; published May 8, 1981 (46 FR 25626).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

1. In § 1040.7, paragraph (b) (1), (2) and (3) is revised and a new paragraph (b)(5) is added to read as follows:

§ 1040.7 Pool plant.

* * * * *

(b) * * *

(1) A supply plant from which each month not less than 30 percent of the total quantity of Grade A milk received at such plant from producers and from a handler described in § 1040.9(c), or diverted therefrom by the plant operator or a cooperative association (as described in § 1040.9(b)) pursuant to § 1040.13, less any Class I disposition of fluid milk products which are processed and packaged in consumer-type containers in the plant, is transferred to plants described in paragraph (b)(5) of this section, subject to the following conditions:

(i) Not more than one-half of the shipping percentage specified in this paragraph may be met through the diversion of producer milk from the supply plant to pool distributing plants; and

(ii) A supply plant that qualifies as a pool plant pursuant to this subparagraph in each of the months of October through March shall be a pool plant for the following months of April through September.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:

(i) Not less than one-half of its total member producers' milk in the current month; or

(ii) Not less than one-half of its total member producers' milk for the second through the 13th preceding months, if such plant was qualified under this

paragraph in each of the preceding 13 months.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to distributing plants by transfer from the cooperative's plant to plants described in paragraph (b)(5) of this section and by direct delivery from farms to plants qualified under paragraph (a) of this section is not less than 50 percent of the combined total of their member producers' milk deliveries during the month.

* * * * *

(5) Qualifying transfers from supply plants pursuant to this paragraph may be made to the following plants:

(i) Pool plants described in paragraph (a) of this section; and

(ii) Distributing plants fully regulated under other Federal orders except that credit for transfers to such plants shall be limited to the quantity of milk transferred from the supply plant to pool distributing plants during the month. Qualifying transfers to other order plants shall not include transfers made on the basis of agreed upon Class II or Class III utilization.

* * * * *

2. Section 1040.13 is revised to read as follows:

§ 1040.13 Producer milk.

"Producer milk" shall be the skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1040.9(c);

(c) Diverted by the operator of a pool plant to another pool plant; and

(d) Diverted by the operator of a pool plant or by a handler described in § 1040.9(b) to a nonpool plant, other than a producer-handler, subject to the following conditions:

(1) In any month that less than 2 days' production of a producer is delivered to a pool plant, the quantity of milk of the producer diverted during the month shall not be producer milk;

(2) The total quantity of producer milk diverted by a cooperative association or by the operator of a pool plant may not exceed 60 percent during each of the months of October through March of the total quantity of producer milk for which it is the handler;

(3) Any milk diverted in excess of the limits described in paragraph (d)(2) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the total milk diverted on the last day of the month, then the second-to-the-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for; and

(4) Milk which is subject to pooling under another order, shall not be producer milk.

3. Section 1040.73(d) is revised to read as follows:

§ 1040.73 Payments to producers and to cooperative associations.

* * * * *

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class III milk price for the preceding month, less any proper deductions authorized in writing by the producer.

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

Effective date: July 1, 1981.

Signed at Washington, D.C., on May 18, 1981.

John E. Ford,

Deputy Assistant Secretary For Marketing & Transportation Services.

[FR Doc. 15407 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1076

[Milk Order No. 76; Docket No. AO–260–A24]

Milk in the Eastern South Dakota Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the present Eastern South Dakota milk order provisions based on industry proposals which were considered at a public hearing held March 11, 1980. The changes provide plant operators and cooperative associations greater flexibility in handling and accounting for milk under the order. Also, the late-payment charge on overdue payments by handlers is increased and a marketing services payment by producers is instituted. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective July 1, 1981.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 21, 1980; published February 27, 1980 (45 FR 12823).

Recommended Decision: Issued February 17, 1981; published February 20, 1981 (46 FR 13222).

Final Decision: Issued May 6, 1981, published May 12, 1981 (46 FR 26337).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order is hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Add a new § 1076.4 to read as follows:

§ 1076.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

2. In § 1076.7 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1076.7 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, transferred to pool distributing plants is not less than the applicable percentage, specified in paragraph (b)(1)(i), (ii) or (iii) of this section, of Grade A milk received at such supply plant from dairy farmers (including milk diverted therefrom by the plant operator) and handlers described in § 1076.9(c).

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 35 percent for the current month;

(ii) 35 percent for the 12-month period immediately preceding the current month; or

(iii) One or more shipments in each of the months of March through July if shipments were not less than 50 percent during each of the immediately preceding months of September through November.

(c) Any plant located in the marketing area or in any county adjacent to the marketing area that meets an applicable shipping standard described in paragraph (b) of this section, subject to the following conditions:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1076.9(c).

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1076.13 to pool distributing plants.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to this section:

(i) From which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area either as route disposition or to pool plants qualified on the basis of route disposition than in the marketing area of another order issued pursuant to the Act or to other order plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part;

(3) For the period of March through July, inclusive, if the operator of a plant qualified pursuant to paragraph (b)(1)(iii) of this section submits a request to the market administrator in writing that such plant not be a pool plant, such nonpool status will be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements of 35 percent or more as set forth in this section;

(4) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition; and

(5) A governmental agency plant.

3. In § 1076.9 paragraph (c) is revised to read as follows:

§ 1076.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer which is delivered to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative association. If the milk is delivered to the pool plant of another handler, the plant operator may be the handler for such milk if both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

* * * * *

4. Section 1076.13 is revised to read as follows:

§ 1076.13 Producer milk.

"Producer milk" of each handler means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1076.9(c); or

(c) Diverted from a pool plant, for the account of the handler operating such plant or for the account of a handler described in § 1076.9(b), to another plant (other than a producer-handler plant) subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received at the pool plant from which diverted;

(2) The total quantity of milk diverted by a cooperative association during the months of August through February may not exceed 35 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The total quantity of milk diverted by a proprietary operator of a pool plant during the months of August through February to a nonpool plant may not exceed 35 percent of the milk received at or diverted from such pool plant (excluding any milk under control of a cooperative association that diverted milk during the month pursuant to paragraph (c)(2) of this section);

(4) Any milk diverted in excess of the limits prescribed in paragraph (c) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the milk diverted in excess of the limit is accounted for; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1076.30 [Amended]

5. In the preamble of § 1076.30 the number "7th" is changed to "8th".

6. In § 1076.41 paragraph (b)(2) is revised to read as follows:

§ 1076.41 Shrinkage.

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1076.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

7. In § 1076.42 paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 1076.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1076.44(a)(12) and the corresponding step of § 1076.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1076.44(a)(7) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1076.44(a) (11) or (12) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee plant or divertee plant.

* * * * *

(e) *Transfers by a handler described in § 1076.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1076.9(c) to a pool plant shall be classified pursuant to § 1076.44 pro rata with producer milk received at the transferee-handler's plant.

8. In § 1076.43 the introductory paragraph, and paragraph (a) are revised to read as follows:

§ 1076.43 General classification rule.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1076.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1076.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1076.40, 1076.41 and 1076.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1076.9 (b) or (c) shall be the classification of producer milk for such handler;

* * * * *

9. In § 1076.44 the introductory paragraph, paragraph (a) (13) and (14), and paragraph (c) are revised to read as follows:

§ 1076.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1076.9(a) for each of its separate pool plants the classification of producer milk and milk received from a handler described in § 1076.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1076.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk and milk received from a handler described in § 1076.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

(c) The quantity of producer milk and milk received from a handler described in § 1076.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

10. In § 1076.52 paragraphs (a) and (b) are revised to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or from a handler described in § 1076.9(c) at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferee-plant after the computations pursuant to § 1076.44 (a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Substract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1076.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transfer or plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (b)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

* * * * *

11. In § 1076.60 the introductory paragraph, and paragraph (a) are revised to read as follows:

§ 1076.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1076.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1076.9(c) in each class as determined pursuant to § 1076.43(a) and § 1076.44(c) by the applicable class prices and add the resulting amounts.

* * * * *

12. In § 1076.71 paragraph (a) is revised to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1076.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1076.75, of such handler's receipts of producer milk and milk received from a handler described in § 1076.9(c) for which a value is computed pursuant to § 1076.60(a); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1076.60(f).

* * * * *

§ 1076.72 [Amended]

13. In § 1076.72 the number "14th" is changed to "16th".

14. Section 1076.73 is revised to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight, as adjusted pursuant to §§ 1076.74 and 1076.75, plus or minus adjustment for errors made in previous payments to such producer, less the following amounts:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Location adjustment deductions pursuant to § 1076.75;

(iii) Proper deductions authorized by such producer; and

(iv) Deductions for marketing services pursuant to § 1076.86.

(b) Except as provided in paragraph (c) of this section each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1076.9(c) as follows:

(1) On or before the 28th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the uniform price for the preceding month; and

(2) On or before the 15th day after the end of each month not less than the value of such milk at the uniform price, as adjusted by the butterfat differential specified in § 1076.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from a pool plant operated by the cooperative association as follows:

(1) On or before the 28th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the uniform price for the preceding month, adjusted by the butterfat differential pursuant to § 1076.74 for the preceding month; and

(2) On or before the 15th day after the end of the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1076.74, that are applicable at the location of the transferee plant, less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from the producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or rate per hundredweight and nature of each deduction claimed by the handler, including any deduction claimed pursuant to § 1076.86; and

(6) The net amount of payment to such producer or cooperative association.

15. In § 1076.75 paragraph (a) is revised to read as follows:

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1076.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

* * * * *

16. Section 1076.78 is revised to read as follows:

§ 1076.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1076.71(a), 1076.77(a), 1076.85 or 1076.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid.

17. The centerheading immediately preceding §1076.85 is revised to read:

Administrative Assessment and Marketing Service Deduction

18. A new § 1076.86 is added to read as follows:

§ 1076.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer (other than himself) pursuant to § 1076.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from the producer's farm during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

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

Effective date: July 1, 1981.

Signed at Washington, D.C., on May 18, 1981.

John E. Ford,

Deputy Assistant Secretary For Marketing & Transportation Services.

[FR Doc. 81-15445 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1865, 1945 and 1951

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: On October 22, 1980, (45 FR 69847) the Farmers Home Administration (FmHA) published a document amending its regulations pertaining to insured Emergency (EM) Loans. This action was needed to implement the provisions of Pub. L. 96–302 and to implement other related administrative changes desired by FmHA.

The primary effect of this action is to enable those applicants who can get their needed credit elsewhere to obtain an EM loss loan(s) *only*, not to exceed $500,000, from FmHA at a formula rate of interest set by the Secretary, and subject to a graduation review three years after the initial EM loan is made and every other year thereafter.

These regulations were published as emergency final rules, and interested persons were invited to comment. FmHA has reviewed the recommendations and has conducted its review of its emergency final rulemaking action as required under the provisions of Executive Order 12291 and the Secretary's Memorandum 1955. This document adopts those regulations as final without change.

EFFECTIVE DATE: Effective on May 22, 1981.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Emergency Loan Officer, Farmers Home Administration, USDA, Room 5336–S, Washington, DC 20250, telephone 202–382–1647. The final impact statement describing the options considered in developing this final rule and the impact of implementing each option may be obtained from Carl O. Opstad, Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346–S, Washington, DC 20250, telephone 202–447–4057.

SUPPLEMENTARY INFORMATION: FmHA has completed its review of the emergency final rulemaking action published on pages 69847 through 69875 inclusive in the **Federal Register** on October 22, 1980, revising Chapter XVIII, Title 7, Code of Federal Regulations, Parts 1865, 1945, Subparts A and B, and Part 1951, Subpart A. One public comment was received recommending FmHA limit the initial term for loans to creditworthy applicants to 3 years to coincide with the required graduation review period. FmHA reviewed the recommendation and determined not to adopt this recommendation because it believes it would require more rescheduling/restructuring of repayment terms than is now necessary to accomplish the same results. FmHA regulations call for creditworthy borrowers to pay off their loans with FmHA and obtain credit elsewhere when they are able to do so at the end of the 3-year designated period of FmHA indebtedness. FmHA does not believe, however, that the recommendation offered would require more borrowers to graduate to private credit sources sooner than under its present policy.

FmHA has conducted its review of its emergency final rulemaking. The Draft Impact Statement prepared on the action is adopted as final. Therefore, the regulations published at 45 FR 69847 are hereby adopted as the final rule without change.

This final rule has been reviewed under procedures established in Executive Order 12291 and the Secretary's Memorandum 1955, and has been classified as a "non-major-action" under Executive Order 12291 and as "not significant" under the Secretary's Memorandum 1955.

The Catalog of Federal Domestic Assistance number for Emergency Loans is 10.404.

The Office of Management and Budget (OMB) has given approval of the record-keeping and reporting requirements found in these regulations. These instructions do not directly affect any FmHA program or projects which are subject to A–95 clearinghouse review.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, and Environmental Impact Statement is not required.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: May 19, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-15340 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-07-M

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7 CFR Part 1942

Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems to recognize that certain Indian tribes might not be subject to State and local laws. The intended effect of this action is to remove a possible barrier to greater Indian participation in these programs. This action is taken as a result of an administrative review.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Slusser, Loan Specialist, Room 6318, South Agriculture Building, Washington, DC 20250, Phone: (202) 447-5717. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955, and has been determined to be "not significant." It has also been reviewed under Executive Order 12291, and has been classified as "not major." The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Applications from Federally recognized Indian tribes are not subject to the requirements of FmHA Instruction 1901-H, "A-95 Review, Evaluation, and Coordination of Projects." Not all Indian tribes are subject to State and local law. FmHA amends § 1942.1 of Subject A of Part 1942 and § 1942.351 of Subpart H of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations. FmHA published this amendment as a proposed rule in the **Federal Register** on November 21, 1980, (45 FR 77036) and requested comment. No comments were received and the proposed rule is being published as a final rule without change.

PART 1942—ASSOCIATIONS

Therefore, Part 1942 is amended as follows:

Subpart A—Community Facility Loans

1. Section 1942.1 is revised to read as follows:

§ 1942.1 General.

(a) This Subpart outlines policies and procedures for making and processing insured loans for community facilities. The Farmers Home Administration (FmHA) shall cooperate fully with appropriate State and local agencies in the making of loans in a manner which will assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use as prescribed in this Subpart are to be considered for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. The policy of FmHA is to extend its financial programs without regard to race, color, religion, sex, marital status, age, or national origin.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this regulation that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this regulation must be met.

(c) The County Office will normally be the entry point for preapplications and serve as a local contact point. However, applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on community program loan activity within the County Office service area to the County Supervisor at key points throughout the loan making process as described herein.

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

2. Section 1942.351 (b) and (c) are redesignated to (c) and (d), respectively, without change and a new § 1942.351 (b) is added to read as follows:

§ 1942.351 General.

* * * * *

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this regulation that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this regulation must be met.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: February 25, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-15340 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

Correction

In FR Doc. 81-14385, appearing at page 26471 in the issue of Wednesday, May 13, 1981, the "Effective Date" in the first column should have read, "May 13, 1981".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1145, 1307, 1500, and 1700

Benzene-Containing Consumer Products; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Based on information indicating that benzene, as currently used in consumer products, does not present a significant risk to consumers, the Commission withdraws its proposed ban of consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. The proposed ban was published on May 19, 1978.

DATE: The withdrawal of the proposed ban is effective on May 22, 1981.

ADDRESS: Copies of the staff briefing package and related materials on benzene are available at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., 3rd Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Rory Sean Fausett, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6984.

SUPPLEMENTARY INFORMATION:

Background

On January 13, 1981 (46 FR 3034), the Commission proposed to withdraw its proposed ban of consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. The proposed ban was published in the **Federal Register** on May 19, 1978 after the Commission had preliminarily concluded that benzene-containing consumer products present an unreasonable risk of injury to the public because benzene inhalation can cause blood disorders, leukemia, and chromosomal abnormalities. The Commission also preliminarily concluded that no feasible standard could adequately protect the public from these risks. Therefore, in accordance with section 8 of the CPSA (15 U.S.C. 2057), the Commission proposed that the benzene-containing consumer products described above be declared banned hazardous products.

In its proposal to withdraw the proposed ban, the Commission explained that it was proposing to withdraw based on a thorough review of economic and risk data on current benzene use in consumer products. First, the Commission noted that since proposal of the ban, benzene use as an intentional ingredient in consumer products had ceased. This fact was confirmed by Commission staff contact with appropriate firms as well by a report prepared for the Commission by Battelle, Columbus Laboratories concerning benzene use in consumer products. (See "Analysis of Technical and Economic Feasibility of a Ban on Consumer Products Containing 0.1 Percent or More Benzene," December, 1978, on file at the Commission's Office of the Secretary.) The information concerning the use of benzene as an intentional ingredient is also consistent with the responses to the Commission's general order requiring the submission of certain information on the use of benzene as in consumer products (45 FR 44554, July 1, 1980). The Commission received six responses to the general order, all indicating no use of benzene as an intentional ingredient in consumer products.

In addition, the Commission explained in its proposed withdrawal that a Commission staff market survey conducted in early 1980 indicated that approximately 90 percent of current benzene contaminated products are at or below the proposed 0.1 percent contamination level. (See "Benzene Analysis of Consumer Products (STI 80-0034)", CPSC staff memorandum from Doris Hodgkins, March 11, 1980, on file at the Office of the Secretary.) The market survey also indicated that those benzene-containing products which do not meet the 0.1 percent level are primarily products such as stove and lantern fuel, brush cleaners, and rubber cements.

The proposed withdrawal notice pointed out that products such as stove and lantern fuels, brush cleaners, and rubber cements which are used infrequently, in small quantities, on limited surface areas, or outdoors are unlikely to result in significant consumer exposures to benzene vapor. (See, "An Assessment of Potential Human Exposure to Benzene", CPSC staff memorandum from Warren Porter, November 10, 1980, on file at the Office of the Secretary.)

Based on the information described above, the Commission's proposed withdrawal notice concluded that at the present time a ban of benzene-containing consumer products is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such products.

In order to receive and evaluate the comments on the proposal to withdraw, the Commission extended from January 13, 1981 to May 13, 1981, the period in which it must either publish a final banning rule or withdraw the proposal to ban.

Response to Comments

The Commission received four comments in response to its proposal to withdraw the proposed benzene ban.

Two consumer commenters requested that the Commission issue a final ban because, they stated, a human carcinogen like benzene should not be permitted in the marketplace.

The Commission believes that it should act to minimize unnecessary regulations and since it believes that a ban of benzene-containing consumer products is not reasonably necessary at the present time to address an unreasonable risk of injury, the Commission has decided not to issue a final banning rule. As indicated in the proposed notice of withdrawal, however, the Commission remains concerned about the possible reintroduction into commerce of selected products intended to be used on large surface areas or which may otherwise result in significant exposure that contain benzene at or above 0.1 percent. The Commission has instructed the staff to continue to monitor the marketplace for benzene use in these products so that the Commission may respond in an expeditious fashion to any need for future regulation in this area.

Two industry commenters expressed support of the Commission's proposal to withdraw. One of these commenters criticized the Commission staff risk assessment discussed in the proposed withdrawal notice as considerably overestimating the risk of leukemia from exposure to benzene from consumer products. Commission staff have reviewed the points raised by this commenter and have concluded that the available scientific and technical evidence are supportive of the

reasonableness of the Commission staff risk assessment for benzene. (See "Cc-1-81-3 Air Products and Chemicals", CPSC staff memorandum from Warren Porter and Paul White, April, 1981 on file at the Office of the Secretary.)

The Commission also received a letter from the Small Business Administration indicating that the Commission's certification under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that its proposed withdrawal of the proposed ban would not, if promulgated, have a significant economic impact on a substantial number of small entities was acceptable.

Conclusion

Having reviewed the economic and risk data on current benzene use in consumer product discussed in the proposed withdrawal notice as well as the public comments on the proposed withdrawal, the Commission determines that a rule banning benzene-containing consumer products is not reasonably necessary at this time to eliminate or reduce an unreasonable risk of injury associated with such products. The Commission notes that no new information has been submitted since the proposed withdrawal indicating that the current usage of benzene in consumer products presents a significant risk to consumers. Therefore, in accordance with section 9(a)(1)(B) of the CPSA, the Commission withdraws its proposal of May 19, 1978 (43 FR 21838) to declare that consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume are banned hazardous products. The Commission also withdraws its proposed rule, issued at the same time as the banning regulation, to regulate consumer products containing benzene under the CPSA (16 CFR Part 1145.8; see 43 FR 21838) as well as its proposed amendments to rules under the Federal Hazardous Substances Act (FHSA) and the Poison Prevention Packaging Act of 1970 (PPPA) concerning benzene. The amendments would have exempted from the FHSA and the PPPA rules products covered by the benzene ban. (16 CFR 1500.14(b)(3)(iv) and 16 CFR 1700.14(a)(15); see 43 FR 21852 and 21853 respectively.)

Effective date: Section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, provides that the delayed effective date provisions for substantive rules are inapplicable to rules which relieve a restriction. Since this rule relieves a restriction, it is effective immediately.

Accordingly, pursuant to 5 U.S.C. 553(d)(1), the effective date of the Commission's withdrawal of its proposed consumer product safety rule concerning benzene-containing products is May 22, 1981.

(Secs. 8, 9; 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058)

Dated: May 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15428 Filed 5-21-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 281

[Docket No. RM79-15; Order No. 145]

Revision of Schedule of Filing Annual Revisions To Index of Entitlements for Priority 2 (Essential Agricultural) Uses of Natural Gas; Implementation of Section 401 of the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission by this final rule amends its Regulations in Part 281, Subpart B that establish a filing schedule by which interstate pipelines collect customer data regarding essential agricultural uses, prepare revisions to their curtailment plans to reflect the data collected, and file these revisions with the Commission. This rule adds approximately 45 days to the filing schedule in order to provide additional time for the interstate pipelines to prepare the revisions to their curtailment plans.

EFFECTIVE DATE: Date of issuance, May 14, 1981.

FOR FURTHER INFORMATION CONTACT:

Colette Bobatch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8140

Robert Schroeder, Office of Pipeline & Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8828.

May 14, 1981.

The Federal Energy Regulatory Commission adopts final regulations that revise the schedule for filing annual revisions to the index of entitlements for priority 2 (essential agricultural) uses of natural gas.

I. Background

Title IV of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3391–3394) creates new priority classifications for certain uses of natural gas. Section 401 of NGPA established the category of essential agricultural uses of natural gas that are not to be curtailed unless necessary to protect users of a higher priority.

The Commission implemented section 401 through a series of orders issued in Docket No. RM79-15 that essentially reorder curtailment priorities. Under the newly reordered priorities, uses of natural gas in residences, certain commercial establishments, schools, hospitals, and for certain other purposes constitute Priority 1, and essential agricultural uses of natural gas constitute Priority 2.[1] When the program was implemented two years ago, the designated pipelines [2] were required to reorder their individual curtailment plans by incorporating the curtailment priorities described in section 401. Thereafter on an annual basis, these pipelines are required to update their curtailment plans by filing with the Commission revised tariff sheets that contain an index of entitlements for Priority 2, essential agricultural uses.

In order to revise the index of entitlements, it is necessary for the interstate pipelines to collect data from end-users, distributors, and other interstate pipelines regarding the current requirements for essential agricultural uses of natural gas (§ 281.211). These data are then used by the interstate pipeline to determine if and to what extent it must revise its index of entitlements in order to allocate sufficient volumes of natural gas to meet the essential agricultural requirements of its customers.

Each interstate pipeline is required to prepare and transmit a draft index of entitlements (§ 281.212) to each of its customers and to its Data Verification Committee (§ 281.213). Under the regulations, the customers have an opportunity to protest the interstate pipeline's proposed allocation of natural

[1] Order No. 29, Docket No. RM79-15, issued May 2, 1979, 44 FR 26855, May 8, 1979. Order No. 29 was amended in Order Nos. 29-A, issued June 15, 1979 (44 FR 37499, June 27, 1979), 29-B, issued July 20, 1979 (44 FR 45922, August 6, 1979) and 29-C, issued October 22, 1979 (44 FR 61338, October 25, 1979).

[2] Interstate pipelines obligated by the regulations implementing section 401 are designated in § 281.202. Certain of the interstate pipelines have complied with section 401 without filing an index, pursuant to adjustments under Section 502(c) of the NGPA.

as volumes to the categories of users. The Data Verification Committee is required to analyze and prepare a report to assist the pipeline in finalizing the index of entitlements that will be filed with the Commission.

Taking into consideration customer protests and the report of the Data Verification Committee, the interstate pipeline then makes final adjustments to the draft index. The index is filed with the Commission as an amendment to the pipeline's currently effective tariff under section 4 of the Natural Gas Act.

These regulations include a schedule of filing and notification dates so that the approved indices can be effective on November 1 for the winter season. Since this program was adopted, the Commission has revised these dates when it determined revisions were necessary to provide all persons obligated under the program sufficient time to prepare the required documents. With this experience, the Commission has now determined that additional revisions are necessary.

II. Summary of Revised Schedule

By this final rule, the Commission adopts the following revised schedule:

June 15—Essential agricultural users are required to file with direct suppliers data regarding current natural gas requirements.
June 30—Local distribution companies are required to file with their interstate suppliers data regarding their customers' essential agricultural use requirements.
July 15—Interstate pipelines are required to file with their direct interstate suppliers their natural gas requirements for essential agricultural uses.
August 1—Interstate pipelines are required to provide their customers and Data Verification Committee with a draft index of entitlements.
August 15—Protests to the draft index of entitlements are required to be filed with the Data Verification Committee.
September 1—The Data Verification Committee is required to submit its report to the interstate pipeline.
September 15—Interstate pipelines are required to file revisions to the index of entitlements and the Data Verification Committee report with the Commission.
November 1—Revisions to the index of entitlements for each interstate pipeline become effective if approved by the Commission.

The effect of this new schedule is to add approximately 45 days to the schedule in order to provide additional time to the interstate pipelines to prepare the index of entitlements and to provide the Commission with additional time to consider these indices before becoming effective on November 1. This schedule moves forward from July 31 to June 15 the date the essential agricultural users are required to file data with their direct suppliers. Thirty days of this additional time were allocated to expand the period of time within which the interstate pipelines must analyze all the pertinent customer data and must file the revisions to the index of entitlements with the Commission. An additional 15 days were allocated to expand the period of time within which the Commission must review the index of entitlements filed by each pipeline.

III. Section-by-Section Analysis

A. Section 281.211

Filing by Essential Agricultural Users. Subparagraph (b)(1) is amended by changing the date of "July 31, 1979" to "June 15 of each year". Under the amended regulation the essential agricultural users are required to file with their suppliers the data regarding current essential agricultural uses by June 15 of each year. This provides the additional 45 days to the schedule that is allocated as described above. Although this moves forward the filing date for the essential agricultural uses, the Commission does not believe any hardship will result because the filing requirement is minimal and many, if not all, of these users have previously participated in this program.

Filing by local distribution companies. Subparagraph (b)(2) is amended by substituting "June 30 of each year" for "August 15, 1979". This amendment preserves the 15 day interval under the current schedule between the date the essential agricultural users file with their direct suppliers and the date the local distribution companies must file with the interstate pipelines.

Filing by Interstate pipelines. Subparagraph (b)(3) is amended by substituting "July 15 of each year" for "August 31, 1979". This amendment preserves the 15 day interval under the current schedule between the date the local distribution companies must file with their direct suppliers and the date the interstate pipelines must file data with their direct interstate pipeline suppliers.

B. Section 281.213

Data Verification Committee. Paragraph (c) is amended by substituting "August 15 of each year" for "September 21, 1979" and by deleting the last sentence of the paragraph. This expands by seven days the time for customers to file protests to the draft index of entitlements.

Paragraph (e) is amended by substituting "September 1 of each year" for "September 23, 1979" and by deleting the last sentence of the paragraph. This expands from nine to 30 days the period for the Data Verification Committee to prepare its report on the draft index of entitlements.

C. Sections 281.204 and 281.205

Sections 281.204 and 281.205 are amended in subparagraph (b)(2) and subparagraph (c)(2), respectively, by substituting "September 15" for "October 1". These amendments establish September 15 as the date the interstate pipelines must file the index of entitlements with the Commission. The total period of time for the interstate pipelines to prepare the index from the data collected is expanded by approximately 30 days.

Subparagraph (b)(4) is deleted. The election available to the interstate pipelines to file the index of entitlement on November 1 instead of October 1 under current regulations is no longer necessary. After two years, the interstate pipelines should be sufficiently familiar with the filing schedule that the election of additional time is unnecessary particularly in view of the additional time incorporated by this rule into the schedule.

Subparagraph (a)(2) is deleted also because it establishes dates effective for 1979 that are no longer necessary.

D. Section 281.216

Section 281.216 that revised the schedule for 1980 is no longer necessary and is therefore deleted.

E. Section 281.212

Paragraphs (b) and (c) are revised to substitute "August 1 of each year" in lieu of "September 14, 1979" as the date the interstate pipeline must serve the draft index of entitlements on the customers and on the Data Verification Committee. Paragraph (d) that establishes the filing date for years subsequent to 1979 is unnecessary because of the amendment to paragraphs (b) and (c) and is therefore deleted.

IV. Effective Date of Final Rule

The amendments to 18 CFR Part 281 of the Commission's regulations adopted herein are effective immediately upon issuance. These amendments add approximately 45 days to the filing schedule applicable to agricultural users, local distribution companies and interstate pipelines for the collection of data and the preparation and filing of the revisions to the index of entitlements of natural gas for essential agricultural uses.

Because this rule adopts procedural changes in the Commission's regulations, public comment procedures are not required under section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b).

For the reasons stated above regarding the advantages of adding approximately 45 days to the filing schedule, the Commission believes that good cause exists, in accordance with section 553(d) of the APA, 5 U.S.C. 553(d), to waive the 30-day notice and to make this rule effective immediately.

(Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432); Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission amends §§ 281.204, 281.205, 281.211, 281.212, 281.213, and 281.216 of Part 281, Subchapter I of Chapter I, Title 18 of the Code of Federal Regulations as provided below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. The Table of Contents for Part 281, Subpart B is amended by removing "281.216 Filing and service dates for 1980".

§ 281.204 [Amended]

2. Section 281.204 is amended in paragraph (b)(2) by removing the date "October 1" and substituting therefor "September 15" and is amended by removing paragraphs (a)(2) and (b)(4). Paragraph (a)(1) is amended by redesignating it as paragraph (a).

§ 281.205 [Amended]

3. Section 281.205 is amended in paragraph (c)(2) by removing the date "October 1" and substituting therefor "September 15 of each year".

§ 281.211 [Amended]

4. Section 281.211 is amended in paragraph (b)(1) by removing the date "July 31, 1979" and substituting therefor "June 15 of each year", in paragraph (b)(2) by removing the date "August 15, 1979" and by substituting therefor "June 30 of each year", and in paragraph (b)(3) by removing the date "August 31, 1979" and substituting therefor "July 15 of each year".

§ 281.212 [Amended]

5. Section 281.212 is amended in paragraphs (b) and (c) by removing the date "September 14, 1979" and substituting therefor "August 1 of each year". Paragraph (d) is removed.

§ 281.213 [Amended]

6. Section 281.213 is amended in paragraph (c) by removing the date "September 21, 1979" and substituting therefor "August 15 of each year" and by removing the last sentence, and in paragraph (e) by removing the date "September 23, 1979" and substituting therefor "September 1 of each year" and by removing the last sentence.

§ 281.216 [Removed]

7. Section 281.216 is removed in its entirety.

[FR Doc. 81-15322 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

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 oxytetracycline injection at 9 milligrams per pound of body weight for treating pneumonia in swine.

EFFECTIVE DATE: May 22, 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 a 200-milligram-per-milliliter oxytetracycline (OTC) injection as a single dose at 9 milligrams per pound of body weight for treating pneumonia caused by *Pasteurella multocida* in swine. Approval of the parent application (45 FR 16478; March 14, 1980) provided, among other uses, for intramuscular use of the drug at 3 to 5 milligrams per pound of body weight (not to exceed 4 consecutive days) in swine for treating the aforementioned infection. The supplement provides for the single dose as an alternative to the repetitive dosage regimen when re-treatment for pneumonia is impractical because of husbandry conditions.

The single-dosage regimen is supported by adequate and well-controlled clinical and field studies. Accordingly, the supplemental NADA is approved, and the regulations are amended to reflect the approval.

Approval of the alternative, single dosage regimen will not increase the total dose or duration of treatment of bacterial pneumonia in swine. This approval poses no increased human risk from exposure to residues of the drug because residues resulting from this use do not exceed the level of residues resulting from the use of the approved, alternate dosage of 3 to 5 milligrams per pound of body weight per day. 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)), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1660 by revising paragraph (c)(2)(i) to read as follows:

§ 522.1660 Oxytetracycline injection.

* * * * *

(c) * * *

(2) *Swine*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 9 milligrams per

pound of body weight as a single dosage where re-treatment for pneumonia is impractical. Sows: Administer once 3 milligrams of oxytetracycline per pound of body weight, approximately 8 hours before farrowing or immediately after completion of farrowing.

* * * * *

Effective date. May 22, 1981.

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

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15387 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate) Emulsifiable Liquid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Zoecon Industries, Inc., providing for safe and effective use of an organophosphate insecticide on beef cattle.

EFFECTIVE DATE: May 22, 1981.

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

SUPPLEMENTARY INFORMATION: Zoecon Industries, Inc., 12200 Denton Dr., Dallas, TX 75234, filed an NADA (98-895) providing for use of an emulsifiable liquid containing 11.6 percent *N*-(mercaptomethyl) phthalimide *S*-(O,O-dimethyl phosphorodithioate) on beef cattle to control grubs, lice, cattle ticks, Southern cattle ticks, hornflies, and acabies mites. The product may be administered topically as a dip vat emulsion, pour-on, or spray. It is intended for use in accordance with currently approved conditions of use. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA is based on safety and effectiveness data contained in Stauffer Chemical Co.'s approved NADA 44-757. Use of the data in NADA 44-757 to support this application has been authorized by Stauffer. 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 the NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 44-757.

Stauffer's application was approved by FDA December 1, 1971, and codified in 21 CFR 135a.14 (since recodified as 21 CFR 524.1742). By letter dated October 7, 1974, Stauffer submitted to the Environmental Protection Agency (EPA) an application to amend its original approval by adding a claim for controlling scabies mites by dip vat application. Under a Memorandum of Understanding between FDA and EPA, with respect to topically active pesticides, EPA is the primary reviewer and has final approval authority. EPA approved the scabies claim, and FDA concurred by letter dated February 21, 1975. Therefore, the regulations are further amended to codify the previously approved scabies claim.

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 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 524.1742 is amended by revising paragraph (b) and the introductory text of paragraph (c)(1), redesignating existing paragraph (c)(3) as (c)(4), adding new paragraph (c)(3), and amending paragraph (c)(4) by revising the 10th and 11th sentences therein, to read as follows:

§ 524.1742 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(b) *Sponsor.* See Nos. 011536 and 017032 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Methods of application.* Methods of application to control the following conditions on beef cattle:

To control and Method of use
Grubs—Dip, pour-on, or spray
Lice—Dip, pour-on, or spray
Hornflies—Spray
Cattle ticks—Dip or spray
Southern cattle ticks—Dip or spray
Scabies mites—Dip

* * * * *

(3) *Scabies mites control.* Two treatments, 7 to 10 days apart are required.

(4) *Warnings.* * * * Treatment for lice, ticks, hornflies, and scabies mites may be made any time of the year except when cattle grub larvae are in the gullet or spinal canal. Treatment for lice, ticks, and scabies mites may be made any time 7 to 10 days following treatment for grubs. * * *

* * * * *

Effective date. This amendment is effective May 22, 1981.

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

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15386 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 529

Halothane; Certain Other Dosage Form New Animal Drugs Not Subject to Certification

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) filed by Fort Dodge Laboratories, Inc., providing for revised labeling for the safe and effective use of a halogenated inhalation anesthetic for induction and

maintenance of anesthesia in nonfood animals.

EFFECTIVE DATE: May 22, 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: Fort Dodge Laboratories, Inc., Fort Dodge, IA 50501, filed an original NADA (11–886) for Halsan, a halothane inhalation anesthetic for animals, which became effective July 17, 1959. In 1963 Ayerst Laboratories filed an NADA (14–170) for Fluothane, an identical halothane inhalation anesthetic for animals, relying upon data in NADA 11–886 through a letter of authorization from Fort Dodge. NADA 14–170 was approved November 21, 1963. Subsequently, Fort Dodge discontinued making the drug. Approval of NADA 11–886 was withdrawn Sept. 30, 1971 (36 FR 19179, No. 124). The application was converted into a master file and incorporated into NADA 14–170 by reference. On August 27, 1980, Ayerst Laboratories filed a supplement providing for the change of sponsor of NADA 14–170 (Fluothane) to Fort Dodge Laboratories. In addition, Fort Dodge submitted a supplement providing for revised labeling for use of the halothane inhalation anesthetic in animals for the induction and maintenance of anesthesia. NADA 14–170 is considered a pre-1962 approval that had not been reviewed by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group. FDA reviewed the information supporting use of halothane and concluded it is effective for induction and maintenance of anesthesia in non-food animals. NADA's for similar products for these uses need not include effectiveness data as specified by 21 CFR 514.111 but may require bioequivalence and safety information.

The firm submitted a supplemental application providing revised labeling, scientific references, and a freedom of information summary. The supplemental NADA is approved and the animal drug regulations are amended to reflect the approval.

Approval of this supplement limits use of the drug to nonfood animals; the recommended dose range has been broadened to more accurately reflect new information available from scientific references; and a precautionary statement has been added to the labeling to assure that the drug is used only in an adequately ventilated environment. Therefore the safety and effectiveness of the product will be enhanced by approval of this supplemental NADA (see 42 FR 64367; December 23, 1977).

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 Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action currently does not require an environmental assessment nor an environmental impact statement. Available scientific literature indicates lack of adequate ventilation while using halothane anesthesia may cause potential adverse effects in operating room personnel from traces of halothane gases.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i)82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.1115, to read as follows:

§ 529.1115 Halothane.

(a) *Specifications.* The drug is a colorless, odorless, nonflammable, nonexplosive, heavy liquid containing 0.01 percent thymol as a preservative.

(b) *Sponsor.* See 000856 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Two to 5 percent of inhaled atmosphere for induction of anesthesia; 0.5 to 2 percent for maintenance of anesthesia.[1]

(2) *Indications for use.* For nonfood animals for the induction and maintenance of anesthesia.[1]

(3) *Limitations.* Administered by inhalation. May be administered with either oxygen or a mixture of oxygen and nitrous oxide. Place drug vaporizer between the gas supply and breathing bag to prevent overdosage. Not recommended for obstetrical anesthesia except when uterine relaxation is required. Do not use in pregnant animals; information on possible adverse effects on fetal development is not available. Operating rooms should have adequate ventilation to prevent accumulation of anesthetic gases. Not for use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

Effective date. May 22, 1981.

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

Dated: May 15, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–15145 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–03–M

[1] These conditions have been reviewed by FDA and found effective. NADA's for similar products for these conditions of use need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Application for Life Estate Leases

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Notice of extension of time for filing applications for Life Estate Leases.

SUMMARY: On October 10, 1980 a final rule was published in the **Federal Register** (45 FR 67338) which required applications for life estate leases to be filed on or before April 1, 1981. Under Pub. L. 96–305, Section 30, the Commission has the authority to extend the filing date for life estate leases up to an additional 180 days. The Commission has determined it is necessary to grant an extension from April 1, 1981 to July 1, 1981. The purpose of this notice is to inform the public that the date for filing applications for life estate leases pursuant to 25 CFR 700.17(a) has been extended from April 1, 1981 to July 1, 1981.

DATE: The date for filing applications has been extended to July 1, 1981.

FOR FURTHER INFORMATION CONTACT: William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone 602–779–3311, Extension 1378, FTS: 261–1378.

Roger Lewis,

Chairman.

May 14, 1981.

[FR Doc. 81–15447 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

25 CFR Part 700

Commissions Operations and Relocation Procedures; Discretionary Funds

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes Subpart N, Discretionary Funds, to 25 CFR Part 700. Subpart N provides procedures for the submission, review and approval, and administration of applications for financial assistance from the Discretionary Fund established by Pub. L. 93–531 as amended (25 U.S.C. 640d–25). The purpose of the Discretionary Fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals. the rule lists States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals as eligible to apply for financial assistance under this subpart and describes the requirements which applicants must meet to be eligible for financial assistance.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION:

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

A proposed rulemaking on this subject was published in the **Federal Register** on February 20, 1981 (46 FR 13237–13241). Comments were invited for a period ending March 23, 1981. Comments were timely received from two different sources which will be discussed below. Generally, it should be noted that the publication of the proposed rules contained errors in references to the various sections of the rule. These have been corrected. Also certain typographical errors and omissions have been corrected in this publication.

Review of Comments

1. Suggestion was made that § 700.457(d) be amended to include the allowance of 100% funding by using sources other than federal, such as tribal funding. Section 700.457(a) provides that discretionary funds may be used to match or pay not to exceed 30% of any grant received from the federal government, states or local government, tribal government or chapter or private organizations. Section 700.457(d) is merely meant to point out that 70% of the funding can be received from other federal sources. Therefore, no change was made in the proposed rule since the proposed rules as drafted already answer the concern of the comment.

2. It was suggested that farm operations not be excluded from the definition of business in § 700.453(c) since this is the main livelihood of the people to be relocated. This suggestion was acted upon and the term farm operation was deleted from the definition.

3. Suggestion was made that § 700.479 be clarified to indicate what review of decisions concerning applications would be granted and that some review should be provided. Pursuant to this suggestion, § 700.479 has been amended by adding a section (d) which explains the procedure for requesting a review of such a decision.

4. Several comments were received objecting to specific wording in certain sections, and suggesting changed wording. The following are examples: Section 700.451 that the term "expedite" be removed and that the word "facilitate" be used in lieu thereof; § 700.457(a)—that the word "significantly" be removed; § 700.459—that it be removed entirely as not being needed since it appeared that there was a preoccupation with "innovative energies or other technologies". Section 700.451 has been amended to read "facilitate and expedite" since this is the language of the statute. Section 700.457(a) has not been changed since the term "significantly' is used in the statute. Section 700.459 has been left in since it deals with the second form of assistance which can be granted. The phrase "innovative energies and other technologies" are taken directly from the statute.

5. Suggestion was made that § 700.459(a) be amended by deleting the words "directly and solely". This suggestion has been acted upon and the words have been removed.

6. Suggestion was made that the examples of priorities listed in § 700.461(b) and (c) are not needed since the Commission will publish its actual priorities. This suggestion has been acted upon and § 700.461(b) and (c) have been removed.

7. Comment was made that the 5% limitation on expenses relating to the administration discretionary fund while admirable, may not be realistic. Suggestion was made that this percentage be increased. This suggestion cannot be acted upon since the 5% limitation is statutory.

As of the date of publication of this final rule the Office of Management and Budget has not approved the information collection requirements related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is amended in its final form by adding regulations designated as Subpart N—Discretionary Funds, to read as follows:

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Subpart N—Discretionary Funds

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§ 700.451 Purpose.

The purpose of this subpart is to establish procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93–531, as amended.

The purpose of the discretionary fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals.

§ 700.453 Definitions.

(a) Act means Pub. L. 93–531 (88 Stat. 1712, 25 USC 640d), as amended.

(b) Applicant means with respect to this subpart, any applicant as defined under § 700.457(c) or § 700.459(b).

(c) Business means any lawful activity, except a nonprofit organization, that is—

(i) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or

marketing of products, commodities, and/or any other personal property; or

(ii) Conducted primarily for the sale of services to the public.

(b) Commissioners means the three Commissioners of the Navajo and Hopi Indian Relocation Commission.

(e) In-kind contribution means a noncash contribution as described in attachment F of OMB Circular A-102.

(f) Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, council of governments, and other regional or interstate entity, or any agency or instrumentality of a local government.

(g) Nonprofit organization means a corporation, partnership, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

(h) Related facilities means any building or structure normally found in a community and includes but is not limited to water, sewer and electrical lines, community centers, health centers and clinics, roads, and business establishments.

(i) Services means activities relating to human development including, but not limited to, educational and job training, mental health counseling, health care, and technical assistance in business administration, agriculture, and home economics.

(j) Tribe means the Navajo Tribe or the Hopi Tribe.

(k) Tribal subdivision means a Navajo Chapter or a Hopi Village.

§ 700.455 Financial assistance.

(a) The Commission may provide financial assistance to applicants eligible under this subpart from funds available for any fiscal year.

(b) To obtain financial assistance, an applicant shall submit an application in accordance with § 700.463.

(c) The Commission may make funding decisions throughout the year as applications are approved. The Commission shall, to the extent possible, make funds available throughout the year for approved applications. Based upon the merit of applications received under this subpart, the Commission shall determine how funds available under this subpart shall be apportioned among the activities described in § 700.457 and § 700.459.

§ 700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act and to assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of the relocatees. For this purpose, the discretionary fund may be used to match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if the Commission determines that such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either tribe in meeting the burdens imposed by this Act.

(b) An "other expenditure" under this subsection is defined as cooperative agreements, direct provision of services, or in-kind contributions. The Commission may match or pay not to exceed 30% (thirty percent) of an other expenditure through a grant, contract, or cooperative agreement.

(c) Eligible applicants under this section for a grant, contract, or cooperative agreement are defined as States, local government, the Navajo and Hopi Tribes, tribal chapters or villages and profit and nonprofit organizations.

(d) Total Federal financial assistance under this section may reach 100% (one hundred percent) if the applicant receives 70% (seventy percent) Federal funding from Federal agencies other than the Commission.

(e) When another Federal agency is a primary source of financial assistance for an applicant, the Commission may, pursuant to an interagency agreement, transfer funds to the primary Federal agency providing financial assistance to the applicant.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a). Financial assistance transferred to accomplish an eligible activity under paragraph (a) may not exceed the funding limitation of paragraph (a).

(g) An applicant may apply for financial assistance under this section in accordance with the funding limitations described in paragraph (a) for the purpose of undertaking a technical feasibility study of a construction project or any major project with a total funding of over $200,000 (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.459 Assistance for demonstration projects and for provision of related facilities and services.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act. For this purpose, the discretionary fund may be used by the Commission to engage or participate either directly through Federal activities, or by cooperative agreement, grant, or contract in demonstration efforts to employ innovative energy or other technologies in providing housing and related facilities and services in the relocation and resettlement of individuals under this Act.

(b) Applicants eligible under this section to receive grants, cooperative agreements or contracts are: states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals.

(c) The Navajo or Hopi Tribe may submit a single application to accomplish several of the activities described in § 700.457(a) and § 700.459(a).

(d) Applicants for assistance under this section may receive up to 100% (one hundred percent) project or program funding from the Commission, however, the Commission may specify in the list of priorities published pursuant to § 700.461 if applications for certain types of programs or projects under this section require matching funding from the applicant.

(e) Activities described in § 700.457(a) and § 700.459(a) may be provided by the Commission through in-house activities which receive financial assistance under this section.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees, if such agency's activities would accomplish the purpose of § 700.457(a) and § 700.459(a).

(g) An applicant may apply for financial assistance under this section for the purpose of undertaking a technical feasibility study of a construction project, or any major project with a total planned funding of over $200,000, (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.461 Application priorities.

(a) The Commission shall prioritize those types of applications for financial assistance under this subpart which would most effectively achieve the purposes of § 700.457(a) or § 700.459(a). In developing a list of priorities, the Commission shall—

(1) solicit views from interested groups on which types of projects would most assist persons subject to relocation;

(2) publish the list annually in the Federal Register;

(3) review and if necessary, revise the list at least annually or as needed following the procedures described in paragraph (1) and publish the revision in the Federal Register.

§ 700.463 Requirements for applications.

(a) Brief letters of inquiry are encouraged for all applicants except for a State, local government (exclusive of an institution of higher education or a hospital), or the Navajo or Hopi Tribe which submits an application for a grant or cooperative agreement meeting the conditions described in OMB Circular A–102, attachment M, which requires a preapplication for a construction, land acquisition, and land development project or program for which the need for total Federal funding exceeds $100,000 (one hundred thousand dollars). A letter or inquiry shall contain—

(1) the name and address of the applicant;

(2) budget information;

(3) a brief narrative describing how the program or project will meet the purpose of § 700.457(a) or § 700.459(a).

(b) The Commissioner shall review each letter of inquiry to determine if the preapplication conforms to the purpose of § 700.457(a) or § 700.459(a) and may, in writing, invite each applicant submitting an acceptable preapplication to submit an application.

(c) Application for financial assistance for a project or program may be submitted on an ongoing basis after publication of the final regulations for this subpart. An original and 5 (five) copies of each application must be submitted to the Commission. An application shall contain—

(1) the name and address of the applicant;

(2) budget information, including where appropriate, the source and amount of other Federal and all non-Federal contributions to the proposed or actual project or programs; and

(3) the following for applications under § 700.457—

(i) a narrative statement which shall include an explanation of how the application would aid relocatees and assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of relocatees;

(ii) documentation that the applicant has fulfilled all of the requirements of any Federal agency, State or local government, tribal government or chapter, or private organization from which financial assistance is also requested;

(4) for applications under § 700.459, an explanation of how the application would aid relocatees and a thorough description of either the demonstration effort in housing or the related facilities and services which the proposed project or program would provide; and

(5) the requirements described in § 700.465, as applicable.

(d) The format of the preapplication or application may be selected by the applicant except that an applicant covered by OMB circular A–102 or A–110 as described in § 700.477 (a) and (b) shall use such forms as the Commission may prescribe in conformity with these circulars.

§ 700.465 Technical feasibility.

Unless required by a non-Commission source of financial assistance, completed plans and specifications are not required in an application for construction, technology, or another engineering project, however, an application for a construction, technology or another engineering project shall;

(a) include sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost;

(b) fully show that the applicant will follow design and performance criteria which conform to professionally recognized standards and which adequately define the technical capability of the project to serve current and foreseeable needs; and

(c) justify any evidence or use of unorthodox design.

§ 700.467 Construction costs.

Construction costs and costs relating to construction such as machinery and equipment, architect/engineer services, and administrative services may be allowable as determined by the Commission.

§ 700.469 Unallowable program and project costs.

Costs for program or project operating expenses are not allowable except in the following cases—

(a) an application for an annual contract for services under § 700.457 or § 700.459 may include necessary operating expenses; and

(b) an application for a demonstration effort under § 700.459 may include costs relating to the operation of the demonstration.

§ 700.471 Review and approval.

(a) Upon receipt of an application for financial assistance under this subpart, members of the Commission staff shall begin a preliminary review of the application with the intent of submitting a recommendation to the Commissioners of whether to accept or deny the application. The Commission staff shall inform the applicant in writing and before its recommendation to the Commissioners, of any special problems or impediments which may result in a recommendation for disapproval; may offer any available technical assistance required to overcome such problems or impediments; and solicit the applicants written response.

(b) The Commission staff may solicit comments on an application from technical specialists, community groups and others, when such advice is needed to fully evaluate the application.

(c) The Commission staff shall forward the application with their recommendation to the Commissioners. The Commissioner shall review each application. Applications may be approved if the Commissioners determine that—

(1) the application meets the requirements of this subpart;

(2) the application meets the intent of the Act;

(3) the application fully demonstrates that it will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals or by the Tribes;

(4) the application is compatible with the list of priorities published in the Federal Register; and

(5) the applicant can carry out the activities described in the application and can maintain proper financial controls on the activities for which financial assistance is requested.

(6) funds are available.

§ 700.473 Administrative expenditures of the Commission.

The Commission may use funds in an amount not to exceed 5 percent of the funds authorized under this subpart for expenses relating to the administration of the discretionary fund including—

(a) personnel, whose time is expended directly in support of such administration;

(b) supplies which are expended directly in support of such administration;

(c) contracts, where the work performed is directly related to such administration;

(d) printing, directly in support of such administration; and

(e) travel, directly related to such administration.

§ 700.475 Reports.

Reports shall be furnished by any recipient of financial assistance under this subpart, in such manner as may be required by the Commission.

§ 700.477 Administration of financial assistance and recordkeeping requirements.

(a) A State or local government [except an institution of higher education or a hospital since they are governed by paragraph (b)], or the Navajo or Hopi Tribe receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" including attachment C describing recordkeeping requirements; and

(2) Federal Management Circular 74–4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

(b) A nonprofit organization, institution of higher education, or hospital receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" including attachment C describing recordkeeping requirements; and

(2) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations."

(c) A profit organization receiving a grant or cooperative agreement under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Subpart 1–15.2) for determining the reasonableness, allowability, and allocability of costs.

(d) A profit organization, tribal chapter, or individual receiving a grant or cooperative agreement under this subpart shall—

(1) follow sound and proper procedures for the administration of the financial assistance including any procedures established by the Commission; and

(2) retain records as required by the Commission.

(e) A State, local government, the Navajo or Hopi Tribe, a tribal chapter or an individual receiving a contract under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Parts 1–1 through 1–30). Recordkeeping requirements for contracts are described in §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.603–20, and 1–7.603–7 of the Federal Procurement Regulations.

(f) A State, local government, profit or nonprofit organization, or an individual residing off the Navajo or Hopi reservation applying for a grant or cooperative agreement under this subpart shall comply with Office of Management and Budget Circular A–95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" unless exempted under Part I, section 8.b. of this circular.

(g) Recipients of financial assistance under this subpart shall comply with other procedures which the Commission may from time to time prescribe for the administration of financial assistance provided under this subpart.

§ 700.479 Administrative review.

(a) If the Commissioners intend to deny an application for financial assistance submitted under this subpart, the Commissioners shall give notice to the applicant.

(b) If the Commissioners determine that implementation of an application approved according to §700.471 fails to meet the requirements of this subpart, the Commissioners shall give notice to the recipient of their intent to terminate or suspend financial assistance to the recipient.

(c) The Commission shall issue such notice in written form sent by registered mail, return receipt requested, which notice shall include a statement of the reasons for the findings referred to in paragraph (a) or (b) of this section, and an explanation whether any amendments or actions would result in compliance with the regulation.

(d) Any person whom application is denied under paragraph (a) of this Section or whose approved financial assistance is terminated or suspended under paragraph (b) of this Section may request a review of such action by the Commission. Such request for review shall be in writing and must be mailed or delivered to the Commission not later than thirty (30) days after receipt of the notice from the Commission by the applicant. Such request for review shall state the reasons for the request and shall include any additional matters not before the Commission which the applicant deems appropriate. The Commission may grant or deny a review at its discretion and shall inform the applicant of its decision in writing.

(Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–15341 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

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25 CFR Part 700

Commissions Operations and Relocation Procedures; Establishment of Additional Final Rules Regarding Life Estates

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: On October 10, 1980 the Commission issued a final rule governing the application for Life Estate Leases by members of the Navajo and Hopi Tribes who are subject to relocation. These regulations set forth application procedures as required by the Navajo and Hopi Indian Relocation Amendments Act of 1980, (Amendments Act). The Commission is here establishing further procedures concerning the determination of disability, the grouping and granting of applications for Life Estate Leases, the establishment of boundaries of Life Estate Leases, residency on Life Estate Leases, access to Life Estate Leases, and the execution of Life Estate Leases. These regulations also are required by the Amendments Act.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION:

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

On November 20, 1980, there was published in the **Federal Register** (45 FR, P. 76710) a notice of proposed additional regulations regarding the awarding of Life Estate Leases to members of the Navajo and Hopi Tribes who are subject to relocation. Interested persons were given until December 22, 1980, to submit comments regarding the proposed rule. In addition a public hearing was held on

December 6, 1980, at Rocky Ridge Boarding School, Rocky Ridge, Arizona.

Discussion of Comments

A number of comments were received by the Commission both at the public hearing and in writing. After due consideration, the following suggestions were incorporated in the final rule.

1. Section 700.341 was changed in several regards as follows:

A. The term "family members" was changed to read "grandchildren and their descendants" since the thrust of the regulation is to allow for visitation by grandchildren.

B. That such grandchildren are those who are not minor dependents of the life tenant was clarified.

C. The age was raised from seventeen to eighteen.

D. Clarification was made that the restrictions upon visitation would not apply to any visits that did not extend overnight. Those visits are unlimited.

2. Section 700.343(g) was expanded to include a listing of typical improvements that might be located on a Life Estate Lease.

3. Section 700.343(i) was amended to indicate that either the life tenant or his surviving spouse could relinquish the Life Estate at any time and receive relocation benefits

4. Section 700.343(k) (xi) was added to set forth the tenure of a Life Estate as established in the statute.

5. Section 700.343(l) was added to provide that no livestock shall be allowed in the lease area until the perimeter of the lease area is fenced.

In considering many of the comments received, the Commission felt that some of the matters suggested were already covered by the regulations. In others it was apparent that the actions suggested were more properly within the purview of the Secretary of the Interior (Secretary) under the Amendments Act. Some examples of these are as follows:

1. It was suggested that road services to Life Estate Leases and twenty-four hour access should be guaranteed in the Commission's regulations. It was further suggested that the Commission, by its regulations, provide for the piping in of water to the Life Estate premises or provide for access to water and, further, that access to wood and coal be guaranteed to the life tenant by regulation of the Commission.

Section 3 of the Amendments Act makes it the responsibility of the Secretary to protect the rights of individuals awaiting relocation and also the rights of life tenants. Since this specific authority was given to the Secretary and since the Commission will cease to exist after its single function of providing relocation has been completed, it is more appropriate for the Secretary to provide the assurances requested.

2. It was suggested that Navajo medicinemen should be used to determine disability.

Section 700.333(d) provides that, in making its determination as to disability, the Commission shall consider the report of the rating physician and such other matters as the Commission deems relevant. In discussing this comment, the Commission noted that if an applicant wished to submit the results of an examination by a medicineman to the rating physician or to the Commission that such submission would be given consideration along with the other matters submitted.

3. A suggestion was made that Section 700.339 be amended to include the traditions of the appropriate Tribe as one of the criteria for determining who is necessarily present for the care of a life tenant. Section 700.339(b)(5) presently provides that in determining who is necessarily present for the care of life tenants, the Commission can consider any other factors deemed relevant by the Commission. In discussing this suggestion, the Commission noted that it could certainly consider the traditions of the appropriate Tribe in making this determination. This same comment would apply to an additional suggestion along this line to the effect that clan members and medicinemen should be included in the list of people eligible to care for life estate holders.

4. Suggestion was made that provision be made in the Commission regulations that the Department of the Interior provide sufficient feed for livestock on the Life Estate. Section 30(e) of the Amendments Act provides that the Secretary, under existing authority, shall make available to Life Estate tenants such assistance during that tenure as may be necessary to enable such tenant to feed livestock at an adequate nutritional level. This is a statutory requirement which the Secretary may wish to implement by further regulations.

5. A suggestion was made that each Life Estate premises should include land suitable for farming. Section 30(e) of the Amendments Act provides that a Life Estate may be used by a life tenant to feed not to exceed 25 sheep units per year, or equivalent livestock. Section 30(j) provides that nothing in the Amendments Act or any other law is to be construed to prevent a life tenant from making reasonable improvements on the Life Estate which are related to the residency and agricultural purposes of the life tenancy. The Commission concluded that while it was reasonable to assume that a person could have some agricultural activity on the Life Estate premises, there is nothing in the Amendments Act requiring that land suitable for that purpose be included in each Life Estate Lease. Whether or not lands suitable for farming are included will depend on the nature of the lands surrounding the homesite.

6. Suggestion was made that the customs of the appropriate Tribe should be used as a criteria for determining disability. In addition it was suggested that Social Security Administration criteria referenced in the proposed regulations are not totally applicable. As noted above, § 700.333(d)(iv) provides that in making its determination as to disability, the Commission may consider such other matters as it deems relevant. In discussing this suggestion, the Commission noted that the customs of the particular Tribe could certainly be considered under this section. Concerning the applicability of Social Security Administration regulations, § 700.333(c)(iii) provides, in part, that these regulations will be applied to the extent that such procedures and standards are appropriate to this examination and rating. This places discretion in the physician to determine which parts are applicable and which are not. Since we are dealing with a limited number of Life Estate Leases and a one time program, the Commission deemed that this would be an appropriate way to handle the matter rather than attempt to establish exhaustive regulations dealing only with this subject matter.

7. Suggestion was made that the size of each Life Estate be limited to the needs of the particular life tenant and the proposed use be based on some formula basis. The Commission concluded that the prima facie size to be considered would be 90 acres and that any adjustments would be made more in terms of configuration rather than proposed use.

8. Suggestion was made that the grazing of livestock be permitted only on those Life Estate Leases where the tenant had a demonstrated ability to care for livestock. The Commission considered this restriction not in conformance with the wording or intent of the Amendments Act.

9. Suggestion was made that a new section be included in the regulations which would provide for enforcement of the various terms of Life Estate Leases and, in extreme cases, for termination of such lease. The Commission noted that

the tenure of the Lease is established by statute and that according to such statute it can be terminated only by death or relinquishment. Concerning enforcement of the terms of the lease, it was noted that either the Commission, or the Secretary after the Commission ceases to exist, could enforce such terms in a court of competent jurisdiction.

10. A number of suggestions were aimed at the configuration of the Life Estate Lease premises, such as the boundaries of the Lease should be configured so as to minimize fencing, that it be consistent with tribal land use plans, and so forth. The Commission noted that Section 700.339 already provides for consultation with the Tribe upon whose land a Life Estate Lease will be located prior to establishment of the configuration of the Life Estate Lease and that such consultation could cover the various items suggested in this regard.

All of the comments and suggestions received have not necessarily been discussed herein in detail. The decision of the Commission to proceed to finalize the regulations as contained herein was based upon the considerations noted above and upon the provisions of Pub. L. 93-531 and the Amendments Act.

As of the date of publication of this final rule the Office of Management and Budget has not yet approved the information collection requirements related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is amended in its final form by adding regulations now designated as Subpart M—Life Estate Leases. For purposes of clarity, § 700.17, Application for life estate leases, published on October 10, 1980 as a final rule (45 FR No. 199, p. 67338) is re-designated as § 700.331 and republished at this time. Sections 700.17 (c), (d), (e), (f), (g) and (h) of the proposed rule are re-designated as §§ 700.333 through 700.343 and published here in final form. The present sections in Part 700 remain in effect until a complete revision is published.

Subpart M—Life Estate Leases

Sec.

700.331 Application for Life Estate Leases.
700.333 Determination of disability.
700.335 Grouping and granting of applications for Life Estate Leases.
700.337 Establishment of boundaries of Life Estate Leases.
700.339 Residency on Life Estate Leases.
700.341 Access to Life Estate Leases.
700.343 Life Estate Leases.

§ 700.331 Application for Life Estate Leases.

The following standards and procedures shall govern the application for Life Estate Leases:

(a) *Filing of application.* Applications for Life Estate Leases shall be filed at the Commission's office in Flagstaff, AZ, not later than July 1, 1981, unless extended for good cause. Application should be made on an approved Commission form known as "Application for Life Estate Lease" and should contain the following information:

(1) Name, address, birthdate, social security number, census number, spouse, and date of marriage, if married. The head of household who applies for a Life Estate Lease shall be known as the "applicant".

(2) Applicant's Quad Map location in the Former Joint Use Area.

(3) Information listing any other places of Applicant's residence since December 22, 1974.

(4) Name, birthdate, census number, and social security number, if any, of the applicant's minor dependent children.

(5) A statement by the applicant setting forth the nature of the applicant's disability, if any.

(6) Applications should be accompanied, wherever possible, with documentation such as Birth Certificates, Baptismal Records, Tribal Records, Family Census Cards, Marriage Certificates, Tax Returns, and such other documentation required by the Commission.

(b) *Extensions of Time for Filing of Applications for Life Estate Leases.* Extensions of time for filing of applications for Life Estate Leases shall be governed by the following procedures:

(1) The Commission shall, on a case-by-case basis, determine whether good cause exists to warrent a time extension for the receipt of applications.

(2) Initial Commission determinations concerning the time extension for receipt of applications shall be made by the Certification Officer. Any extensions granted shall be in writing and shall state the length of the extensions and the reasons therefore.

(3) In no event shall an extension be granted for more than eighty-nine (89) days after July 1, 1981.

(4) In the event an extension of time is denied or an application is refused for filing, the Certification Officer shall state the reasons therefore and such determination shall be communicated to the applicant by certified letter or in person by Commission staff.

(5) All persons aggrieved by initial Commission determination may have a hearing to present evidence and argument concerning the determination. Such hearings shall be requested and governed by the Commission's Hearings and Administrative Review Procedures contained in § 700.8 of the Commission's Operations and Relocation Procedures.

(6) For purpose of this subsection, "good cause" shall be defined as follows:

(i) Lack of actual notice.

(ii) Lack of transportation or physical incapacity preventing timely filing.

(iii) Acts of God.

(iv) Such other facts or reasons deemed sufficient in the discretion of the Commission.

§ 700.333 Determination of disability.

The Commission shall determine disability pursuant to the following:

(a) An applicant shall be considered to be disabled if he/she is unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

(b) Each applicant who claims entitlement to a life estate lease by virture of a disability shall be examined by a physician selected by the Commission or one selected by the applicant and approved by the Commission. The reasonable costs of such examinations shall be paid by the Commission. The examining physician shall submit a report of his/her examination to the rating physician who shall be a physician selected by the Commission. The rating physician shall submit to the Commission a report stating his/her opinion as to whether or not the applicant is a least 50% (fifty percent) disabled and if so, the percent of disability. In addition, the rating physician shall state in his/her report the conditions or conditions of the applicant upon which the rating is based.

(c) In performing examinations and in making ratings, the physician shall follow the procedures and adopt the standards set forth in Subpart I—Determination of Disability or Blindness, of the Social Security Administration, contained in Title 20, Code of Federal Regulations, §§ 416.901 through 416.985, including the Appendices, etc., to the

extent that such procedures and standards are appropriate to this examination and rating.

(d) In making its determination as to the disability and the percentage thereof of an applicant who claims disability, the Commission shall consider the report of the rating physician and such other matters as the Commission deems relevant.

§ 700.335 Grouping and granting of applications for Life Estate Leases.

Upon receipt of applications filed pursuant to this Section, the Commission shall group and award life estate leases in the following manner:

(a) Applicants who are determined to be at least 50% (fifty percent) disabled as certified by a physician approved by the Commission. Such applicants shall be ranked in the order of the severity of their disability.

(b) Applicants who are not at least 50% (fifty percent) disabled shall be ranked in order of their age with the oldest listed first and the youngest listed last; provided that, if any applicant physically resides in Quarter Quad Numbers 78 NW, 77NE, 55SW, or 54 SE, as designated on the Quarter Quad Maps of the Former Joint Use Area prepared by the Bureau of Indian Affairs Field Administrative Office, such applicant shall be given priority over another applicant of equal age.

(c) Applicants who did not, as of December 22, 1974, and continuously thereafter, maintain a separate place of abode and actually remain domiciled on Hopi Partitioned Lands, and who, but for this subsecton would be required to relocate, shall be rejected by the Commission.

(d) Applicants who were not at least forty-nine (49) years of age on December 22, 1974, *or* are not at least 50% (fifty percent) disabled shall also be rejected by the Commission.

(e) The Commission shall award life estate leases to not more than one hundred and twenty (120) Navajo applicants with first priority being given to applicants listed pursuant to § 700.335(a) and the next priority being given to applicants listed pursuant to § 700.335(b), in order of such listing.

(f) The Commission shall award life estate leases to not more than ten (10) Hopi applicants with first priority being given to applicants listed pursuant to § 700.335(a) and the next priority being given to applicants listed pursuant to § 700.335(b) in order of such listing except that the portion of § 700.335(b) concerning residency in Quarter Quad Numbers 78 NW, 77NE, 77NW, 55 SW, 54SE, etc., shall not apply to Hopi applicants.

§ 700.337 Establishment of boundaries of Life Estate Leases.

(a) Prior to the issuance of a life estate lease, the Commission shall, after consultation with the Tribe upon whose land the life estate lease will be located, establish the actual configuration, shape and boundaries of the land area of the life estate lease. The present residence of the life tenant shall be within the boundaries of the life estate lease and the area of the life estate lease shall not exceed ninety (90) acres.

(b) The following factors will be considered in establishing the configuration, shape, and boundaries of a life estate lease:

(1) the location of the present residence of the applicant and the traditional land use area associated with such residence.

(2) the topography and soil conditions of the land in the immediate vicinity of the applicant's present residence.

(3) the location of the nearest source of water.

(4) the proximity of roads.

(5) such other factors may be necessary or appropriate.

§ 700.339 Residency on Life Estate Leases.

(a) No person may reside on a life estate lease other than the life tenant, his or her spouse, and minor dependents and such persons who are necessarily present, as determined by the Commission, to provide for the care of the life tenant.

(b) In determining who is necessarily present for the care of the life tenant, the Commission shall consider the following criteria:

(1) the age of the life tenant.

(2) the nature and extent of the life tenant's disability, if any.

(3) the location of the life estate lease, including but not limited to, the following factors:

(i) topography,

(ii) proximity to water,

(iii) proximity to fuel,

(iv) proximity to shopping and medical services, and

(v) any other factors deemed relevant to the Commission.

(4) The nature and extent of care to be provided to a disabled life tenant.

(5) Any other factors deemed relevant by the Commission.

(c) In the event it becomes necessary to change the identity of the person(s) or number of persons identified as necessarily present for the care of the life tenant, the life tenant shall make such request for change to the Commission. The Commission, upon review of the request, may grant an amended life estate lease to reflect the requested change.

§ 700.341 Access to Life Estate Leases.

(a) Family members and other persons may enter upon the life estate lease premises for the purpose of visiting the life estate lease residents so long as such visit does not exceed thirty (30) consecutive days in any one visit or ninety (90) days total of all visits within any lease year, except that grandchildren and their descendants who are not minor dependents of the life tenant and who have not attained the age of 18 (eighteen) years may visit for ninety (90) consecutive days in any lease year, the first of which shall commence on the date of issuance of the life estate lease. There shall be no limitation on visits which do not extend overnight.

(b) Visitors and residents shall use the existing road systems and access rights of way when traveling to and from life estate lease premises.

§ 700.343 Life Estate Leases.

The Commission shall execute a life estate lease to each applicant to whom a life estate lease is granted, which lease shall contain the following:

(a) the names of the persons entitled to reside on the life estate lease which shall be the life tenant, his or her spouse, and minor dependents and/or such persons who are necessarily present to provide for the care of life tenant.

(b) a description of the exterior boundaries of the land included in said lease.

(c) the term of the life estate lease which shall end either upon voluntary relinquishment or upon the death of the life tenant or his/her spouse, whichever occurs last.

(d) that the life tenant may feed not to exceed twenty-five (25) sheep units per year or equivalent livestock on the life estate lease premises.

(e) that no person may reside on a life estate lease other than the life tenant, his or her spouse, and minor dependents, and/or such persons who are necessarily present to provide for the care of the life tenant.

(f) that the Secretary of Interior shall pay, pursuant to 25 U.S.C. 640–d (28)(i), Pub. L. 96–305 section 30(i), on an annual basis, the fair market rental value of such life estate lease to the tribe to whom the lands leased were partitioned. Rental payments shall be made within thirty (30) days of the execution date of the life estate lease.

(g) that the life tenant may make reasonable improvements on the life

estate lease which are related to the residence and agricultural purposes of the life tenancy as determined by the Commission. Such improvements:

(1) May include the renovation or replacement of existing dwelling structures and privies or outhouses so as to improve their utility, safety or level of modern utilities or amenities, but

(2) Shall not increase the number, size, or capacity of dwelling structures on the leased area except with the express written approval of the Commission based upon a showing of actual need, or to reasonably accommodate a resident care provider for whom there is not adequate existing residential capacity.

(3) May include not more than one shed or barn to be used in connection with livestock and/or agricultural activities permitted.

(4) May include one ceremonial hogan and one traditional ramada type structure.

(5) May include a garden of reasonable size.

(6) May include such other improvements as the Commission finds to be reasonable under the circumstances of each lease.

(h) That no person may visit on a life estate lease for more than thirty (30) consecutive days in any one visit or ninety (90) days total of all visits within any lease year the first of which shall commence on the date of issuance of the life estate lease, except that grandchildren and their descendants who are not minor dependents of the life tenant and who have not attained the age of eighteen (18) years may visit for ninety (90) consecutive days in any lease year. There shall be no limitation on visits which do not extend overnight.

(i) That said life tenant or his or her surviving spouse may relinquish said life estate lease at any time and may receive relocation benefits from the Secretary at the time of relinquishment as provided in 25 U.S.C. 640–d 28 (h), (Pub. L. 96–305, section 30(h)).

(j) The purposes for which the life estate lease may be used.

(k) The life estate tenure shall end by voluntary relinquishment, or at the death of the life tenant or the death of his or her spouse, whichever occurs last, all as provided in 25 U.S.C. 640–d 28(g) (Pub. L. 96–305, section 30(g)).

(l) No livestock shall be allowed in the lease area until the perimeter of the lease area is fenced.

(m) Such other terms and conditions deemed necessary or appropriate by the Commission.

(Sec. 30(b), (Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–15448 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1821–8]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) today announces final rulemaking on Michigan's Part D Plan to attain the total suspended particulate (TSP) ambient air quality standards in its TSP nonattainment area containing iron and steel sources.

USEPA published a notice of proposed rulemaking on the portion of the State TSP control strategy specifically relating to iron and steel sources on September 9, 1980 (45 FR 59329). After review of the State's response and public comments, USEPA takes final rulemaking action to approve, disapprove or conditionally approve specific regulatory proposals, and to conditionally approve the State's overall control strategy for the nonattainment area containing iron and steel sources.

EFFECTIVE DATE: This final action is effective June 22, 1981.

ADDRESSES: Copies of the State Implementation Plan (SIP) revision submitted by Michigan, public comments on the Notice of proposed rulemaking and USEPA's evaluation and response to comments are available for inspection at the following addresses:

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

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

Copies of the submittal are also available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Carol Wilmowski, U.S. Environmental Protection Agency, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 886–4254.

SUPPLEMENTARY INFORMATION:

A. Background

On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Act, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), or nitrogen dioxide (NO^2).

Part D of the Act, which was added by the 1977 amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must: (1) demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982; and, (2) in the interim provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT) to existing sources. Under certain conditions, the date may be extended to December 31, 1987, for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). In addition, USEPA proposed rulemaking on November 27, 1979 (44 FR 67675) to clarify existing Federal regulations related to state or local discretionary authority to carry out provisions of a SIP.

On April 25, 1979, the State of Michigan submitted a portion of its revised SIP to USEPA to satisfy the requirements of Part D. This submittal included the State proposed control strategy to attain the TSP standards in areas designated nonattainment for that pollutant. USEPA published a notice of proposed rulemaking (NPR) on many of the proposed revisions on August 13, 1979 (44 FR 47350). On May 6, 1980, USEPA conditionally approved Michigan's control strategy for TSP nonattainment areas except for the area containing iron and steel sources (45 FR 29790). The August 13, 1979 NPR did not discuss or solicit public comment on the State's strategy for controlling particulate emissions from iron and steel sources. Consequently, USEPA did not

take final rulemaking action on these provisions on May 6, 1980.

On September 9, 1980, USEPA published a NPR on the portion of the State's TSP control strategy relating to iron and steel sources (45 FR 59329). The September 9, 1980 NPR stated USEPA's proposed action: approval, conditional approval or disapproval, as to each of the regulatory provisions and conditional approval of the overall Plan, and stated the reasons for its proposed action. The notice provided a thirty-day comment period.

Because of the extensive amount of technical support material in the docket referenced in the NPR, USEPA received requests from industrial commentors as well as the State to extend the comment period in order to permit adequate review of the material. In consideration of these requests the comment period was extended to November 30, 1980 (45 FR 70917).

On November 26, 1980, Michigan submitted a letter of commitment and schedule by which it would respond to all of the deficiencies cited by USEPA in the NPR through additional State rulemaking, either through revisions to existing rules or adoption of new rules. In the NPR USEPA proposed to disapprove certain rules because data collected by USEPA in the docket reflected that a more stringent emission limitation was achievable with reasonably available control technology (RACT), and the State had submitted no data supporting its proposal as representing RACT. Michigan committed itself to submit supporting data for all revisions submitted in response to the NPR.

On April 1, 1981, Michigan submitted a revised schedule to correct the deficiencies noted in the Plan. That schedule is as follows:

1. Development and submittal of proposed rules to the Michigan Air Pollution Control Commission for purposes of public hearings, July 21, 1981.
2. Rules formally submitted to the Joint Committee on Administrative Rules, March 1, 1982.
3. Submittal of consent orders with individual steel companies containing increments of progress to satisfy the requirement of 40 CFR 51.15, January 1, 1982.

A notice soliciting public comment on the acceptability of this schedule will be published in a subsequent **Federal Register**. Although the deadlines submitted may be changed in light of comments received, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

USEPA also received comments on the September 9, 1980 **Federal Register** Proposal from two industrial commentators: Ford Motor Company (Ford) and Great Lakes Steel (Great Lakes). The latter company's comments incorporated comments from E. F. Young, Jr. of the American Iron and Steel Institute (AISI).

USEPA will respond to comments received in the following sections of this Notice. Section B responds to general comments addressed to USEPA SIP review procedures and policies. Sections C and D deal with comments addressed to specific provisions of the Michigan control strategy for iron and steel sources and additional conditions for approval of the overall Part D Plan cited by USEPA in the September 9, 1980 NPR.

Today's final rulemaking conditionally approves Michigan's overall particulate control strategy for the nonattainment area containing iron and steel sources. This final rulemaking includes approval, disapproval, or conditional approval of specific regulatory provisions. Since, as discussed in the April 4, 1979 General Preamble, all pre-existing SIP regulations affecting iron and steel sources remain in effect in addition to those approved today, EPA's disapproval today of certain rules means that the particular sources affected by those rules remain subject to the existing applicable regulations.

As discussed in the May 6, 1980 and August 13, 1979 **Federal Register** Notices, Michigan's Part D Plan for particulate nonattainment areas failed to demonstrate attainment of the TSP national ambient air quality standards (NAAQS). Where a Plan does not demonstrate attainment of NAAQS despite the application of RACT to all traditional sources of particulate matter, USEPA interprets Part D of the Act to permit approval of a Plan which includes: (1) RACT on all traditional sources and, (2) a commitment by the State to conduct additional studies on the causes of nonattainment, including non-traditional source control, and to develop and submit additional regulations to achieve attainment pursuant to an enforceable schedule.

Today's conditional approval of Michigan's overall TSP control strategy for its nonattainment area containing iron and steel sources is based on USEPA's determination that the RACT requirements approved today in conjunction with: (1) existing regulations, (2) Michigan's commitments to address all deficiencies cited in the September 9, 1980 NPR and, (3) its commitment to further address non-traditional particulate sources and adopt additional regulations on the schedule agreed to in the May 6, 1980 **Federal Register** together satisfy the requirements of Part D.

The conditional approval action taken today requires the State to submit additional material by the deadlines cited in this Notice as well as those deadlines specified in the May 6, 1980 **Federal Register**. USEPA will follow the procedures described below in determining if the State has satisfied a condition:

(1) When the State submits required documentation showing that a condition was met according to the schedule, USEPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continuing pending USEPA's final action on the submittal.

(2) USEPA will evaluate the State's submittal to determine if the condition was fully met. After review is complete a **Federal Register** notice will be published indicating whether the condition has been met and, if not, containing either a proposed or final action to withdraw conditional approval and disapprove the Plan. If the Plan is disapproved the section 110(a)(2)(I) restrictions on new major source construction will again be in effect.

(3) If the State fails to submit the required material to meet a condition according to the schedule, USEPA 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 that section 110(a)(2)(I) restrictions on growth are in effect.

A further discussion of conditional approval is contained in the July 2, 1979 and November 23, 1979 **Federal Registers** (44 FR 38583 and 44 FR 67182).

Below is a list of those rules affecting iron and steel sources in nonattainment areas submitted by the State and the action taken by USEPA today:

Rule 336.1301, 336.1331.	General Opacity	Approved.
Table 31, Item C.	Open Hearth Furnaces	Disapproved.
	Basic Oxygen Furnaces	Disapproved.
	Electric Arc Furnaces	Disapproved.
	Sintering Plants	Disapproved.
	Blast Furnaces	Disapproved.
	Heating & Reheating Furnaces.	Disapproved.
336.1349	Coke Oven Compliance Date.	Conditionally approved.[1]
336.1350	Larry Car Charging	Conditionally approved.[2]
336.1352	Coke Oven Pushing	Conditionally approved.[2]
336.1353	Standpipe Assembly	Conditionally approved.[2]
336.1354	Standpipe Assembly during Decarbonization.	Approved.
336.1335	Coke Oven Gas Collector Main.	Approved.

336.1356 and 336.1357.	Coke Oven Doors	Conditionally approved.[2]

[1] The final date is approved on the condition that Michigan submits a schedule with interim dates.
[2] These rules are approved on the condition that the State submit a test procedure consistent with the discussion in the September 9, 1980 **Federal Register**.

In addition to the sources listed above, the following sources were not adequately addressed in the State's Part D SIP revisions: coke battery combustion stacks, coke plant quench towers, scarfers, coke oven preheaters. Under the States proposed control strategy these sources are regulated under Table 32 of Rule 336.1331; however USEPA does not believe that Table 32 imposes limitations sufficiently stringent to represent the application of RACT. Therefore, EPA is further conditioning approval of the overall Part D Plan on receipt from Michigan of amendments or clarifications of Table 32 of Rule 336.1331 as it applies to coke battery combustion stacks, by-product coke plant quench towers, scarfers, and coke oven preheaters.

B. General Comments Addressed to USEPA SIP Review Procedures and Policies

Comment: Ford and the American Iron and Steel Institute (AISI) argue that by publication of the guidance document summary of achievable emission limitations for iron and steel-making processes, USEPA has in effect established uniform RACT standards, in a manner similar to that which would occur if USEPA had federally promulgated such standards pursuant to section 307 of the Clean Air Act, but without the full procedural safeguards, such as public hearings, offered by section 307.

They further assert that the Agency is improperly using the SIP approval process to coerce the State into adopting USEPA's standards.

Response: USEPA believes that commentators have misunderstood USEPA's goal in developing a technical support docket, and have mistakenly attributed to USEPA's actions an element of coercion.

Under the scheme of the Clean Air Act, each State has a statutory obligation to develop a revised SIP for non-attainment areas pursuant to section 172 of the Act. Each SIP must include sufficient information for USEPA to evaluate whether such revised plan meets the requirements of section 172, including the requirement specified in section 172(b)(3) of "such reduction in emissions as may be obtained through the adoption at a minimum, of reasonably available control technology."

In the course of pursuing its statutory obligation to review State submitted Part D SIP revisions, USEPA has assembled a docket which contains the technical data which are the basis for review of the Michigan proposal. It consists of comprehensive iron and steel emissions data from facilities across the country, and was compiled in direct response to USEPA's mandated duty to evaluate the proposed SIP's in terms of section 172, including the requirement for RACT. This data is invaluable in analyzing the levels of emission control achievable for categories of sources within the iron and steel industry and would be useful in evaluating case-by-case RACT limitations in the event that the State has submitted limitations which considered technological and economic feasibility as they applied to individual sources.

In contrast to the commentators' contentions, USEPA has not suggested that emission limitations and standards reflected in these documents constituted uniform and presumptive RACT standards for the iron and steel industry, designed to become part of a State's SIP unless the State was able to overcome the presumption of validity of the technical support documents. In the September 9, 1980 Notice of Proposed Rulemaking, USEPA explained its understanding of the Part D revision process and the uses to which it would put the technical support documents: "USEPA believes that the burden of demonstrating that a regulation represents RACT rests on the State. In reviewing a proposed SIP revision to determine its adequacy, USEPA can verify independently that the provisions in the State plan represent RACT. Although USEPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflect the emission limitations achieved by various iron and steel sources applying control technology. Where a State proposes regulations which are not technically supported by USEPA's data, the State must submit adequate data supporting its proposal as RACT. (45 FR 59331.)"

This does not preclude a State from submitting a proposal which differs from USEPA's technical support, but merely indicates that the State must submit justification of its own to support its RACT determinations. USEPA would then consider the information submitted by the State, together with the data in the technical support docket and any public comments received in analyzing whether the revision satisfies the requirements of the Act for RACT based upon the economic and technical circumstance of the particular sources being regulated.

USEPA further clarified its position regarding the technical support documents in the September 8, 1980, **Federal Register** Notice of availability of guidance document (45 FR 59198): "The limitations and standards summarized in the table should not be regarded as categorical RACT requirements for iron and steel sources, but solely as guidance which USEPA will utilize as the starting point in its review and evaluation of a State's submission. The State may develop its RACT requirements independently of USEPA's guidance. . . . EPA . . . will carefully review and evaluate in detail the State's analysis to determine whether it in fact supports the State's proposed RACT requirements."

Since the summary of achievable emission limitations was published as guidance for review of State-submitted SIPs, USEPA was not required to follow the rulemaking procedures enumerated in section 307(d) of the Act.

While the Clean Air Act specifies that USEPA is to follow the procedures set forth in section 307(d) for certain actions, such as the promulgation of an implementation plan for a State pursuant to section 110(c), those requirements do *not* apply to agency action on State-submitted implementation plan revisions.

The applicable guidelines for agency action on State submitted SIP revisions appear in the Administrative Procedure Act (APA), 5 U.S.C. 553, which require publication of notice of the proposed rulemaking, including a statement of the time, place and nature of the proceedings, reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. In addition, the agency is required to give interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. USEPA has followed these guidelines in all rulemaking on Michigan iron and steel sources.

Only in those instances where USEPA is actually engaged in promulgating uniform standards would rulemaking pursuant to section 307(d) be appropriate. As previously discussed, the guidance document does not establish RACT standards. Rather, USEPA has internally developed guidance material and has made these documents publicly available. In the notices referenced above, USEPA has made clear its intent not to coerce a State into accepting a particular

standard, but to require that a State technically justify its RACT determinations.

COMMENT: AISI objected to USEPA's use of technical material to assess RACT without also incorporating an analysis of the economic feasibility of application of a particular technology in order to demonstrate that the proposed technology is achievable on a retrofit basis.

RESPONSE: Economic and technical factors are generally site-or area-specific. As previously stated USEPA believes that the State, as proponent of the plan revisions, has the burden of developing a rulemaking record to support regulatory proposals which take into account economic and technical factors.

USEPA's responsibility is to make an independent determination of the adequacy of the state's proposals. The Agency must start with some standard to measure whether RACT has been required. The approach taken was to compare the State's proposed requirements with the known performance of the better control systems in place at a broad range of facilities in many locations. If the State's proposed rules deviated from the levels shown to be achievable by USEPA's data, the State was expected to document the site or area-specific factors that justified such deviation.

Certain of the Michigan regulations would have required substantially less emission reduction from the processes involved than shown to be achievable by USEPA's data. Nothing in the State record, however, supports a conclusion that Michigan iron and steel sources stand apart geographically, technically or economically from those sources making up USEPA's data base. Therefore, USEPA proposed disapproval of those rules. The State has the opportunity under today's conditional approval, however, to develop and submit area or site-specific documentation to support its regulatory proposals.

COMMENT: Great Lakes asserted that USEPA has no legal justification for mandating the States to impose RACT on all sources in nonattainment areas, including iron and steel sources. The commentator insists that under the Act. RACT is required only to the extent necessary to attain the ambient air quality standards, and argues that the State has the flexibility in developing a nonattainment area Plan to choose whatever "mix" of emission limitations it deems appropriate to meet the Standards. Both Ford and Great Lakes claim that USEPA unjustifiably singled out iron and steel sources for greater control, while acknowledging that fugitive and nontraditional sources are the major contributors to the nonattainment problem.

RESPONSE: The commentator is correct in stating that a State need not require RACT on all sources *if* the Plan as a whole demonstrates attainment of the Standards as expeditiously as practicable, but (in the case of the primary particulate Standard) no later than December 31, 1982. Thus, Michigan could impose particular regulatory requirements less stringent than RACT if it could demonstrate that RACT on such sources was not necessary to achieve or maintain the particulate standards and, further, that inclusion of RACT would not allow for an earlier attainment date.

The problem, as the commentator points out, is that the Michigan Plan, including the regulations for iron and steel sources, does not demonstrate attainment. Indications are that nontraditional and industrial fugitive source emissions significantly contribute to the Standard violations in these areas, but the State has not yet submitted a control strategy for nontraditional sources and has just recently submitted regulations for industrial fugitive sources. The latter regulations are currently under review.

Since the State cannot make the demonstration that RACT on iron and steel sources is not necessary to achieve reasonable further progress toward and attainment of the particulate standard as expeditiously as practicable but no later than December 31, 1982, an approvable Plan for this area must include RACT on iron and steel sources.

COMMENT: AISI contends that USEPA should be confined in its review of State-submitted implementation plan revisions to consideration of data and testimony in the State hearing record. Its specific objection is that USEPA based its action on the Michigan iron and steel revisions on the RACT guidance document which the Agency published in September 1980. The commentator argues that because the Clean Air Act contemplated State submission of Part D Plans by January 1979, USEPA should have made its RACT guidance available to the States prior to that time, or at least in time to be considered by the State during its rulemaking proceedings. Both Ford and AISI claim that EPA's delay in acting on the plans for areas containing iron and steel sources has been unreasonable and has prejudiced the affected sources' ability to comply by the statutory attainment date.

RESPONSE: In reviewing the adequacy of the State's submittal USEPA cannot be limited to review of those matters raised during State rulemaking; the Agency must be able to draw on its own expertise to make an independent analysis as required by Section 172 of the Clean Air Act.

As the Agency reviewed the proposals of the various states it became clear that available technical data should be assembled to facilitate EPA's review.

This data appears in the docket of this action and is significant for Part D rulemaking purposes. The Agency has a responsibility to weigh this data in responding to the proposed Part D revisions to the Michigan Plan. In order to adequately perform its statutory responsibilities, the Agency necessarily expended considerable time to amass and analyze relevant data on iron and steel source control. Additional time has been required to respond to the legal and technical comments addressed to the September 9, 1980 NPR. U.S. EPA acknowledges that the time required for adoption and approval of an acceptable control strategy *may* render it impossible to install certain equipment by the statutory deadline. However, such an assertion at this point is premature. Until the State rulemaking to satisfy the conditions of this approval action is completed, the ultimate requirements for iron and steel sources will not be known. If, at that time, installation of the control equipment required by a particular rule is demonstrably impossible by the statutory deadline, the Clean Air Act contains remedies, such as section 113(d), which may be applicable to permit a compliance date extension.

COMMENT: AISI and Great Lakes asserted that USEPA improperly failed to articulate the specific data in the technical support portion of the rulemaking docket upon which USEPA relied for its selection of emission limitations in the summary table, and to provide an explanation of why these limitations were determined to be "generally" achievable in the steel industry. One commentator stated that this "failure" rendered it impossible to make meaningful comments in this rulemaking proceeding. The commentator further questioned USEPA's "exclusion" from the docket of materials the commentator alleged were contained in the state hearing record or submitted by the steel companies to USEPA.

RESPONSE: USEPA believes it has included all relevant material in the docket. The commentator did not reference any specific data which the commentator believes to be relevant to EPA's review that were not considered by the Agency. If it had done so the

Agency would have addressed such material.

Since the technical data in the docket were indexed by process category, and by emissions point therein, USEPA believes that adequate reference to support data were provided to prospective commentators to permit meaningful comment. All commentators who requested an extension of the comment period stating that additional time was needed to review the docket materials were granted an extension equal to or greater than that requested. In addition, EPA's conditional approval permits the State additional time beyond the comment period to submit data in support of its proposed rules, or to develop and submit substitute rules.

In addition, as EPA stated in its Supplement to the General Preamble published on November 23, 1979, when the State submits supporting data for its proposed revisions, or submits new revisions, pursuant to the conditional approval schedule announced today, EPA will review the adequacy of the State's submission and publish its determination as either a proposed or final rulemaking, depending on the nature of the submittal. If proposed rulemaking is used, interested parties will have further opportunity for comment.

Therefore, USEPA believes that adequate opportunity has been provided to comment on USEPA's data or submit additional data in support of the commentator's proposed limitations.

COMMENT: AISI commented that "much of the support documentation is unreliable data in that it represents information derived from pilot processors, special emission testing procedures other than standard methods, tests on brand new equipment, etc. rather than from facilities operating under normal production conditions."

RESPONSE: The gist of AISI's comment is that much of the data in the docket is not representative of existing iron and steel-making facilities. This assertion is totally unsupported. AISI did not identify any specific test data it considered deficient. Furthermore, review of the docket will confirm that in all cases where USEPA's disapproval or conditional approval of the State proposal was based on a determination that a more stringent limitation is generally achievable, USEPA relied on data in the docket from testing of existing, retrofitted full-scale plants. For USEPA's suggested mass limitations, the data in the docket shows that the test method utilized during particulate tests was predominantly USEPA Reference Method 5, 40 CFR Part 60, Appendix A (See data for primary and secondary gas cleaners on BOF shops, electric arc furnaces, blast furnaces, sintering plants, coke oven preheaters, coke oven combustion stacks and scarfers). The one exception, quench tower tests, were based on identical industry and USEPA modifications of Method 5 (specifically designed to accommodate the special characteristics of quenching plumes). No data from test on new facilities were relied on by USEPA in any of the disapproval actions contained in this rulemaking.

COMMENT: Ford alleged that USEPA used the SIP review process to obtain adoption of more stringent emission limitations applicable to Ford's iron and steel sources than those which it recently obtained in a draft Federal consent decree.

RESPONSE: Ford was aware that the Part D SIP revisions called for by the Clean Air Act would require reasonably available control technology (RACT). Ford assumed the same risk assumed by every other SIP violator seeking settlement of an USEPA enforcement action: that the SIP may be revised to include additional or more stringent requirements to assure attainment of the ambient air quality standards. Region V's enforcement action, and the consent decree terms negotiated in settlement of that action, were to obtain compliance with the existing SIP and other Clean Air Act requirements. The limitations negotiated by enforcement personnel to meet the existing SIP would not necessarily correspond to the USEPA's determination of RACT.

C. Michigan TSP Control Strategy for Iron and Steel Sources

The September 9, 1980 notice of proposed rulemaking identified deficiencies in the strategy for iron and steel sources which require corrections or clarifications. Certain regulations did not contain appropriate compliance test methods to assure their enforceability.

Following is a discussion of the comments received and USEPA's response and final action as to each of the regulatory provisions submitted as part of the Michigan TSP control strategy for iron and steel sources.

It should be noted generally that the State record includes no site-specific information or data on which to judge whether the Michigan proposals satisfied the section 172 requirement for RACT. None of the industrial commentators submitted data supporting the Michigan proposals or contradicting USEPA's suggested RACT limitations. Nor did the commentators, with certain exceptions noted below, assert that site-specific factors should be considered in determining RACT for Michigan facilities.

Therefore, this final rulemaking is primarily the product of evaluation of the Michigan proposal in light of the standards demonstrated to be achievable by EPA's data base, included in the docket.

Rule 336.1301—General Opacity.

USEPA proposed to approve this rule because, as applied to iron and steel sources with approvable mass emission rules, it represents reasonably available control technology. In the August 13, 1979, **Federal Register** USEPA also proposed to approve this rule on the condition that Michigan clarify the method by which it would be applied. By letters of February 6, 1980 and March 7, 1980, Michigan identified for EPA's approval in the May 6, 1980 **Federal Register** a Michigan rule specifying the appropriate visible emission testing methods. Included in the March 7 letter is a statement that individual observations taken in accordance with Method 9 (40 CFR Part 60) are aggregated for purposes of the rule's three minute exemption.

Ford objected to USEPA's approval of this rule, contending that because: (1) RACT is required under section 172 only to the extent necessary to achieve expeditious attainment of the air quality standards; and, (2) opacity limits cannot be directly related to attainment or nonattainment of the TSP standards, USEPA has no authority to require an opacity regulation as part of a Part D SIP, on the basis that it is RACT.

First, and as previously discussed in this Notice, the Michigan Plan must require at a minimum RACT on all traditional TSP emission sources because the Michigan Part D Plan failed to demonstrate attainment of the TSP standards. A number of iron and steel sources can only be regulated by opacity standards because their emissions are fugitive in nature and, therefore, not measurable by accepted mass testing procedures. Fugitive emissions are those which are emitted other than through a stack or duct. For this category of sources visible emissions standards are necessary to represent RACT. For example, Michigan has chosen to regulate coke oven emissions by specific visible emission standards (336.1350–57). For other source categories, USEPA has evaluated whether Rule 336.1301, in combination with the mass emissions limitations for stacks submitted by Michigan, represent at a minimum the application of RACT. Even though USEPA does not believe that opacity limitations are generally required for all emissions points, USEPA

is approving Rule 336.1301 for iron and steel sources for the reasons noted above it represents *at least* RACT for those sources.

USEPA final action: USEPA approves Rule 336.1301 as it applies to iron and steel sources.

Rule 336.1331—Table 31, Item C.

1. *Open Hearth Furnaces.*

USEPA proposed to disapprove Michigan's proposed limitation because data in the docket suggest that a more stringent limitation is achievable with the application of RACT. There are no open hearth shops in Michigan. No comment was received from the industry.

EPA final action:

USEPA disapproves the proposed limitation for open hearth furnaces.

2. *Basic Oxygen Furnaces.*

USEPA proposed to disapprove the proposal because data in the docket indicated that a more stringent limitation is achievable with the application of RACT, relative to primary and secondary BOF mass emissions.

Ford commented that although test results show that it can comply, Ford does not know if its BOF shop can consistently meet a limitation falling within the ranges for primary and secondary controls suggested by USEPA in the September 9, 1980 NPR. Consequently, Ford requested a site-specific limit for its BOF shop. The site-specific limit requested by Ford is not before us in this rulemaking action. Ford can submit such documentation for a site-specific revision to the State.

USEPA final action: USEPA disapproves the proposed limitation for basic oxygen furnaces.

3. *Electric Arc Furnaces.*

USEPA proposed disapproval of the State's proposal because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Ford suggested that any limitation for an electric arc furnace must be defined in terms of a test method for positive pressure baghouses. USEPA agrees that evaluation of the ultimate limitation must include consideration of the Michigan test methods.

USEPA final action: USEPA disapproves the proposed limitation for electric arc furnaces.

4. *Sintering Plants.*

USEPA proposed disapproval of the proposed limitation for sintering plants because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Great Lakes commented that a more stringent rule than the State proposal is not warranted because Great Lakes (owner of the only sinter plant in the State) has recently completed an expensive modification to the sinter line and associated control equipment. Great Lakes did not assert in its comments that this modification is incapable of meeting USEPA's suggested limitation. Nor did it state what the emissions performance capability of their present system might be. Since Great Lakes submitted no performance data on its sintering machine, the present record is insufficient to enable USEPA to approve the proposed limitation.

USEPA final action: USEPA disapproves of the proposed standard for sintering plants.

5. *Blast Furnaces.*

USEPA proposed to disappove this rule on the grounds that data contained in the rulemaking docket demonstrate that a more stringent mass limitation is achievable with the application of RACT for the outlet from gas cleaners which filter captured particulate matter.

Ford commented that USEPA's suggested RACT limit is unproven and proposes that the RACT limit should be 0.04 gr/dscf. A report by Midwest Research Institute in the docket (at pages 100507 to 100564 of the technical material) demonstrates that a limitation of 0.001 to 0.009 gr/dscf is achievable for such gas cleaners. Ford did not submit any comments relative to this report. Therefore, EPA rejects Ford's contentions.

Great Lakes asserted that the State is not mandated by Part D to adopt a regulation requiring additional control of blast furnaces equal to RACT, but rather can develop its own mix of emission limitations as will demonstrate attainment. This comment has been addressed in Section B of this notice.

Great Lakes also challenged USEPA's suggested RACT limitation. It refers to a study by Betz Engineering contained in the docket as supporting the conclusion that no reasonable method of retrofitting casthouses is available, implying that the Betz study is in conflict with U.S. EPA's suggested limitation. EPA disagrees with that characterization of the Betz results.

The State's proposed regulation, and USEPA's more stringent suggested RACT limitation, are limitations on the concentration of particulate matter allowed from the outlet of a gas cleaner installed as part of a blast furnace casthouse emissions capture hood system. This rule does not require capture hoods; it only limits particulate emissions from the outlet of any hoods that are installed. The requirement to install hoods to capture such emissions, or to prevent their formation by operational techniques, derives from Rule 336.1301, not from the limitation of Table 31. In fact, there are alternative non-hooding techniques available for the control of casthouse emissions. The subject of the Betz study is the feasibility of hoods, not of gas cleaners used to clean emissions which hoods capture. Nothing in the Betz report conflicts with the USEPA conclusion that a mass limitation less than 0.010 gr/dscf is achievable with a gas cleaner.

The Betz study contends that casthouse hoods in Europe, Canada and Japan may not in certain limited cases be retrofittable to certain American blast furnaces. Great Lakes submitted no information showing that Michigan blast furnaces present the retrofit problems identified by Betz.

Moreover, the Betz study is five years old. In the interim, blast furnace casthouse emissions control technology has significantly advanced. For example, the docket indicates that Dofasco has retrofitted three additional casthouses since the Betz study was published.

No comments were submitted on USEPA's proposal with respect to blast furnace stoves.

USEPA final action:

On the basis of the present record, USEPA disapproves the Michigan proposed limitation for blast furnaces.

6. *Heating and Reheating Furnaces.*

USEPA Proposed disapproval of this limitation because data contained in the rulemaking docket demonstrates that a more stringent limitation is achievable with the application of RACT.

Both Ford and Great Lakes assert that: (1) emissions of their gas-fired heat and reheat furnaces are "de minimis"; (2) controls are not economically feasible; and (3) no data was included in the docket to support USEPA's suggested RACT limit.

As previously stated, the Michigan Plan must require at a minimum RACT on all traditional TSP sources in nonattainment areas. USEPA's suggested RACT limitation is based on data in the docket reflecting combustion of steel mill fuels. Emission factors included in the docket indicate particulate emissions of 0.005–0.02 gr/dscf. Michigan's rule would allow substantially higher emissions than are achievable with furnaces fired with such fuel and is therefore unacceptable.

USEPA final action:

USEPA disapproves the State's proposed limitation for heating and reheating furnaces.

7. *Coke Oven Preheater Equipment Effective After July 1, 1979.*

USEPA proposed to approve this regulation if the State clarified that

emissions are determined based on measurement of the whole reference Method 5 sampling train.

No comment was received from industry.

USEPA final action: Based on Michigan's commitment to clarify the test method, USEPA conditionally approves the proposed limitation for coke oven preheater equipment.

Rule 336.1349—Coke Oven Compliance Dates.

USEPA proposed to approve the rule if Michigan submitted a schedule showing enforceable increments of progress (not just a final compliance date) to insure reasonable further progress.

Great Lakes Steel commented that compliance schedules should be source specific. Michigan committed itself to submit site-specific compliance schedules pursuant to the schedule cited in this notice.

USEPA final action: Based on Michigan's commitment to submit consent orders containing enforceable increments of progress for each coke oven operator in the State, USEPA conditionally approves Rule 336.1349.

Rule 336.1350—Emissions from Larry-Car Charging of Slot-type Coke Ovens.

USEPA proposed to approve this rule, which limits visible emissions to 80 seconds for any four consecutive charges, if the State specified an acceptable test method for determining compliance with the rule.

Ford commented that "EPA Region V has agreed to a limit of 125 seconds over 5 consecutive charges as part of our recently negotiated Rouge consent judgment," and requests that this limit become a site-specific limit for Ford's steel facilities. As discussed previously in this notice, the limitations contained in the consent judgment were negotiated to meet the requirements of the existing SIP and would not necessarily correspond to the RACT requirements for Part D SIP revisions. Ford may request a site-specific limit from the State. In this rulemaking USEPA can act only on the rules submitted by Michigan. USEPA has determined that the limitation submitted by Michigan satisfies the requirement for RACT.

USEPA final action: Based on Michigan's commitment to submit an acceptable test method, USEPA conditionally approves Rule 336.1350.

Rule 336.1351—Charging Hole Emissions from Slot-type Coke Ovens.

The State proposal prohibits visible emissions from no more than 4% of all charging holes on a coke battery. The rule was submitted as part of Michigan's Part D SIP. However, USEPA inadvertently failed to specifically identify the rule and state USEPA's proposed action on the rule in the September 9, 1980 NPR. Michigan Rule 336.1351 is not a significant portion of the State's control strategy for iron and steel sources. Therefore, USEPA's failure to take final action on the rule does not affect today's conditional approval of Michigan's overall Part D Plan relating to the nonattainment area containing iron and steel sources. USEPA's proposed action on Rule 336.1351 will be announced in a separate Notice of Proposed Rulemaking.

Rule 336.1352—Pushing Emissions from Slot-type Coke Ovens.

USEPA proposed to approve Michigan's proposal as RACT if the following clarifications were made: (1) The rule regulates emissions from the receiving car itself during the pushing operation; (2) In the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips," and the word "trips" is clarified as meaning "trips per battery" or "trips per system;" (3) The 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (4) the method of reading opacity is defined. USEPA also stated in the September 9, 1980 NPR, that in addition to this visible emissions limitation, the Part D Plan should also contain a mass emission limitation for the outlet of any gas cleaning device. This subject is addressed in Section D below.

Both Ford and Great Lakes objected to application of the 40% opacity limitation as an instantaneous observation, although Ford acknowledged that the State intended the limitation to be instantaneous. Great Lakes argued that interpreting the rule as an instantaneous limit is a substantive modification that must be addressed in a formal rulemaking proceeding. Great Lakes also asserted that if the word "consecutive" is interpreted as eight (8) observed trips, not necessarily in succession, this substantive change must also require State rulemaking.

USEPA construed the State's proposal such that it would represent RACT as applied, and therefore proposed conditional approval. However, a rule with a shorter averaging time or some alternate limitation could also represent the level of visible emissions achievable with reasonably available control technology. USEPA's requested clarification of the word "consecutive" as "consecutively observed trips" is to assure enforceability of the rule. The State has committed itself to address the clarifications suggested by EPA in State rulemaking proceedings.

USEPA final action: Based on Michigan's commitment to correct the deficiencies noted by USEPA in State rulemaking, USEPA conditionally approves Rule 336.1352 subject to the conditions noted above.

Rule 336.1353—Standpipe Assembly Emissions during Coke Cycle from Slot-type Coke Ovens.

USEPA proposed to approve this rule if the rule is clarified as follows: (1) the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens; and (2) an acceptable compliance test method is specified. Ford states that the requested clarification to include only operating ovens is not supported by the record. USEPA believes the clarification is justified in order to make the rule represent application of RACT.

Great Lakes comments that such a clarification requires additional rulemaking. Great Lakes also argues that a rule based on operating ovens is unreasonable because it acts as an incentive to keep ovens operating which might best be shut down. The latter assertion is questionable in that the costs of operating unneeded ovens would more than offset any incentive to facilitate compliance by keeping the ovens operating. The method of controlling standpipe emissions is purely a matter of operation and maintenance. If, for example, half the ovens in a coke battery are out of operation for rehabilitation, it is entirely possible and practical for the remaining ovens to be maintained within the four percent limit, because the proper operation and maintenance technique, proper wet sealing of lids, is entirely applicable to the remaining ovens. This is demonstrated by the fact that data in the docket indicate compliance with this limitation for batteries containing a wide variety of ovens per battery.

USEPA final action: Based on the State's commitment to clarify the source definition and adopt an acceptable test method through State rulemaking, USEPA conditionally approves Rule 336.1353.

Rule 1336.1354—Standpipe Assembly Emissions during Decarbonization from Slot-type Coke Ovens

USEPA proposed approval of this rule. No comments were received.

USEPA final action: USEPA approves Rule 336.1354.

Rule 1336.1355—Coke Oven Gas Collector Main Emissions from Slot-type Coke Ovens

USEPA proposed to approve this rule. No comments were received.

USEPA final action: USEPA approves Rule 1336.1355.

Rule 1336.1356—Coke Oven Door Emissions from Slot-type Coke Ovens, and Doors which are Five Meters or Shorter
and
Rule 1336.1357—Coke Oven door Emissions from Slot-type Coke Ovens, and Doors which are Taller than Five Meters

USEPA proposed to approve these rules if Michigan clarified the test methodology to determine compliance.

No comments were received.

USEPA final action: Based on Michigan's commitment to amend the rules to specify an acceptable compliance test methodology, USEPA conditionally approves Rule 336.1356 and Rule 336.1357.

Rules 336.2001, 2002, 2003, and 2004—General Testing Methodology.

USEPA proposed to approve the above rules if Michigan clarified when testing periods begin and end for blast furnaces, basic oxygen furnaces and sinter plant emissions.

No industrial comments were received.

USEPA final action: Based on Michigan's commitment to clarify the test methods as described, USEPA conditionally approves Rules 336.2001, 2002, 2003, and 2004.

D. Additional Conditions for Approval of Overall Part D Plan

The following sources were not adequately addressed in Michigan's submitted Part D Plan. This section includes comments received on USEPA's suggested RACT limitations for these sources (and other proposed conditions for approval), and USEPA's response.

Coke Oven Combustion Stacks.

Because data contained in the docket indicate that a more stringent limitation is achievable with the application of RACT, USEPA cannot accept Table 32 of 336.1331 (which allows in excess of 0.15 gr/dscf or 0.3 lb/1000 lb) as a limitation for coke oven combustion stacks.

Ford requested a site-specific limitation of 0.1 lb per 1000 lb of exhaust gas (0.053 gr/dscf). No data were submitted supporting this site-specific limit. Once again we can act only on the Michigan rule as submitted.

Michigan committed itself either to justify the proposed limit or submit a new limit representing RACT via State rulemaking. Ford may submit such data in the State rulemaking proceeding.

EPA is conditioning approval of the overall Part D Plan on receipt of an acceptable limitation for combustion stacks.

Coke Plant Quench Towers.

USEPA proposed to approve the Michigan proposal, which applies Table 32 of Rule 336.1331 to quench tower emissions, if the State developed and submitted an acceptable compliance test method so that the meaning of the rule would not be ambiguous. USEPA also suggested an alternative RACT limitation on total dissolved solids (TSP) in the quench water or make-up water. This suggested limitation is based on data in the docket establishing a relationship between the amount of solids in the quench water and amount of emissions generated during the quenching process.

Great Lakes commented that the data in the docket are insufficient to support the TDS emission limitation suggested by USEPA, although it conceded that the data show a relationship between water quality and quench emissions. Great Lakes submitted no data. Great Lakes also agreed with USEPA's conclusion that a process weight regulation is potentially unenforceable due to difficulties with testing at quench towers. Data in the docket show that for every mg/l(ppm) of total dissolved solids in quench water, emissions of filterable particulates increase by 0.23 pounds per ton of coke pushed. For example, at a moderate size coke plant (500,000 tons per year) use of water containing 4000 mg/l of TDS will result in emissions of 62 tons per year more than use of water with 1500 mg/l.

The State has committed itself to develop an acceptable test method for the proposed regulation or submit an alternate rule that represents RACT.

USEPA is conditioning approval of the overall Part D Plan on receipt of either an acceptable test method for application of Table 32 of Rule 336.1331 or an alternate rule that represents RACT for quenching operations.

Scarfing.

USEPA stated in the September 9, 1980 NPR that an acceptable Part D Plan must contain a rule representing RACT for scarfers. Both Ford and Great Lakes asserted that scarfing emissions have a minor impact on ambient air and should be excluded from an attainment strategy. As noted elsewhere, Michigan's attainment strategy is acceptable only if it includes requirements for RACT on all traditional sources.

Neither commentator disagreed with the statement in the September 9, 1980 NPR that scarfers would be allowed emissions of 50–70 lbs per hour under Table 32 of Rule 336.1331. Michigan committed to submit an acceptable limitation for scarfing emissions. Therefore USEPA is conditioning approval of the overall Part D Plan on the receipt of such a rule.

Coke Oven Pushing—Mass Limitation.

In addition to Rule 336.1352 establishing a visible emissions limitation for pushing emissions, USEPA believes that the Part D Plan should contain a mass emission limitation for the outlet of any gas cleaning device. USEPA is conditioning approval of the overall Plan upon receipt of an acceptable mass limitation for pushing.

The State committed itself to submit a mass emission limitation for pushing emissions. No comment was received from industrial commentators.

USEPA Final Determination: Based on: (1) Michigan's commitment to address the deficiencies discussed in this section in addition to those pertaining to the specific rules discussed in Section C of this Notice, and (2) its commitment to further address nontraditional particulate sources per the schedule agreed to in the May 6, 1980 **Federal Register**, USEPA conditionally approves Michigan's overall Part D Plan for its TSP nonattainment area containing iron and steel sources.

Under Executive Order 12291 (Order), USEPA must judge whether a regulation is "major" and therefore, subject to the requirements of a regulatory impact analysis. USEPA has determined that today's action does not constitute a major regulation. It approves or conditionally approves regulatory requirements which were developed by the State and are currently applicable to certain sources in the State. It also disapproves certain limitations which are currently in force in the State. This disapproval does not constitute a major regulation because the iron and steel sources in the State will as of the time of this rulemaking, remain subject to pre-existing State TSP limitations. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Incorporation by reference of the Michigan SIP was approved by the Director of the Federal Register on July 1, 1980.

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

Dated: May 19, 1981.

Walter Barber,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.1170(c) is amended by revising paragraphs (16), (18) and (19), and by adding paragraph (37) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation, new source review, plus a copy of Michigan's existing and proposed regulations. U.S. EPA has not taken action at this time to include in the federally approved SIP certain portions of the submittal: Michigan's sulfur dioxide control strategy for Ingham County: provisions in R 336.1310 concerning open burning; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions. R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 16, Hearings. In addition USEPA is taking no action on the State's control strategy for the attainment of carbon monoxide in the City of Detroit; the transportation control plans, the requirement of vehicle inspection and maintenance, and general requirements which are not Part D requirements.

* * * * *

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the Commission. These rules became fully effective on January 18, 1980. These finally adopted rules are identical to the rules submitted on April 25, 1979, as part of Michigan's Part D nonattainment area plan except for a modification in the numbering system. Paragraph (c)(16) of this subpart identifies those rules on which USEPA has not taken action.

* * * * *

(19) On February 6, 1980, the State submitted the visible emission test method for stationary sources referenced in Rule 336.1303 as being on file with the Michigan Air Pollution Control Commission. On March 7, 1980, the State submitted clarifications to the visible emissions test method.

* * * * *

(37) On November 26, 1980, the State submitted a schedule to correct plan deficiencies cited by USEPA in its September 9, 1980 notice of proposed rulemaking on a portion of Michigan's Part D TSP control strategy pertaining to iron and steel sources. On April 1, 1981, the State submitted a revised schedule. USEPA has not taken action on the schedule submitted by the State.

2. Section 52.1173 is revised to read as follows:

§ 52.1173 Control Strategy: particulates.

(a) Part D—Disapproval—

The following specific revisions to the Michigan Plan are disapproved: Rule 336.1331, Table 31, Item C: (1) Open Hearth Furnaces, (2) Basic Oxygen Furnaces, (3) Electric Arc Furnaces, (4) Sintering Plants, (5) Blast Furnaces, (6) Heating and Reheating Furnaces.

(b) Part D—Conditional Approval—

The Michigan overall Plan for primary and secondary nonattainment areas is approved provided that the following conditions are satisfied:

(1) The State officially adopts final industrial fugitive regulations that represent RACT for traditional sources and submits these finally effective regulations to USEPA by January 31, 1981.

(2) The State adopts and submits regulations reflecting RACT for Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces and Heating and Reheating Furnaces.

(3) Rule 336.1331, Table 31, Item C: Coke Oven Preheater Equipment Effective After July 1, 1979—The State clarifies the compliance test method to include measurement of the whole train.

(4) Rule 336.1349—The State submits consent orders containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350–336.1357.

(5) Rule 336.1350—The State adopts and submits an acceptable inspection method for determining compliance with the rule.

(6) Rule 336.1352—The State adopts and submits the following clarifications to the rule: (a) the rule regulates emissions from the receiving car itself during the pushing operation; (b) in the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips"; (c) the word "trips" is defined as "trips per battery" or "trips per system"; (d) the 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (e) the method of reading opacity is defined.

(7) Rule 336.1353—The State adopts and submits: (a) an acceptable test methodology for determining compliance with the rule; and (b) a clarification that the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens.

(8) Rule 336.1356—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(9) Rule 336.1357—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(10) The State adopts and submits a regulation reflecting RACT for coke battery combustion stacks.

(11) The State adopts and submits an acceptable test method for application of Rule 336.1331, Table 32 to quench towers, or, in the alternative, adopts and submits a limitation reflecting RACT for quench tower emissions based on the quantity of total dissolved solids in the quench water.

(12) The State adopts and submits rules requiring RACT for scarfing emissions.

(13) Part 10 Testing—The State adopts and submits the following clarifications to the test methods: (a) testing of fugitive emissions from blast furnaces are conducted during the cast; (b) the starting and ending period is specified for basic oxygen furnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission points at sinter plants.

(14) The State conducts additional particulate studies in the Detroit area by September, 1980.

[FR Doc. 81-15810 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1820-4]

Approval and Promulgation of Implementation Plans; Georgia: Alternate Compliance Schedules for Volatile Organic Compound (VOC) Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves implementation plan revisions that Georgia submitted on April 14, 1980;

these revisions, that EPA proposed on October 22, 1980 (45 FR 70000), to approve, consist of alternate compliance schedules for the General Motors automotive assembly plants in Atlanta and Doraville, and the Ford Motor Company assembly plant in Hapeville. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits by the State represents implementation of Georgia's volatile organic compound (VOC) regulations which EPA approved on September 18, 1979 (44 FR 54047). The regulations are included as a part of Georgia's control strategy to attain the ozone standard in the metropolitan Atlanta area by December 31, 1982.

EFFECTIVE DATE: This action is effective June 22, 1981.

ADDRESSES: Copies of the material submitted by the State 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;

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC 20005;

Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Programs Branch, EPA Region IV at the above address, telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: The Georgia Environmental Protection Division submitted to EPA State Implementation Plan (SIP) revisions consisting of operating permits for the General Motors automotive assembly plants in Atlanta and Doraville, and the Ford Motor Company assembly plant in Hapeville. The permits include alternate compliance schedules for these three VOC sources.

The issuance of the permits with compliance schedules is necessary in order for the State to implement its VOC regulations and ensure reasonable further progress toward attaining the National Ambient Air Quality Standard (NAAQS) for ozone, as stated in Georgia's 1979 nonattainment SIP submittal, and approved by EPA at 44 FR 54047, September 18, 1979.

The permits require the sources to meet the conditions of the compliance schedules as described in the **Federal Register** proposal notice of October 22, 1980 (45 FR 70000) concerning prime operations, topcoat and final repair operations, and testing requirements and equivalency. On April 14, 1980 permits to operate were issued to the following plants:

The Ford Motor Company's Atlanta Assembly Plant, located at 340 S. Central Avenue, Hapeville, Georgia (Permit No. 3711-060-7453-0).

General Motors Corporation's Atlanta Assembly plant located at 3900 Motors Industrial Way, Doraville, Georgia (Permit No. 3711-044-7449-0).

General Motors Corporation's Atlanta Assembly Plant located at McDonough Boulevard and Sawtell Avenue, Atlanta, Georgia (Permit No. 3711-060-7451-0).

On October 22, 1980, EPA solicited comments on the proposed rule. No comments were received nor has further information become available which would modify EPA's proposal to approve the alternate compliance schedules.

Approval and subsequent implementation of these SIP revisions will result in an overall improvment of air quality in the Atlanta area.

Action

Accordingly, EPA is today approving the permits. This action is effective June 22, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of these alternate VOC compliance schedules is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 21, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions and imposes no new requirement on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Georgia 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: May 15, 1981.

Walter C. Barber,

Acting Administrator.

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

Subpart L—Georgia

1. § 52.570 is amended by adding paragraph (c) (20) as follows:

§ 52.570 Identification of plan.

* * * * *

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

* * * * *

(20) Alternate VOC compliance schedules for Ford and General Motors plants in the Atlanta area, submitted on April 14, 1980 by the Georgia Department of Natural Resources.

[FR Doc. 81-15417 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1823-7]

Approval and Promulgation of State Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA proposed in the January 22, 1981 **Federal Register** (46 FR 7007) to approve a revision to the Missouri State Implementation Plan (SIP) involving start-up, shutdown, and malfunction conditions. This notice describes the EPA's final action on this SIP revision.

No comments have been received in response to the January 22, 1981 notice of proposed rulemaking.

DATES: This approval is effective on or before June 22, 1981.

ADDRESSES: Copies of the State submission and the EPA prepared rationale document are available at the following locations:

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

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On September 5, 1980, the State of Missouri

submitted Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditions, as a SIP revision. Included with the new rule were revisions to Rule 10 CSR 10–6.020 Definitions and to the start-up, shutdown and malfunction provisions for existing regulations in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–5.050. These latter provisions generally allowed automatic exemptions from emission limitations during periods of excess emissions due to start-up, shutdown or malfunction conditions. The new rule is more restrictive in that the source must demonstrate that the excess emissions, although constituting a violation, were due to an unavoidable malfunction. The State will determine at its discretion whether additional enforcement action is warranted based upon data submitted by the owner or operator of a source showing that the excess emissions were the consequence of a malfunction, start-up, or shutdown.

The EPA proposed approval of the new rule and the rule revisions in the January 22, 1981 **Federal Register** at 46 FR 7007. The reader is referred to this publication and EPA's rationale for approval, for further discussion of the SIP revision.

The State has adopted a regulation which EPA believes is consistent with its policy regarding malfunctions, start-ups, and shutdowns. The rule provides that malfunctions are not automatically exempt nor is the routine phasing in and out of process equipment exempt from enforcement action. However, upon receipt of a notice of excess emissions, the source may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon this information, the state will determine whether additional enforcement action is warranted.

No comments were received in response to the January 22, 1981 notice of proposed rulemaking.

Action:

The EPA approves Missouri Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditions, and the revisions to Rules 10 CSR 10–6.020, 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–5.050 as a revision to the State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions and imposes no additional substantive 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.

Dated: May 15, 1981.

Walter C. Barber,

Acting Administrator.

Note.—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.

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

Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(27) as follows:

§ 52.1320 Identification of plan.

* * * * *

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

* * * * *

(27) On September 5, 1980, the State of Missouri submitted a plan revision which involves provisions for start-up, shutdown, and malfunction conditions. Included in the plan are new Missouri Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditons and revisions to Rule 10 CSR 10–6.020 Definitions and amended start-up, shutdown and malfunction provisions in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–4.050. This plan revision is approved as being consistent with EPA policy regarding start-ups, shutdowns, and malfunctions.

[FR Doc. 81–15458 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 81

[A–4–FRL 1820–3]

Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of Spruce Pine; Redefinition of SO_2 and TSP Attainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On the basis of eight consecutive quarters of air quality data showing no violation of any national standard for particulate matter, EPA is changing the attainment status designation of the Spruce Pine area to attainment. Also, EPA is changing the description of sulfur oxide and particulate matter attainment areas so that every county in the State is identified by name. These actions were proposed for public comment on October 27, 1980 (45 FR 70917 and 70918), but no comments were received.

EFFECTIVE DATE: These actions are effective June 22, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina in support of the redesignation may be examined during normal business hours at the following locations:

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

Library, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV, Air Programs Branch, 404/881–3043 (FTS 257–3043).

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 9019), the Administrator designated portions of Avery, Mitchell and Yancey Counties, North Carolina, in and around Spruce Pine as nonattainment for particulate matter. On August 20, 1979 (44 FR 48679), the Administrator changed the designation for the primary particulate standards from nonattainment to unclassifiable, leaving the designation for the secondary standard as nonattainment. On September 3, 1980, the State submitted information showing that no ambient particulate standard had been violated in the area during the period April 1978 through March 1980, and requested that the designation for Spruce Pine be revised to attainment. EPA's review of the data submittal

indicates that it satisfies all the Agency's requirements with regard to validity and representativeness of air quality data. Accordingly, the State's request is granted.

The State has also asked that the designation of particulate and sulfur dioxide attainment areas in 40 CFR 81.334 be changed from "Rest of State" and "Statewide" to a listing of individual counties. This change, according to the State, will make it easier to track increment consumption under EPA's regulations for the prevention of significant deterioration of air quality. The Agency finds this request to be consistent with the provisions of Section 107 of the Clean Air Act, and it is granted herewith.

These actions are effective June 22, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals of the appropriate circuit within 60 days of today.

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 imposes no burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: May 15, 1981.

Walter C. Barber,

Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.334, the TSP and SO_2 attainment status tables are revised to read as follows:

§ 81.334 North Carolina.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
North Carolina—TSP				
Alamance County				X
Alexander County				X
Alleghany County				X
Anson County				X
Ashe County				X
Avery County				X
Beaufort County				X
Bertie County				X
Bladen County				X
Brunswick County				X
Buncombe County				X
Burke County				X
Cabarrus County				X
Caldwell County				X
Camden County				X
Carteret County			X	
Caswell County				X
Catawba County				X
Chatham County				X
Cherokee County				X
Chowan County				X
Clay County				X
Cleveland County				X
Columbus County				X
Craven County				X
Cumberland County				X
Currituck County				X
Dare County				X
Davidson County				X
Davie County				X
Duplin County				X
Durham County				X
Edgecombe County				X
Forsyth County			X	
Franklin County				X
Gaston County				X
Gates County				X
Graham County				X
Granville County				X
Greene County				X
Guilford County				X
Halifax County				X
Harnett County				X
Haywood County				X
Henderson County				X
Hertford County				X
Hoke County				X
Hyde County				X
Iredell County				X
Jackson County				X
Johnston County				X
Jones County				X
Lee County				X
Lenoir County				X
Lincoln County				X
McDowell County				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Macon County				X
Madison County				X
Martin County				X
Mecklenburg County				X
Mitchell County				X
Montgomery County				X
Moore County				X
Nash County				X
New Hanover County				X
Northampton County				X
Onslow County				X
Orange County				X
Pamlico County				X
Pasquotank County				X
Pender County				X
Perquimans County				X
Person County				X
Pitt County				X
Polk County				X
Randolph County				X
Richmond County				X
Robeson County				X
Rockingham County				X
Rowan County				X
Rutherford County				X
Sampson County				X
Scotland County				X
Stanly County				X
Stokes County				X
Surry County				X
Swain County				X
Transylvania County				X
Tyrrell County				X
Union County				X
Vance County				X
Wake County				X
Warren County				X
Washington County				X
Watauga County				X
Wayne County				X
Wilkes County				X
Wilson County				X
Yadkin County				X
Yancey County				X
North Carolina—SO_2				
Alamance County				X
Alexander County				X
Alleghany County				X
Anson County				X
Ashe County				X
Avery County				X
Beaufort County				X
Bertie County				X
Bladen County				X
Brunswick County				X
Buncombe County				X
Burke County				X
Cabarrus County				X
Caldwell County				X
Camden County				X
Carteret County				X
Caswell County				X
Catawba County				X
Chatham County				X
Cherokee County				X
Chowan County				X
Clay County				X
Cleveland County				X
Columbus County				X
Craven County				X
Cumberland County				X
Currituck County				X
Dare County				X
Davidson County				X
Davie County				X
Duplin County				X
Durham County				X
Edgecombe County				X
Forsyth County				X
Franklin County				X
Gaston County				X
Gates County				X
Graham County				X
Granville County				X
Greene County				X
Guilford County				X
Halifax County				X
Harnett County				X
Haywood County				X
Henderson County				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hertford County				X
Hoke County				X
Hyde County				X
Iredell County				X
Jackson County				X
Johnston County				X
Jones County				X
Lee County				X
Lenoir County				X
Lincoln County				X
McDowell County				X
Macon County				X
Madison County				X
Martin County				X
Mecklenburg County				X
Mitchell County				X
Montgomery County				X
Moore County				X
Nash County				X
New Hanover County				X
Northampton County				X
Onslow County				X
Orange County				X
Pamlico County				X
Pasquotank County				X
Pender County				X
Perquimans County				X
Person County				X
Pitt County				X
Polk County				X
Randolph County				X
Richmond County				X
Robeson County				X
Rockingham County				X
Rowan County				X
Rutherford County				X
Sampson County				X
Scotland County				X
Stanly County				X
Stokes County				X
Surry County				X
Swain County				X
Transylvania County				X
Tyrrell County				X
Union County				X
Vance County				X
Wake County				X
Warren County				X
Washington County				X
Watauga County				X
Wayne County				X
Wilkes County				X
Wilson County				X
Yadkin County				X
Yancey County				X

* * * * * * *

[FR Doc. 81-15418 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 162

[PH-FRL-1835-6; OPP-250029]

Notification to the Secretary of Agriculture of a Final Regulation Classifying Uses of Certain Pesticide Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule Related Notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final regulation classifying uses of certain pesticide active ingredients for restricted use.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 509F, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7136).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the regulation within 15 days after receiving it, the Administrator shall publish in the **Federal Register** (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this regulation adding certain uses of additional active ingredients which EPA has classified for restricted use has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 25(d) of FIFRA.

(Sec. 25, [Pub. L. 92-515, 86 Stat. 973, Pub. L. 94-140, 89 Stat. 753, [7 U.S.C. 136 et seq.])]

Dated: May 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15455 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1835-3; PP OE2421/R332]

Glyphosate; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the herbicide glyphosate at 0.2 part per million (ppm) in or on cranberries. This regulation was requested by the Interregional Research Project No. 4 (IR-4). The regulation will establish the maximum permissible level for residues of glyphosate in or on cranberries.

EFFECTIVE DATE: May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of April 13, 1981 (46 FR 21631) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number OE2421 to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Massachusetts, New Jersey, Washington, and Wisconsin.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity cranberries at 0.2 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking. The data submitted in the petition and other relevant material have been evaluated, and it has been concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460.

As required by Executive Order 12291, EPA has determined that this rule is not a "major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

Effective on May 22, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrotor for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "cranberries" in the table under § 180.364(a) to read as follows:

§ 180.364 Glyphosate; tolerance for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cranberries	0.2
* * * * *	

[FR Doc. 81–15454 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PH–FRL–1833–2; PP OF2368/R327]

2,6-Dichloro-4-Nitroaniline; Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance of 20 parts per million (ppm) for residues of the fungicide 2,6-dichloro-4-nitroaniline on kiwifruit. This regulation was requested by Pennwalt Corp. This rule establishes a maximum permissible level for residues of the fungicide on kiwifruit.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M. St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM–21), Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 15, 1980, (45 FR 54426) that Pennwalt Corporation, Decco-Tiltbelt Div., P.O. 120, Monrovia, CA 91016, had submitted pesticide petition OF2369 to the EPA.

This petition proposed that 40 CFR Part 180 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity kiwifruit at 20 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in this petition and all other relevent material have been evaluated. The use of 2,6-dichloro-4-nitroaniline as a postharvest treatment of kiwifruit is considered a minor use of a pesticide. The toxicological data used in evaluating the request for this regulation were the same as that used for existing tolerances of 2,6-dichloro-4-nitroaniline under § 180.200. It was determined that the establishment of a permanent tolerance of 20 ppm for 2,6-dichloro-4-nitroaniline would not increase human exposure to any significant extent.

Based on a dog feeding study, the NOEL is 100 ppm. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.0250 mg/kg/day and the maximum permissible intake (MPI) is 1.50 mg/day for a 60-kg person. Tolerances have previously been established for residues of 2,6-dichloro-4-nitroaniline in or on a variety of raw agricultural commodities ranging from 0.10 to 20.0 ppm (40 CFR 180.200). Established tolerances and this tolerance result in a maximum theoretical residue contribution of 1.5298 mg/day for a 60-kg person and utilize 101.99 percent of the ADI.

The metabolism of 2,6-dichloro-4-nitroaniline is adequately understood, and an adequate analytical method is available for enforcement purposes (gas chromatography with a flame ionization detector).

Based on the information cited above, the agency has determined that the establishment of a tolerance of 20 ppm for the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity kiwifruit will protect the public health. Therefore, the regulation is established by amending 40 CFR 180.200 as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate, and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this regulation

is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 348(c)(1)))

Dated: May 7, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by (1) revising § 180.200 in its entirety and (2) inserting the raw agricultural commodity "kiwifruit" to read as follows:

§ 180.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

Tolerances are established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the following raw agricultural commodities:

Commodity	Parts per million
Apricots (pre- and post-H)	20
Beans, snap	20
Blackberries	15
Boysenberries	15
Carrots (post-H)	10
Celery	15
Cherries, sweet (pre- and post-H)	20
Cottonseed	0.1
Cucumbers	5
Endive (escarole)	10
Garlic	5
Grapes	10
Kiwifruit (post-H)	20
Lettuce	10
Nectarines (pre- and post-H)	20
Onions	5
Peaches (pre- and post-H)	20
Plums (fresh prunes) (pre- and post-H)	15
Potatoes	0.25
Raspberries	15
Rhubarb	10
Sweet potatoes (post-H)	10
Tomatoes	5

Unless otherwise specified, the tolerance prescribed in this section provide for residues from preharvest application only.

[FR Doc. 81-15380 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1833-3; PP 0F2369/R328]

O-Phenylphenol; Tolerances From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance of 20 parts per million (ppm) for residues of the fungicide *o*-phenylphenol and its sodium salt on kiwifruit. The regulation was requested by Pennwalt Corp. This regulation establishes a maximum permissible level for residues of the fungicide on kiwifruit.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 15, 1980 (45 FR 54426) that Pennwalt Corporation, Decco-Tiltbelt Div., PO Box 120, Monrovia, CA 91016, had submitted pesticide petition 0F2369 to the EPA.

This petition proposed that 40 CFR 180.129 be amended by the establishment of a tolerance for residues of the fungicide *o*-phenylphenol and its sodium salt in or on the raw agricultural commodity kiwifruit at 20 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The use of *o*-phenylphenol and its sodium salt as a postharvest treatment of kiwifruit is considered a minor use of a pesticide. The toxicological data used in evaluating the request for this regulation were the same as that used for existing tolerances under § 180.129. It was determined that the establishment of a permanent tolerance of 20 ppm for *o*-phenylphenol and its sodium salt would not increase human exposure to any significant extent.

Based on a 2-year chronic rat feeding study, the no-observable-effect level (NOEL) is 2,000 ppm. Using a 100-fold safety factor, the allowable daily intake (ADI) is 1.0 milligram (mg)/kilogram (kg)/day and the maximum permissible intake (MPI) is 60.0 mg/day for a 60-kg person. Tolerances have previously been established for residues of *o*-phenylphenol and its sodium salt in or on a variety of raw agricultural commodities ranging from 5.0 to 25.0 ppm (40 CFR 180.129). Established tolerances and this tolerance result in a theoretical maximum residue contribution of 2.8272 mg/day for a 60-kg person and utilize 4.71 percent of the ADI.

The metabolism of *o*-phenylphenol and its sodium salt is adequately understood, and an adequate method is available for enforcement purposes (gas chromatography with flame ionization detector).

Based on the information cited above, the agency has determined that the establishment of a tolerance for residues of the fungicide *o*-phenylphenol and its sodium salt in or on the raw agricultural commodity kiwifruit will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant

economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 514 (21 U.S.C. 346(d)(2)))

Dated: May 7, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by (1) revising § 180.129 into alphabetical tabular format and (2) alphabetically inserting raw agricultural commodity "kiwifruit." Section 180.129 is revised to read as follows:

§ 180.129 o-phenylphenol and its sodium salt; tolerances for residue.

Tolerances are established for combined residues of the fungicide *o*-phenylphenol and sodium *o*-phenylphenate, each expressed as *o*-phenylphenol, from postharvest application of either in or on the following raw agricultural commodities:

Commodities	Parts per million
Apples	25
Cantaloupes (NMT 10 ppm in edible portion	125
Carrots	20
Cherries	5
Citrus	10
Citron	10
Cucumbers	10
Grapefruit	10
Kiwifruit	20
Kumquats	10
Lemons	10
Limes	10
Nectarines	5
Oranges	10
Peppers (bell)	10
Peaches	20
Pineapples	10
Plums (fresh prunes)	20
Sweet potatoes	15
Tangerines	10
Tomatoes	10

[FR Doc. 81-15311 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1834-1; PP 6F1859/R330]

Oryzalin; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) at 0.05 part per million (ppm) in or on the raw agricultural commodity groupings: Citrus fruits, nuts, pome fruits, small fruits, stone fruits, and the individual raw agricultural commodities, avocados, kiwifruit, olives, pomegranates, pistachios, figs, and almond hulls. This regulation was requested by Elanco Products Company. This regulation will establish the maximum permissible level for the combined residues of oryzalin in or on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of October 7, 1976 (41 FR 44213) that Elanco Products Company, a Division of Eli Lilly and Company, PO Box 1750, Indianapolis, IN 46206, had filed a pesticide petition (6F1859) with the EPA.

The petition proposed the establishment of tolerances for the combined residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) at 0.05 ppm in or on the raw agricultural commodity groupings: Citrus Fruits, nuts, pome fruits, small fruits, stone fruits, and the individual raw agricultural commodities, avocados, kiwifruit, olives, pomegranates, pistachios, figs, and almond hulls.

The data submitted in the petition and other relevant material have been evaluated. The toxiciology data submitted in support of these tolerances include an acute oral LD_{50} study (rats); an acute dermal LD_{50}; 3-month oral dosing study (rats); 3-month oral dosing study (mice); 2-year feeding study (rats); teratology study (rats); teratology study (rabbits); a dominant lethal study (rats); and an Ames mutagenicity test.

Data and/or information desirable but currently lacking include a general metabolism study, a repeat of the dominant lethal study (rat), a teratology study on rabbits, a mouse oncogenicity study, a teratology study on a third species, and a resolution of the issue of oncogenic potential of oryzalin. The agency has concluded that the establishment of the requested tolerances and the registration of the new uses for oryzalin will not significantly increase the risk of unreasonable adverse effects to humans or the environment. Since the data indicate that there will be no detectable residues in the feed or food crops for the requested tolerances, there should be essentially no risks through dietary exposure. The company has been notified of the deficiencies and has agreed to perform the above studies and to remove the uses from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 162.11 of the regulations. Therefore, establishment of the requested tolerances are possible even though some toxicity issues remain unresolved.

Tolerances have been previously established for the chemical on cottonseed (0.05 ppm) and soybeans (0.1 ppm).

There are no regulatory actions pending against continued registration of oryzalin. The product contains a nitrosamine at levels under 1 ppm. Based on the agency policy that was published in the Federal Register of June 15, 1980 (45 FR 42854), this falls below the currently acceptable risk criteria. The nature of the residues of oryzalin are adequately understood. An adequate analytical method (gas-liquid chromatographic technique using an electron capture detector) is available for enforcement purposes. Residues of oryzalin are not likely to occur in eggs, milk, meat, fat, and meat byproducts. There are no other considerations involved in establishment of these tolerances. These tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., S.W., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review

requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this rule.

Effective on May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: April 16, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.304 to read as follows:

§ 180.304 Oryzalin; tolerances for residues.

Tolerances are established for the combined residues of the herbicide oryzalin (3,4-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the following raw agricultural commodities:

	Parts per million
Commodities:	
Almond, hulls	0.05
Avacodos	0.05
Citrus fruits	0.05
Cottonseed	0.05
Figs	0.05
Kiwifruits	0.05
Nuts	0.05
Olives	0.05
Pistachios	0.05
Pome fruits	0.05
Pomegranates	0.05
Small fruits	0.05
Soybeans	0.1
Stone fruits	0.05

Appendix

[PP 6F1859/R330]

Oryzalin Tolerances

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish tolerance for residues of the herbicide oryzalin in the raw agricultural commodity groupings citrus fruits, nuts, pome fruits, small fruits, stone fruits, and the individual commodities avocado, kiwi, olive, pomegranates, pistachios, figs, and almond hulls at 0.05 part per million. This regulation will not restrict existing uses of the pesticide but would permit registration of some uses not previously registered. There is no potential for adverse impact.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15385 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

41 CFR Ch. 101

[FPMR Temp. Reg. F-498]

Data Telecommunication Service Requests; Temporary Regulations

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation changes the provisions of FPMR Subpart 101–37.2 to allow agencies to obtain certain intercity data, facsimile, and record telecommunication services without the GSA approval. The availability of the GSA developed computer model to facilitate economic/engineering analysis of requirements created the opportunity for this action. The intended effect is to deal with the changing telecommunication environment, reduce paperwork burdens, and increase economy and efficiency of Government data telecommunication services.

DATES: Effective date: June 22, 1981, but may be observed earlier.

Expiration date: June 22, 1983.

Comments are due: On or before September 22, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Procurement Policy and Regulations Branch (CPEP), Policy and Analysis Division (202–566–0194).

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

In 41 CFR Chapter 101, the following temporary regulation is added to the Appendix at the end of Subchapter F to read as follows:

Federal Property Management Regulations Temporary Regulation F–498

April 17, 1981.

To: Heads of Federal agencies

Subject: GSA review of data, facsimile, and record telecommunication service requests

1. *Purpose.* This regulation changes the provisions of FPMR Subpart 101–37.2 to allow agencies to obtain installation, replacement, relocation, and use of intercity data, facsimile, and record telecommunication services, including transmission channels or equipment without the review and approval of the General Services Administration when the estimated annual cost of the data telecommunication system requirement is $50,000 or less. In addition, this regulation provides for the availability of a GSA computer based model to assist agencies in making an economic/engineering analysis of their data communications requirements.

2. *Effective date.* This regulation is effective June 22, 1981, but may be observed earlier.

3. *Expiration date.* This regulation expires June 22, 1983.

4. *Background.* Subpart 101–37.2 sets forth policies and procedures regarding the processing of major changes and new installations to meet the policies and objectives of GSA's telecommunication program responsibilities. (See §§ 101–37.103 and 101–37.104.) Agency use of data telecommunication services has increased, technology has advanced, and the character

of the marketplace has changed. The intent of this regulation is to deal with this changed environment, reduce paperwork burdens, and increase the economy and efficiency of Government data communication services in accordance with the objectives of GSA's telecommunications program.

5. *Applicability.* This temporary regulation applies to agencies to the extent provided in § 101-37.102.

6. *Definitions.* Definitions in § 101-37.201-5 apply to this regulation.

7. *Explanation of changes.* a. When an agency determines that the annual cost of an intercity data telecommunication system requirement is $50,000 or less, the information submission requirements for the installation, replacement, relocation, or use of data, facsimile, and record telecommunication services as set forth in § 101-37.203(c) are not required for the purpose of securing GSA approval under § 101-37.201-1 prior to the agency implementing action. A system requirement includes all circuitry and equipment (such as modems and multiplexors) but excludes ADP equipment (such as terminals and any modems embedded in them). Requirements shall not be fragmented in order to circumvent this threshold. Removal of intercity services does not require GSA approval. Local data, facsimile, and record telecommunication service requirements, regardless of dollar amount, do not require GSA approval. Under these circumstances, a blanket GSA approval for the agency to proceed with implementing action is hereby granted.

b. Before proceeding under the paragraph 7a blanket GSA approval authority, an agency shall conduct a technical and economic analysis and shall verify as appropriate that the service selected is economically feasible. The Tariff Model (see paragraph 8a, below) is a tool which can be used to reduce the effort involved in performing this technical and economic analysis while ensuring that the relevant generic types of service alternatives receive appropriate consideration. (GSA is making this interactive computer-based model available to agencies via direct access from an agency's own terminal.) The purpose of these actions is to ensure that a cost effective means is selected to meet the requirement. To the extent feasible, functional type specifications shall be used to define requirements as a means to allow maximum practicable competition. Consideration shall include utilizing the capabilities of existing data networks (see paragraph 7c, below). Agencies shall document their files with justification for their selections from the alternatives considered.

c. Agencies shall consider use of available consolidated services. GSA and the Defense Communication Agency (DCA) provide economical communications services to Federal agencies by obtaining resources in bulk quantities from commercial carriers. Economy of scale discounts are available under the DCA's Multiplex Service and GSA's Consolidated DATACOM Network, Advanced Record System (ARS), the intercity voice network of the FTS, and the value added network (VAN) billing program. (See also paragraph 8b.)

d. When an agency intends to satisfy a data, facsimile, or record telecommunication system requirement through use of the FTS intercity voice network, the agency shall verify that FTS service is available at the installation location(s). If access to the FTS intercity voice network is not available, the provisions of §§ 101-37.204, and 101-37.205, and Subpart 101-37.3 apply. Ordinarily, an agency shall submit requests for instrument-terminated station lines to the appropriate GSA Regional office. If the request includes provisions for dedicated FTS access (other than OPX or station lines), the agency may submit directly or the GSA regional office will forward the request to GSA (CPST) Washington, DC 20405 for action.

e. The provisions in paragraph 7a do not eliminate requirements for an agency (pursuant to § 101-37.201-4) to provide GSA with C/MIS information (as required by § 101-37.203(c)) when implementing action has actually taken place. In fact, these submissions will become more important to the continuing maintenance of economical and efficient Government-wide services. GSA will review agency performance under this regulation as evidenced by the C/MIS data base submissions. The requirements (pursuant to § 101-37.201-3) for data communications support for ADP systems set forth in Subpart 101-36.11 are not changed.

8. *Advice and assistance.* a. In addition to GSA assistance available to agencies as set forth in § 101-37.111, GSA has developed a computer based model for economic/engineering analysis of data telecommunication service alternatives. This model may be used by Federal agencies in estimating cost for point-to-point, star, and multiplex data telecommunications networks. The scope and limitations of the model are addressed in the user documentation. The model does not replace the function of the marketplace to determine competitively the lowest overall cost in satisfying a requirement. Agencies may request access to the computer based Tariff Model by contacting the GSA office listed in paragraph 8c, below. The use of the tariff model is discretionary since an agency may choose to perform a manual analysis of tariffed and other telecommunication services.

b. Advice and assistance concerning the description, availability, ordering, maintenance and repair, charges, and billing of available consolidated services and data services of the FTS intercity voice network may be obtained by contacting the GSA office set forth in paragraph 8c, below. Information on FTS data services is contained in GSA Bulletin FPMR F-110, July 18, 1979. Information on DATACOM service is contained in GSA Bulletin FPMR F-113, October 17, 1979.

c. For further information and assistance contact GSA (CPSR) Washington, DC 20405, telephone FTS or local 566-1133, commercial toll (202) 566-1133.

9. *Comments.* Comments are invited concerning the effect or impact of this regulation and the policy and procedures that should be adopted in the future. Comments should be forwarded to the General Services Administration (CPEP), Washington, DC 20405, on or before August 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-15202 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6060]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

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

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulatons except for the page

number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Oregon	Polk	City of Falls City.	July 7, 1981.
Illinois	Macoupin	City of Staunton.	July 17, 1981.
Ohio	Stark	Village of Brewster.	July 31, 1981.

(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 the Federal Insurance Administrator)

Issued: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15300 Filed 5-21-81; 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 to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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, 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 final determinations 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, 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)
Hawaii	Kauai County (Docket No. FEMA-5853)	Anahola Stream	Approximately 600' upstream of mouth	*8
			Upstream Kuhio Highway	*18
			Approximately 60' upstream of Foot Bridge	*25
		Hanapepe River	Approximately 500' upstream of confluence of Hanapepe Bay.	*9
			Upstream Hanapepe Road	*12
			Ko Road extended to stream	*14
			Confluence of Kapahili Gulch	*19
			Approximately 9,000' upstream of Hanapepe Road	*38
		Hanalei River	Approximately 1,200' upstream of confluence with Hanalei Bay.	*13
			Upstream Kuhio Highway	*15
			Approximately 5,980' upstream of Kuhio Highway	*20
			Approximately 11,370' upstream of Kuhio Highway	*35
		Kalama Stream	At confluence with Opaekaa Stream	*284
			Upstream Kamalu Road	*296
			Upstream Puuopae Road	*320
			Approximately 2,500' upstream of Puuopae Road	*328
		Kapaa Stream	Upstream Kuhio Highway	*21
			Approximately 8,600' upstream of Kuhio Highway	*23
			Approximately 12,400' upstream of Kuhio Highway	*28
		Molkeha Canal	Approximately 750' upstream of Kuhio Highway	*5
			Upstream Cane Haul Road	*8
			Upstream Malu Road	*14
			Approximately 2,600' upstream of Malu Road	*40
		Nawiliwili Stream	Upstream Old Nawiliwili Road	*11
			Approximately 4,050' upstream of Old Nawiliwili Road (at Kahumoku Road extended to stream).	*42
			Kalena Street extended to stream	*105
			Puanani Street extended to stream	*122
			Upstream Haleko Road	*152
			Upstream Private Road	*157
			Approximately 1,820' upstream of Kaumualii Highway	*164
		Opaekaa Stream	Approximately 5,200' downstream of Kamalu Road	*242
			At confluence of Kalama Stream	*284
			Upstream Kamalu Road	*290
			Downstream Opaekaa Road	*296

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Puali Stream	Approximately 370' downstream of Niumalu Road	*6
			Approximately 60' upstream of Niumalu Road	*9
			Approximately 1,530' upstream of Niumalu Road	*18
		Waikaea Canal	Approximately 350' downstream of Kuhio Highway	*6
			Upstream Kuhio Highway	*9
			Approximately 6,495' upstream of Kuhio Highway	*32
		Waikomo Stream	Approximately 210' upstream of confluence of Pacific Ocean.	*7
			Upstream Poipu Beach Road	*39
			Upstream Poipu Road	*51
			Approximately 3,960' upstream of Poipu Road	*115
			Upstream Waikomo Road	*198
			Upstream Koloa Road	*210
			At confluence of Omao Stream	*214
		Omao Stream	At confluence of Waikomo Stream	*214
			At confluence of Pooleele Stream	*228
			Approximately 3,495' upstream of Pooleele Stream	*282
			Downstream of Omao Reservoir	*370
			Upstream of Omao Reservoir	*389
		Wailua River	At confluence with Wailua Bay	*11
			Upstream Kuhio Highway	*13
			Approximately 12,400' upstream of confluence with Wailua Bay.	*24
		Waioli Stream	Upstream of Kuhio Highway	*12
			Approximately 4,250' upstream of Kuhio Highway	*13
		Waipa Stream	Approximately 630' upstream of Kuhio Highway	*11
			Approximately 2,360' upstream of Kuhio Highway	*15
			Approximately 2,750' upstream of Kuhio Highway	*23
		Pacific Ocean (Tsunami)	Confluence of Namoa Stream	*36
			Haena Point	*24
			Confluence of Waioli Stream	*13
			Confluence of Hanalei River	*12
			Confluence of Kilauea Stream	*21
			Kulikoa Point	*26
			Opana Point	*21
			Confluence of Molkeha Canal	*10
			Hehe Road extended to coastline	*11
			Confluence of Nawiliwili Stream	*7
			Confluence of Huleia Stream	*6
			Kuahonu Point	*8
			Confluence of Waikomo Stream	*7
			Confluence of Hanapepe River	*9
			Confluence of Waimea River	*9
			Kokole Point	*12
			Mana Point	*14

Maps available for inspection at the Department of Public Works, Lihue, Kauai, Hawaii.

(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: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15359 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5800]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Withdrawal of Deletion of Final Rule for the Township of Lopatcong, Warren County, New Jersey.

SUMMARY: The Federal Insurance Administration has erroneously published a deletion of the final rule for the Township of Lopatcong, Warren County, New Jersey. This notice will serve to withdraw the deletion notice.

EFFECTIVE DATE: May 22, 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 withdrawal of the Notice deleting the final determinations of base (100-year flood elevations for the Township of Lopatcong, Warren County, New Jersey, published at 45 FR 60437 on September 12, 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 Federal Insurance Administration has erroneously published a notice of deletion of the final rule for the Township of Lopatcong, Warren County, New Jersey at 45 FR 60437 on September 12, 1980. This will serve to withdraw the deletion notice, and the final rule for the Township of Lopatcong, published at 45 FR 51804, on August 5, 1980, is still considered to be in effect.

(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: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15419 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 21136; FCC 81-204]

Radio Broadcast Services; Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule (Second Report and Order).

SUMMARY: Action taken herein resolves the issues raised in the Commission's *First Report and Notice of Proposed Rule Making* adopted June 7, 1981, in the matter of Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations (BC Docket No. 21136). The Commission's new rule prohibits broadcast programming in return for consideration and replaces the proscription against all "promotion of products and services." Acknowledgments of contributions continue to be allowed. In addition, none of the proposed restrictions on fundraising for station purposes are adopted. These actions are being taken to simplify and clarify the programming and fundraising rules applicable to public broadcast stations.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: John Kamp, Broadcast Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: In the matter of Commission policy concerning the noncommercial nature of educational broadcast stations; *Second report and order* (Proceeding Terminated).

Adopted: April 23, 1981.

Released: May 18, 1981.

By the Commission: Commissioner Quello issuing a statement in which Commissioner Fogerty joins; Commissioner Washburn issuing a separate statement.

1. In the *First Report and Notice of Proposed Rule Making* in this proceeding (hereinafter "*First Report*," 69 FCC 2d 200 (1978)), we sought comment, through rule making, on 22 specific questions regarding the noncommercial nature of public broadcasting.[1] These questions had been distilled from the inquiry stage of the same proceeding,[2] and related to a single theme. We stated that our proposed answers were intended to place limits upon some types of fundraising activities, with an eye toward striking a reasonable balance between the financial needs of such stations and their obligation to provide an essentially noncommercial broadcast service. These proposals received extensive comments from a wide range of individuals, associations, and licensees, *see* Appendix A. We now believe, based upon the record in this proceeding, that the overall approach embodied in the 22 specific questions warrants re-examination, and that the record does not support many of the specific rules that were proposed.

2. The *First Report* alluded to a pattern of complaints from the public and from commercial broadcasters regarding the practices of public broadcasting stations (para. 2). However, the record now available to us provides scant support for the contention that there has been a pattern of significant abuse. We agree with several commenting parties who urged that a few isolated complaints should not form the basis for general proscriptive rules that affect all public broadcasting stations. The basic thrust of both the *Inquiry* and the *First Report* was highly proscriptive. The proposals would have created a highly specific set of rules codifying a host of major commercial announcement and fundraising questions raised by public broadcasters. Many comments urged us to adopt less restrictive rules which would be consistent with our present purposes and would be consistent with other recent policy decisions.[3]

3. The Commission's interest in creating a "noncommercial" service has been to remove the programming decisions of public broadcasters from the normal kinds of commercial market pressures under which broadcasters in the unreserved spectrum usually operate. The policy underlying this *Report and Order* is designed to serve that end and to eliminate rules which are not required for that goal. At the same time, the Commission recognizes that substantial funding for public broadcaster programming is derived from business establishments in the form of grants or gifts and that acknowledgment of those funds is proper and possibly necessary to assure the continuation of such funding. Consequently, this *Report and Order* provides greater flexibility for public broadcasters in this area, relying partially upon good faith efforts of licensees to prevent abuses and to maintain the essential character of the noncommercial service.

4. The result of this major re-examination is our decision to eliminate the existing proscription against *all* promotion of products and services and to institute a more appropriate "consideration received" rule. Consideration is a term used to denote anything of value given in exchange for something else of value. Although the Commission has felt in the past that no promotion of goods and services should be allowed on noncommercial stations, we now think that the promotion of goods and services without consideration can in some instances further the public interest. We feel we need to amend our rules to allow broadcasters to promote the programs and events of organizations when they determine that it would be in the public interest to do so. However, we are continuing to maintain the noncommercial nature of public broadcasting by not allowing a broadcaster to promote the goods or services of an entity or person in return for consideration. In addition, we reject proposals to regulate tightly the airing of contributor acknowledgments and proposals to restrict other fundraising activities on behalf of the stations. The effect of these changes will be to broaden the permissible areas of licensee discretion in making their public interest judgments and likely will broaden the sources of private support for public broadcasting. The contributor rules should encourage more private donations and increase the total

[1] The term "public broadcasting" is used here to refer to all stations licensed by the Commission as noncommercial educational broadcast stations.

[2] *Notice of Inquiry* (Inquiry), FCC 77–162, March 15, 1977, 42 Fed. Reg. 15927 (March 24, 1977).

[3] Some parties cited our *Inquiry and Notice of Proposed Rule Making* in *Deregulation of Radio*, 44 FR 57636, pub. Oct. 5, 1979, as standing in contrast to the present proceeding. See also, *Deregulation of Radio*, 46 FR 13888, pub. Feb. 24, 1981. However, that action was premised in part upon the idea that market forces would impel the licensees to deliver programming consistent with the public interest, even in the absence of regulation. The present proceeding is designed to assure that the programming of public broadcasting is not primarily in response to the market's commands. However, in many other respects, the parallel is properly noted and here, as there, we are attempting to minimize the oversight and reporting burdens that licensees will face, relaxing these burdens where there is no strong reason not to do so.

amounts of contributions. This broadened public funding should reduce the ability of any single private or public entity to affect program decisions and thus should help insure that the programming decisions of public stations are consistent with the intended status of public broadcasting.

5. A secondary aspect of the new regulatory scheme is that it is consistent with traditional First Amendment analysis. The new rules: (1) are within the power of the Commission, (2) further the substantial and important interest of preserving the public broadcast service, (3) can be implemented without affecting First Amendment freedom, (4) are no broader than necessary to achieve their aims, and (5) are as specific as possible. As such, the new system withstands even the most strict constitutional scrutiny applied by the U.S. Supreme Court in related cases.

6. Perhaps the most important finding to emerge from this proceeding is that the Commission does not now have available to it a comprehensive statement of the goals and purposes of public broadcasting and of the means by which these should be pursued. Absent consensus on the nature of the essential differences attendant to the noncommercial services, we are likely to resolve the particular policy questions in *ad hoc* ways that may not be consistent and orderly. The problem has become more acute recently, as the types of broadcast and nonbroadcast service have expanded and diversified. Public broadcasting has pioneered in the development of satellite program delivery for television and radio, in captioning for the deaf, and in other technical areas. Public stations currently are attempting to re-examine their traditional funding approaches. In this volatile situation, we do not believe it is appropriate for the Commission to endorse or forbid particular practices through *ad hoc* actions until we have performed a basic review of the public broadcast service. Such a review now is underway in the Policy and Rules Division of the Broadcast Bureau. We expect the staff to present recommendations to us on an expedited schedule for possible future rule making activities in the area. For present purposes we have sought to pursue rule making only so far as it is clearly justified by the record in this proceeding. We have deferred to a later inquiry or rule making the basic questions concerning public broadcasting's central purpose, the government's responsibility, the impact of new sources of financing, and of the impacts of new technologies. For now, it is sufficient to state that we seek to maintain an essentially noncommercial character for public broadcasting and are here adopting what seems for the present to be the minimum regulatory structure that preserves a reasonable distinction between commercial and noncommercial broadcasting.

The Basic Programming Rule: A Summary of Relevant Comments

7. The most significant fact to emerge from the comments was a need to re-examine the basic noncommercial programming rule and in so doing we have determined that a "consideration received" standard will be more appropriate for determining permissible broadcast matter for public stations. The position of the commenting parties provided much support for this change. For example, many parties argued that the Commission's rule proscribing "announcements promoting sale of products and services" raised serious questions under the First Amendment because it: (1) failed to further a substantial or compelling government interest where the licensee received no consideration for broadcast matter, and (2) was based solely on the content of the proscribed speech. Regardless of the merits of this argument the Commission believes that the regulatory approach announced here removes the ambiguity of the present rules by eliminating the vexing problem of determining what language "promotes" the sale of products or services and establishes an objective standard by which to judge certain broadcast matter. Moreover, the new criterion is not based upon the "content" of the broadcast matter. Further the Commission believes that the rule is related to and furthers the government's interest in creating a public broadcast service.

8. Sections 73.503(d) and 73.621(e) of the Commission's present rules state that, subject to limited exceptions, "no announcements promoting the sale of product or service shall be broadcast in connection with any program." The Commission has applied this proscription to: (1) announcements made on behalf of commercial entities promoting their products and services, (2) announcements made on behalf of nonprofit organizations, either at their request or by the licensee's own choice, promoting activities where the sale of goods or services was involved, and (3) announcements promoting the licensee's own activities where the sale of goods and services was involved. Many commenting parties were concerned with the proscription as applied to the latter two types of announcements.

9. The Commission has invoked the proscription to disallow announcements urging attendance at, or "promoting" in other ways, nonprofit organizational activities and transitory events, such as plays, concerts and fundraising efforts, where an entry fee was required or where goods and services were sold. For example, prohibited announcements would include: "The First Avenue Church is having its annual garage sale this Sunday. There are many useful items on sale so be sure to attend," or "The Red Cross is sponsoring a dance this Sunday featuring the latest in disco sounds. Admission is only $2.00 so be sure to stop by and join the fun and help a worthy cause in the process." The *First Report* proposed no change in this general prohibition.

10. Commission authority to create special rules for commercial-like practices of public broadcasters is found in Sections 303 (a) and (b) of the Communications Act of 1934, as amended (Act), which authorizes the Commission to classify radio stations and to prescribe the nature of the services to be rendered by each class of licensed station and each station within any class. The parties acknowledge the Commission's authority to prohibit commercial or commercial-like activity in particular broadcast services but they point out that any regulatory scheme adopted by the Commission to achieve this end must be consistent with First Amendment freedom of speech guarantees and Fifth Amendment equal protection principles. The Commission's proposed rules are said by the parties to conflict with requirements of both of these constitutional principles.

11. The parties repeatedly cite *U.S.* v. *O'Brien*, 391 U.S. 367 (1968), which held that a government regulation affecting First Amendment freedoms is justified only:

> If it is within the constitutional power of the government; if it furthers an important or substantial governmental interest; if the government interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than essential to the furtherance of that interest. *Id.* at 377.[4]

The parties also frequently cite *Community Service Broadcasting of Mid-America, Inc.* v. *F.C.C.*, 593 F. 2d

[4] The last component of this test is similar to the "less drastic means" principle. *Shelton* v. *Tucker*, 364 U.S. 479 (1960), cited by some parties. It requires that a government limitation upon free expression be imposed only when there is lacking an alternative method of achieving the government's aim that would be less restrictive of these fundamental rights.

1102 (C.A.D.C. 1978), in which the Court of Appeals stated:

> The First Amendment requires the strictest form of scrutiny be applied where the purpose of a statute is related to suppression of free expression of ideas or information. Applying such strict scrutiny, the Supreme Court has held that the statute or regulation *must* be found unconstitutional unless either the speech in question is not fully protected by the First Amendment or its suppression is essential to a compelling government interest. (citations omitted). *Id.* at 1111.

The parties' basic argument is that the Commission's blanket proscription of announcements promoting the sale of a product or service is unrelated to, and fails to further, any important, substantial, or compelling government interest.

12. The parties generally claim that the purpose and objective in creating a public broadcast service was to classify and distinguish one broadcast service which separated programming decisions from commercial marketplace pressures and which did not depend on advertising revenue to support it.[5] The parties argue that the Commission's rules proscribing all announcements that merely promote the sale of products or services, regardless of whether they are broadcast in return for consideration, are unrelated to commercial marketplace concerns and fail to further the purpose for which public frequencies were reserved. The parties maintain that many such announcements are broadcast simply because the licensee believes them to be in the public interest. Thus, it was argued that the rules fail to further the intended governmental interest or are broader than required to achieve the desired result. The parties state that the Commission may not suppress all commercial or commercial-like speech merely because it desires to preserve some particular "tone," "taste," or "style" for public broadcasting. Such suppression is said to be forbidden because it is based solely on the *content* of the speech. In short, the parties believe that, unless the licensee receives payment or some type of consideration in return for broadcasting program matter, the licensee's discretion should govern what is broadcast. Such a functional, content-neutral approach, according to the parties would avoid the constitutional problems they attribute to the approach put out for consideration in the *First Report*.

13. Other constitutional arguments are advanced. It is asserted that the proposals are unconstitutionally vague, and that insofar as waivers are required for "old time commercials," [6] the rules constitute an unconstitutional prior restraint. Additionally, some parties argue that the proposals contravene the equal protection clause of the Fifth Amendment. The parties cite *Community Service Broadcasting of Mid-America* v. *F.C.C., supra,* and *Police Department of Chicago* v. *Mosley,* 408 U.S. 92 (1972), for the general proposition that there must be a substantial government interest furthered by the different treatment accorded public broadcasters and commercial broadcasters, and that the rules must be narrowly tailored to serve that interest. It is argued that the Commission has failed to identify a "substantial government interest" warranting the virtual total proscription of commercial or commercial-like programming proposed in the *First Report*.

Discussion

14. The Commission is persuaded that adjustment of its present and proposed rules is desirable. We agree that our rules must further the government's legitimate interest and, so far as possible, should not be based solely upon the content of particular broadcast matter.

15. The current dual system of broadcasting consisting of commercial and noncommercial stations is dependent upon differences in the purpose, support, and operation of the two classes of stations. Although these differences have not been completely enumerated, the present distinction has had an important relation to the source of operating revenues for the two types of stations. Public stations have relied primarily on government and private contributions; private commercial stations have relied primarily upon revenue paid in consideration for the airing of advertising to promote goods and services. So long as the commercial/noncommercial distinction is maintained and not modified, we agree with the parties' assertions that programming broadcast in return for receipt of consideration and used to promote the sale of goods and services is not appropriate for noncommercial broadcasting. Thus, proscriptions based on these criteria both narrowly defined and specifically further the important government interest in preserving the character of noncommercial broadcasting, and do so in a way that is highly protective of First Amendment rights.

16. We also agree with the parties that announcements promoting the sale of products and services that are broadcast because the licensee believes them to be of public interest do not always denigrate the purposes and objectives of public broadcasting. Adoption of the "consideration for broadcast" rule will provide an objective method for determining certain permissible broadcast matter. In view of these conclusions, we are amending our rules today to make clear that, subject to the exception set out at paragraph 18 below and the Commission's rules generally, only announcements or programs broadcast in exchange for consideration are proscribed on public broadcast stations. Further, because of the delicate First Amendment implications, we are asserting our intention to respect the good faith judgments of broadcasters in interpreting this rule and our intention to review those judgments only where it appears necessary in order to protect the noncommercial nature of public broadcasting.

17. This new rule addresses the compelling government interest in separating public broadcasting station programming decisions from commercial considerations as much as possible. It does not address the compelling government interest in insuring that reserved educational frequencies be used for educational, instructional, and cultural programming. This latter interest is the basis for rules restricting certain broadcast matter and is discussed in paragraphs 42 & 43 below.

18. In adopting a rule proscribing announcements broadcast in return for consideration, the question arises of how contributions of money, goods and services to licensees fit within the proscription.[7] Such contributions are

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[5] *See e.g., Sixth Report and Order,* 41 FCC 148, 165–166 (1952). For purposes of this proceeding, we are relying upon the purposes of public broadcasting enumerated in the *Sixth Report and Order.* We have not discovered a sufficient nexus between any valid government purpose and the discouragement of free expression complained of here to justify continuation of the current standard, where a less restrictive alternative is available. As a general matter, however, we continue to adhere to our position in the *First Report* that restrictions on commercial programming matter by public broadcasting stations are appropriate and consistent with the First Amendment. *See, First Report,* paras. 8–14. Our review of the legislative history surrounding this area assures us that the actions we are taking today are both within the scope of the law and are consistent with the thrust of that history.

[6] "Old time commercial" waivers have been issued to permit the rebroadcast of formerly popular programs such as Groucho Marx, "The Lucky Strike Hit Parade," and mystery theatre programs, without deleting adversting matter contained in those programs.

[7] Throughout the comments, the parties repeatedly assert that as more restrictions are placed upon broadcast identification of donors, the more reluctant donors will be to donate and that if present restrictions were loosened, more entities

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made, at least in part, in return for or with the expectation of broadcast acknowledgments. Contributions to public licensees constitute a principle source of financing broadcast operations. This source, through the federal "matching" system, has received Congressional endorsement as sound public policy. Moreover, it should be recognized that announcements acknowledging entities contributing money for particular program purposes *must* be made in many situations pursuant to Section 317 of the Communications Act and § 73.1212 of the Commission's Rules. The regulatory system adopted today does not change the requirements of Section 317 and § 73.1212. The Commission believes that donor identification announcements are informational and appropriate.[8]

19. Accordingly, we are amending §§ 73.503 and 73.621 to delete language proscribing announcements which promote the sale of products and services and are replacing it with language stating that "no announcement shall be broadcast in exchange for the receipt of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made."

20. We turn now to the specific policies and proposed rules discussed in the *First Report*. The actual questions proposed in the *Inquiry* are attached as Appendix C.

Fundraising That Suspends Programming

21. The Commission proposals which perhaps received the most publicity, as well as the most objection, were the ones placing limits on the amount of time permissible for auction fundraising and nonauction fundraising (such as marathons and pledge weeks) during periods of suspended programming.[9] We recognized in the *First Report* that fundraising during on-the-air solicitations was important to licensee funding requirements and that Congress envisioned that at least some of this activity would occur. However, we also noted that time devoted to this activity detracted from the presentation of programming which the system was established to broadcast, that time devoted to fundraising was increasing, and that, with respect to auctions, the activity often seemed overtly commercial.

22. The Commission proposed a rule limiting the broadcast of auctions to ten days per calendar year with an additional restriction that no one day's auction activity consume more than 50% of that day's broadcast time. The comments on these proposed rules can be summarized as follows: (a) some had no objection to a limit and felt that ten days or slightly more was an adequate amount of time to devote to auctions; (b) most felt that the 50% limitation impinged upon flexibility particularly on weekends when substantially more than 50% of the day may be devoted to auction activity; (c) many felt that while a limit of ten to fourteen days was sufficient time for auctions, the amount of auction time should be left to the licensee's discretion; and (d) time devoted to auctions was self-limiting by viewer and listener resistance. In addition, the Commission proposed rules to specifically define underwriters and to limit the number of underwriter acknowledgments that would be allowed during auctions. Commenters said these restrictions would preclude announcements crediting most entities underwriting auctions and would be difficult to administer in view of the different ways licensees compute expenses.

23. Further, a limit of ninety hours per calendar year was proposed for nonauction fundraising activity. Also, the Commission proposed that broadcast acknowledgments of underwriters, as permitted during auction periods, would not be allowed.

24. Several objections were raised with these fundraising proposals. The ninety-hour limit was criticized by public radio licensees as discriminatory because it would permit television stations more time for overall fundraising. The ninety-hour limit also was criticized as being too restrictive for stations that rely heavily upon viewer donations.[10] Many commenters said that the activity was self-limiting, and thus no such Commission imposed regulation was necessary. Others said that if a limit were adopted, it would be more appropriate to tie it to each station's average weekly hours on-the-air. Some parties suggested no fundraising time limit be adopted, but rather, that time devoted to fundraising should be reviewed at license renewal time as part of the public interest determination.

25. The Commission has reconsidered its proposals to limit the amount of time licensees may devote to fundraising during periods of suspended programming. We no longer consider there to be a significant difference between the auction and non-auction contexts. The proposal to impose time limits on all such activity now seems unnecessary and we will not adopt such limits. Time devoted to fundraising, as the parties state, is limited by audience resistance, that is, it may be expected that, as fundraising increases, audience support will decrease. Indeed, licensees state that audience dissatisfaction is taken into consideration when planning fundraising events making such activity self-limiting.[11] Adopting the proposed time limits may also have had the effect of encouraging licensees presently below the limit to increase fundraising. Additionally, we note that present levels have not generated significant complaint nor have we found significant licensee abuses. Finally, although the proposals for fundraising time limits received considerable public exposure in the

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would be willing to contribute. We agree and note that severe restrictions upon a station's ability to foster contributions from the general public may have the unintended result of enhancing the dependency of these stations upon large commercial underwriters and upon government funds.

[8] Section 317(a)(1) of the Communications Act of 1934, as amended, states:

Sec. 317(a)(1). All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: *Provided, that "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.* (Emphasis added.)

The gist of Section 317 is as follows: All program matter broadcast for consideration must be so identified at the time of the broadcast. However, goods or services provided at little or no cost and used on a broadcast are exempted, unless provided in consideration for overt commercial promotion.

The exception, underlined above, is commonly referred to as the *proviso* clause. In commercial broadcast operation, this language permits licensees to omit the otherwise required sponsor identification announcements when using on-the-air an item given to them when used for its usual purpose, for example, a car given by Ford Motor Company used by a detective in a detective program or a refrigerator given by General Electric Company used on the set of a program requiring a kitchen. In the public broadcasting context, we believe identification of donors and descriptions of goods and services are generally appropriate and this is consistent with Section 317(a)(1). For discussion of the *proviso* clause and examples of its application, see *Applicability of the Sponsorship Identification Rules*, 40 FCC 141 (1963), updated and revised, 40 FR 41936, RR Current Service Volume, paras. 10:1110 and 53.2051 (1975).

[10] For example, Pacifica Foundation states that its six radio stations each devote an average of approximately 430 hours annually to nonauction fundraising. Other licensees stated that they broadcast well over one hundred hours annually of such programming.

[11] There is evidence that many people avoid public broadcasting entirely to avoid fund requests (PBS Comments, Appendix E, p. 6) and that those who do contribute money are becoming irritated with appeals (PBS Comments, Exhibit E, p. 3).

media as well as through the Commission's public notices and its Actions Alert publication, public support virtually was non-existent. For all of these reasons, no general limiting rule will be adopted.

26. Although we have decided not to place limits on time devoted to fundraising, we wish to emphasize that this activity could be one of concern. We note that Congress, in enacting the Public Telecommunications Financing Act of 1978, recognized the "increased focus of the [public] stations' resources and energies on fundraising at the expense of programming" and acted to lower the federal matching ratio in an effort to "help reduce the fundraising activities of the system." *H. Rep. No. 95-1178*, 95th Cong., 2d Sess. 19 (1978). Thus, it is possible that circumstances could so change as to warrant our revisiting this area in the future. We conclude that current fundraising practices have disclosed no pattern of abuse warranting rule making.

27. Regarding a more specific matter, the purpose of the proposed rule, which defined an auction underwriter as a contributor of 30% or more of one day's legitimate auction expense, was to address the auction practice of extensively crediting in-kind contributions of nominal value, *e.g.*, coffee for auction volunteers. We have also reevaluated this proposal. With the benefit of the record now available, we no longer perceive any harm to the public that necessarily flows from this practice. In addition, the Commission is persuaded that varying methods of computing expenses could lead to such a rule being virtually unenforceable. We also are sympathetic to arguments that auctions contain many facets and that small contributions to various facets represent a large amount in the aggregate which may be lost if rules restricting acknowledgment of small and medium size contributions are adopted.

28. Also, in the *First Report* we discussed the apparent discrepancy in our past practice of allowing underwriter credits for auctions but not for nonauction fundraising methods. Although the *First Report* suggested that the distinction had some factual basis, the record here suggests that a uniform policy is now possible and appropriate. Accordingly, we will not adopt a rule change regarding identification of auction underwriters during auction periods and will apply the same policy in both the auction and nonauction fundraising contexts. The remaining questions raised in the *First Report* now will be addressed largely in the order in which they appear in the document.

Question 1: Promotion of Transitory Events

29. Question one essentially concerned the promotional aspects of announcements describing transitory events occurring in licensee service areas such as concerts, plays, activities of nonprofit organizations, and other events where admission charges were required or goods or services offered for sale. Under the rule being adopted today, so long as these announcements are not made in return for consideration, licensees may describe these events whether conducted by nonprofit or profit-making organizations in any manner they choose, including mentioning price and urging attendance.

Questions 2 and 3: Promotion of Courses, Government Documents, etc.

30. Questions two and three concerned the promotional aspects of announcements of educational courses, government documents, and credit cards, and the availability of program-related goods and services. The question of credit cards is dealt with at paragraph 41 below. With respect to announcements for educational courses and the availability of government documents, when such announcements are not made in return for consideration, they no longer fall under our rules.

31. With respect to announcements promoting the sale of program-related goods or services (for example, transcripts of public affairs programs), the Commission stated in the *First Report* that it believed such announcements to be overtly commercial where the cost of the goods or services was more than nominal or where the licensee, program producer, program supplier, or on-air personality had a financial interest in the sale. Accordingly, the *First Report* included a proposed rule prohibiting such announcements with some exceptions. Under the rule adopted today, so long as the licensee receives no consideration for an announcement promoting the sale of particular program-related goods or services or the price of the item is only nominal, such announcements may be broadcast. A different issue is posed where the promotion involves a nonbroadcast interest of the licensee or other broadcast personnel. The commission has long maintained that licensees have an obligation to prevent the use of their facilities to promote unfairly their own nonbroadcast business interests, *WFLI, Inc.*, 13 F.C.C. 2d 846 (1968), and to take extraordinary measures to insure that no program matter is presented as a result of employee outside business interests which may conflict with their station responsibilities, *Crowell-Collier Broadcasting Corporation*, 14 F.C.C. 2d 358 (1966). These principles are applicable to programming broadcast by public licensees and apply to offerings of program-related goods and services by program producers, program suppliers, and on-air personalities, *Fordham University*, 18 F.C.C. 2d 209 (1969). Accordingly, we expect licensees to carefully scrutinize goods and services offered in connection with various programs to insure that these program-related materials are offered on the basis of public interest considerations and not the private economic interests of the offeror.[12]

Questions 4 and 5: Remote Broadcasts

32. Questions four and five concern public broadcasting station practices when originating programming from a commercial place of business for fundraising or any other purposes. The questions principally were whether such programming (commonly referred to as remote broadcasting) was appropriate and, if so, to what extent the name and location of the commercial enterprise should be broadcast and listeners urged to attend.

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[12] See, *Letter to Washingtonian Magazine*, 84 F.C.C. 2d , FCC 80-727, adopted December 9, 1980. There the Commission considered questions posed by *Dial Magazine*, an expanded program guide developed by four major public television stations intended to produce revenue through the sale of advertising in the magazine and to encourage subscription membership in the station. Since *Dial* was provided without additional charge to members making donations in connection with fund-raising activities, the Commission indicated that it was best analyzed as a premium to encourage station contributions and thus was consistent with established policy and the proposals of the *First Report*. The Commission found that the policy barring unfair promotion of licensee business interests was apparently inapplicable to the situation under both established policy and the proposals considered in the *First Report* affirmed here. The analysis used there is also applicable to the new scheme adopted today: "We believe that the policy stated in the *First Report* * * * barring promotion of licensee-related interests when related to program matter, is not pertinent to references to premiums available to station contributors. The Commission's concern in the area of program-related material was that programming might be selected because of its value in exposing related products or services for commercial gain. The Commission's proposed precautions to assure that noncommercial motives are at work in licensee's program selection are not necessary for premiums made in conjunction with membership solicitations." *Id.*, at 13.

The case did not raise the question of the propriety of announcements urging advertisers to purchase space in a program guide, but we believe that such announcements would violate past policy and the "consideration received" rule.

33. In the *First Report*, the Commission suggested that use of a commercial place of business for fundraising would be inappropriate but that such programming for non-fundraising purposes might well be in the public interest. The latter type of programming often consists of live broadcasts from theaters, nightclubs, athletic stadia, and auditoria. The consideration rule announced here today should simplify analysis of these questions. While the free or discounted use of commercial premises may be consideration to the licensee, the context of each use is controlling under the new rule. The Commission will not view the mere permission of an establishment to broadcast an event as consideration. Where broadcast of this programming is based upon the licensee's public interest judgments rather than an exchange of consideration, identification of the origination point would raise no question. However, obvious promotion of an event and/or establishment could raise factual questions as to the agreement between the establishment and the licensee. Making an establishment available in exchange for on-air promotion beyond that reasonably related to the production of the program would constitute consideration, and would be prohibited. We stress that it is the announcement for consideration that invokes the rule, not the event itself.

Question 6: Prizes and Premiums

34. Question six concerned use of prizes or premiums to promote listenership and listener donations. In the *First Report*, the Commission asked for comment on the following specific areas regarding the use of premiums and prizes: (1) The inherent commercialism accompanying the use and depiction of particular authors, artists, and product brand names in describing premiums, and (2) the extent to which products and services from other companies are excluded from use as premiums (or auction items) as a result of licensee procedures employed to determine what goods and services are featured during fundraising activities. The comments indicated that licensees choose premiums, prizes, and auction items primarily based upon the items' association with particular programming and/or the degree to which the items are discounted or donated. Several commenters argued that a meaningful description of a product had to include at least a brand name and the product's qualities. Likewise, it was argued that a book or painting could not be adequately described without naming the author or artist. To the extent these practices contain "commercialism" the parties believe they are necessary. The Commission sees no abuse in the criteria employed to choose premiums, prizes, or auction items. We also believe that the mention of brand names, authors and artists constitutes meaningful information in describing the value of a premium, prize or auction item.[13]

35. We also recognized in the *First Report* that, under past interpretation of our rules, licensees could not mention the names of parties donating such items and that descriptions were limited to attributes reasonably related to their value as prizes. Mention of the donor's name was prohibited unless material to a description of the item's value as a prize. Some parties objected to the proscription proposed in the *First Report* against mentioning donors of prizes. It was stated that such a proscription: (1) discriminates against businesses which cannot be recognized by the mention of their products, (2) curbs a practice which results in very little real commercialism, and (3) discourages businesses from donating items to be used as prizes. We are persuaded by these objections, and will therefore allow identification of donors of such prizes when the prizes are described. Such identification appears consistent with Section 317(a)(1) and our decision today to allow acknowledgments for in-kind contributions as well as for cash.

Question 7: "Name Only" Limitation

36. Question seven in the *First Report* concerned the Commission rules limiting underwriting and credit announcements to the donor's "name only" but permitting, in certain instances, mention of a company division or subsidiary. The question asked what guidelines should be employed in determining what constituted a *bona fide* division or subsidiary in lieu of continuing to make this determination on a case-by-case basis. The *First Report* indicated that the case-by-case approach still appeared appropriate. In addition, the *First Report* rejected the requests of numerous parties to expand the "name only" requirement to permit, for the sake of clarity and full identification where necessary, mention of the donor's product, location, logo, or generic name.[14] Parties argued that such donations.

37. Few parties commented again in the proceeding on the meaning of what constitutes a *bona fide* operating division, but many parties again, for the same reasons as stated in the *First Report*,[15] requested liberalization of the "name only" requirement. We are sympathetic with this request to the extent that the acknowledgments are basically informational and provide clarity and full identification of donors. We no longer believe that restricting acknowledgments to name only is necessary to protect the noncommercial nature of public broadcasting. By allowing greater flexibility in determining the content of noncommercial acknowledgments, we now act on our belief that public broadcast licensees are fully capable of setting their own standards of acceptability in the area. With this greater latitude and flexibility licensees will be able to develop new policies for such acknowledgments that while consistent with their noncommercial status will stimulate new and broader sources of financial support for programming and general operation.[16] Therefore, the name only requirement for donor acknowledgments will be deleted to allow the use of a corporate logo and other nonpromotional information about the donor, including location and identification of product lines.[17] It should be noted that the acknowledgments permitted here are not to be confused with the announcements considered in previous sections of this document that may promote goods and services absent consideration when the licensee considers them in the public interest. Acknowledgments are strictly for identification of donors and should not promote the company, products or services of the donor. Announcements which contain comparative or qualitative description of a product or company go beyond permissible limits. For example, while an announcement

[13] Obviously, for a prize or premium to be effective, it must and will be disclosed. While it is conceivable that this type of promotion could be abused, resulting in overt commercialism, we have no evidence of such abuses.

[14] The Commission has authorized fuller identification to avoid confusion between similarly named entities but only after specific approval.

[15] Reasons such as: (1) a business' legal name may not be familiar to the community, but its product, trade, or generic name is; (2) a business may not be known in some parts of the station's service area, particularly where a station covers a number of communities; and (3) the donor's name may fail to disclose the relationship, if one exists, between the donor's business and the program it is underwriting.

[16] Along these lines, licensees may wish to adopt written standards for underwriter announcement acceptability.

[17] The record in this proceeding amply supports this conclusion. We are dismissing a recent request for declaratory ruling, that again raises the issue, as moot, *Public Broadcasting Service, Request for Declaratory Ruling Concerning Underwriting Announcements by Noncommercial Educational Broadcast Stations, January 5, 1981.*

identifying Exxon Corporation, producer of petroleum products would be permissible, announcements identifying Exxon as the producer of "fine" or the "best" petroleum products would be prohibited. In addition, stations should be very careful to avoid factual circumstances which lead to the appearance that announcements may have been made for consideration.[18]

Question 8: Limits on Acknowledgments

38. Question eight concerned proposed rule amendments to decrease the permissible number of underwriting and credit announcements in programs of less than one-half hour from two such announcements to one. The Commission proposed in the *First Report* to impose such a limitation in programs lasting twelve minutes or less and expressed the belief that the impact of the change, if any, would fall on radio rather than television stations. The Commission received little comment on this proposed change from public radio stations and the associations which represent them. On the other hand, we believe that the licensees audience resistance is a deterrent to excessive announcements. Therefore, we are deleting the note that limits the timing and frequency of announcements and are leaving these determinations to licensees applying their reasonable judgments in good faith.

Question 9: Acknowledgments of Noncash Contributions

39. Question nine primarily concerned a proposal for broadcast recognition of donors who contribute goods and services to licensee operations, such as studio equipment or costumes (in-kind contributions),[19] rather than programs or funds for their production. In-kind contributions just as money, are of two types; either for general station purposes, such as a carpet or a transmitter, or for specific Programs, such as customes for a specific production or furniture set. The Commission proposed a rule to permit identification of these in-kind donors for general station purposes in the same manner as cash donors for general station purposes, *i.e.*, beginning and end of day, one contributor once an hour, and in two newly proposed two-minute breaks each day. The proposed rule did not require that an in-kind donation be "substantial" to warrant identification of the donor, and eliminated the "substantial" requirement presently in the rule for cash donors for general station purposes. To limit the number of acknowledgments, the proposal would have required that all in-kind donations to specific programs be acknowledged only on the proposed two-minute breaks. The comments expressed little negative reaction to treating in-kind contributors to "general" station operation in this manner but many objected to this treatment for "specific" in-kind donations because it proscribed announcements identifying in-kind contributors when the program was aired. Many parties objected to the proposal, saying that: (1) it will decrease in-kind donations, (2) it will induce contributors to give cash (in order to get the contemporaneous announcement) thereby requiring stations to obtain goods and services at market prices, and (3) it will adversely affect network programs in that: (a) the originating stations will be burdened with the task of having to inform other stations who the in-kind contributors are, (b) other stations may not wish to credit the in-kind contributor to the originating station, and (c) in-kind contributors probably will not get credited when programs are repeated. Most parties argued that the in-kind contributor to a particular program should be identified in connection with that program.

40. The Commission is persuaded that identification of in-kind contributors contemporaneously with the programs to which the identification of such donors is allowed under the general rule adopted today. Because the Commission's new rule permits contemporaneous identification of in-kind contributors to specific programs, much of the basis for proposing the two-minute breaks is no longer present. Also, we believe the identification resulting from the rule changes adopted today can be handled adequately under present practices for identifying general cash contributors, and general in-kind contributors. Accordingly, we will not now adopt the proposed rule creating additional "two-minute breaks" for acknowledging contributors.

41. Related to the principle underlying the above in-kind contributions is that part of question 2 pertaining to credit cards. Announcements that specific credit cards may be used to "charge" a contribution or purchase of an auction item create a more difficult situation under the "consideration received" rule. Credit card announcements are used during fundraising activities for informational purposes. The coments indicate that a major factor in the decision of many licensees to use a particular credit card is whether the credit card company will waive or reduce its fee. The waiver or reduction in the credit card fee arguably represents consideration, but, as such, it represents an in-kind contribution to the licensee and acknowledgments would be allowed. Additionally, credit card use tends to increase both the size of contributions and the number of people contributing (*First Report*, at paragraph 23). Accordingly, in view of the limited purpose for which credit cards are identified we shall permit the practice both aurally and visually, for this fundraising purpose. These identifications shall be considered both acknowledgments of contributions and informational announcements.

Questions 14, 15 and 16: Fundraising for Others

42. These questions concerned the practice of public stations conducting auctions to raise money for entities other than themselves. The Commission stated in the *First Report* that this activity was inappropriate in public broadcasting and proposed a rule requiring that proceeds from all auction activity be retained by licensees for use in conjunction with their licensed facilities. Most parties either agreed with, or had no objection to, the proposal. We will here adhere to our policy statement in the *First Report:* "We continue to believe that [public] broadcasting is the wrong vehicle for general fundraising by auctions and the only reason an exception is made on behalf of licensees is to aid in their efforts to provide the programming which they were licensed to broadcast." *First Report* at paragraph 52.

43. The *First Report* also discussed nonauction fundraising activities for other entities and suggested that many such activities might be appropriate. Our decision today to allow stations to promote the activities of nonprofit entities with announcements so long as no consideration is received gives considerable latitude to stations in that regard. Also, this should greatly lessen the need for stations to engage in major

[18] Agreements where donations are related to promotions of the donor's company, products, or services are prohibited. In addition, the Commission is concerned about situations where announcements promoting the goods or services of a commercial entity are either preceded or followed by a donation. This circumstance could be perceived as consideration for such a promotional announcement. We decline to adopt specific proscriptions in this area, such as a minimum time period between promotional announcements and consideration received. However, we view the proximity between "donations" and such promotional announcements as a significant factor in evaluating the good faith determinations of licensees, and we expect licensees to avoid circumstances that would raise such questions.

[19] Although some licensees currently acknowledge in-kind contributions through special thanks announcements such as "production assistance provided by ," these announcements were not provided for in the Commission's Rules.

fundraising efforts for such entities. Therefore, station fundraising activities which significantly alter a station's normal programming, including auctions, marathons, membership drives, etc., should be carried on for the benefit of the station only, and not for other organizations. This is consistent not only with our *Ohio State* ruling for auctions but also with our interest in preserving the primarily educational, instructional, and cultural character of public broadcast programming. Although we will adopt no further rule here, we reaffirm our general policy of restricting station promotions of nonstation interests of the licensees, see para. 31, *supra*, and extend our specific policy of proscribing auctions by public stations on behalf of non-station interests to all such fundraising activities that disrupt normal programming. *See, The Ohio State University*, FCC 76-701, 38 R.R. 2d 122 (1976).

Other Matters

44. Another proposal in the *First Report* was to move the present Notes to §§ 73.503 and 73.621 of the rules into the body of the rules. Because these notes contain substantive interpretations of the "promotion of products and services" and other rules, they were thought to be more appropriately placed in the main text. The proposal received little comment from the parties and was apparently well received. However, our use of a new basic test has rendered these notes unnecessary and we are deleting them from the Commission's rules.

45. Finally, the National Association of Educational Broadcasters (NAEB) and several other parties have proposed for Commission consideration a fundraising experiment called "Institutional-Oriented Underwriting (IOU)." NAEB suggests that during authorized IOU periods:

> Public broadcast stations would be permitted to air messages from selected commercial institutional underwriters. The production values and content of these messages from these institutional underwritters would be carefully scrutinized by the public broadcasters to assure that they are creative, imaginative, informative and suitable for presentation upon public broadcast facilities. Such institutional-oriented underwriting would permit businesses to present material enhancing their public image or, perhaps, expressing a point of view on public issues. At least in initial stages of development, it would not normally include messages predominantly oriented toward specific products or services. These messages would not be interspersed with normal programming fare but would instead be placed in discrete segments or blocks of time at the end of particular program periods in a magazine format entirely divorced from the preceding or subsequent program content.

The idea is, in effect, a proposal to permit public stations to sell broadcast time to help support their operations.

46. Proposals for partial commercial operation by public licensees have been considered previously by the Commission. In rejecting this idea in 1952, the Commission stated, in part:

> [P]artial commercial operation by educational institutions would tend to vitiate the differences between commercial operation and noncommercial educational operation . . . in our view achievement of the objective for which special educational reservations have been established—i.e., the establishment of a genuinely educational type of service—would not be furthered by permitting educational stations to operate in substantially the same manner as commercial applicants * * *. [*Sixth Report and Order*, 41 F.C.C. 148, 166].

For the purposes of this rulemaking we will adhere to our policy that the outright sale of time to commercial entities for commercial purposes is inappropriate for public broadcasting licensees. In addition to the reasons stated in the *Sixth Report and Order, supra*, we do not believe we have a sufficient record at this time to grant such an important exception to our rules. However, the Broadcast Bureau has underway a broad study of public broadcasting, examining the basic questions concerning the fundamental purpose of public broadcasting and the types of financial support that are appropriate to serve that purpose. This study will consider the efficient use of the noncommercial reservation and the relationship between broadcast and nonbroadcast activities of public broadcast licensees. NAEB's requests would appropriately be taken up again when some of these fundamental questions are addressed through future inquiry or rulemaking notices.

47. The NAEB also has requested that the Commission grant authority for the conduct of oral arguments or panel presentations for the airing of licensee concerns with respect to the vital matters addressed in this proceeding. NAEB states that the presentation of evidence respecting the realities of funding and operating public broadcast stations would aid the Commission in arriving at fair and principled conclusions in this matter. The Commission will reject this request. Extensive comments have been filed in response to the *First Report* and in response to the *Inquiry* initiating this proceeding. These comments include statements from many licensees and organizations which represent them, and discuss in detail underwriting, fundraising and operating activities and their financial impact. We have made substantial changes in both the general direction and in the specifics of our policies and rules in light of these comments. We are not persuaded that further presentation of this information through oral argument is necessary.

Summary of Actions Taken

48. After extensive review of the comments in this proceeding, the Commission takes the following actions:

(a) A new rule prohibiting the broadcast of materials in return for consideration replaces the former rule prohibiting all promotion of products and services. The new rule does not prohibit acknowledgments of contributions.

(b) No time limits on fundraising activities in support of station activities are adopted. These activities are largely selflimiting and, therefore, are most appropriately left to the discretion of individual licensees.

(c) No rules prohibiting promotions of specific matters or items, or prohibiting "remote" broadcasting are adopted. Stations are expected to make reasonable, good faith judgments in keeping with the new "consideration received" rule.

(d) The "name only" restriction on acknowledgments is eliminated. Licensees are expected to responsibly exercise their discretion in developing their own policies to determine what constitutes a noncommercial acknowledgment. Likewise, the Commission does not limit the number of such acknowledgments.

(e) Acknowledgments of contributions in the forms of prizes, premiums, auction items, and in-kind goods and services are not specifically regulated but will be analyzed under the "consideration received" rule.

(f) Fundraising which disrupts normal programming and is beyond an "announcement" shall be for station purposes only.

49. The Commission cautions each licensee to act responsibly in carrying out the substantial changes it has permitted here so that the licensee's actions remain consistent with the noncommercial nature of its station. The Commission will be particularly concerned that its "consideration" and "good faith judgment" standards developed in this docket are not abused. We believe that the policies, procedures and rule amendments set forth herein will clarify the obligations of public broadcasting licensees and contribute to

the development of public broadcasting in the manner envisioned by the Commission and the Congress. We believe, therefore, that adoption of these policies, procedures and rules is in the public interest.

50. Authority for adoption of the rules herein is contained in Sections 2, 4(i) and 303, of the Communications Act of 1934, as amended.

51. Accordingly, It Is ordered, That Part 73 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix B, effective June 25, 1981.

52. It is further ordered, That the request for declaratory ruling by Public Broadcasting Service, cited in paragraph 37, fn. 17, *supra*, is dismissed as moot.

53. It is further ordered, That this proceeding is terminated.

54. For further information concerning this proceeding, contact John Kamp, Broadcast Bureau, (202) 632-6302.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Parties Filing Formal Comments

Alaska Public Television, Inc.
Alaska Public Broadcasting Commission.
Arizona Board of Regents.
American Federation of State, County and Municipal Employees.
Association of California Public Radio Stations.
Back Porch Radio Broadcasting, Inc.
Bemidji State University.
Board of Trustees of the Greater Cincinnati Television Educational Foundation.
Central Administration Advisory Committee on Broadcast Operations, State University of New York.
Colby-Bates-Bowdoin Educational Telecasting Corporation.
Communications Research Center, New York Law School (Laurie Hutzler and James Charne).
Corporation for Public Broadcasting.
Delta College.
Educational Broadcasting Corporation.
Ford Foundation.
Front Range Educational Media Corporation.
Greater Washington Educational Telecommunications Association, Inc.
Intercollegiate Broadcasting System, Inc.
Joint Comments—Covington & Burling.
Joint Comments—Dow, Lohnes & Albertson.
Joint Comments—Schwartz and Woods.
Joint Council on Educational Telecommunications.
Jorgensen, Johnson & Northop.
Kentucky Authority for Educational Television.
KOTO Radio.
Michigan Technological University.
Minnesota Public Radio, Inc.
Murray State University.
National Association of Broadcasters.
National Association of Educational Broadcasters.
National Association of State Universities and Land Grant Colleges.
National Federation of Community Broadcasters.
National Public Radio.
North Side Symphony Orchestra.
Ohio Educational Television Network Commission.
Ohio State University.
Pacifica Foundation.
Public Broadcasting Service.
Public Radio in Mid America.
Rosenkranz, Raymond.
San Miguel Educational Fund.
Southwest Texas Public Broadcasting Council.
Sunrise Communications.
University of Northern Iowa.
WGBH Educational Foundation.

Appendix B

I. Section 73.503 of the Commission's Rules is amended to remove Notes 1 through 5 following paragraph (d); and to revise paragraph (d) as follows:

§ 73.503 Licensing requirements and service.

* * * * *

(d) Each station shall furnish a nonprofit and noncommerical broadcast service. Noncommerical educational FM broadcast stations are subject to the provisions of § 73.1212 to the extent they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No announcement shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made.

Note.—Commission interpretation of this rule, including the acceptable form of acknowledgments, may be found in the *Second Report and Order*, adopted April 23, 1981, entitled "Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations." (BC Docket No. 21136, —— FCC 2d ——, ——, FR ——, May 22, 1981).

II. Section 73.621 of the Commission's Rules is amended to remove Notes 1 through 5 following paragraph (e) and to revise paragraph (e) as follows:

§ 73.621 Noncommercial educational stations.

* * * * *

(e) Each station shall furnish a nonprofit and noncommercial broadcast service. Noncommercial educational television station shall be subject to the provisions of § 73.1212 to the extent that they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No announcements shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made.

Note.—Commission interpretation of this rule, including the acceptable form of acknowledgments, may be found in the *Second Report and Order*, adopted April 23, 1981, entitled "Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations," (BC Docket No. 21136, —— FCC 2d ——, —— FR ——, May 22, 1981).

Appendix C

(1) Should the prohibition against "announcement promoting the sale of a product or service" be limited to those announcements that directly promote such sales?

(2) Notwithstanding the matters raised in "(1)", above, should a different standard be applied to:

a. course offerings of vocational schools, colleges or universities?

b. the sale of government documents?

c. the sale of material related to the content of the program?

d. the over-the-air mention of credit cards in connection with fundraising activities?

(3) If so, what standard should apply?

(4) If a licensee originates programming temporarily at a commercial enterprise, would it be able to urge listeners or viewers to visit the store, or to mention the location of the origination point?

(5) If so, should such announcements be limited to fund raising drives or subject to other conditions?

(6) If identified prizes are to be offered over the air, what guidelines or conditions, if any, should be adopted?

(7) What guidelines should be used in determining what constitutes a *bona fide* operating division or subsidy?

(8) What impact might result in limiting underwriting announcements to one during any program of less than one-half hour duration?

(9) What guidelines should be adopted with respect to announcements identifying those who provide goods or services to educational broadcast licensees instead of programs or funds for their production?

(10) How many times per year are auctions held on individual stations? How many days did each auction last?

(11) During auction periods, how much of the broadcast day is devoted to auction purposes?

(12) What percentage of the money raised during auctions comes from underwriters of the auctions?

(13) What standard should be used in defining what constitutes an underwriter?

(14) Should educational stations be permitted to conduct auctions for the benefit of other entities?

(15) If so, what guidelines should be applied, especially as to number or duration of the auctions?

(16) Should different guidelines be used if a portion of the proceeds is retained by the station? If so, what guidelines?

(17) How many times per year are fundraising drives conducted on individual stations? How many days did each drive last?

(18) During fundraising drives, what percent of the broadcast day is devoted to fundraising purposes? (Estimates would be welcome if precise information is not available.)

(19) What guidelines, if any, should be applicable to such fundraising activities?

(20) Should the *Ohio State* ruling be applied to fundraising drives for entities other than the licensee? If so, what guidelines, if any, should be adopted?

Statement of FCC Commissioner James H. Quello In Which Commissioner Joseph R. Fogarty Joins

In re: Second Report and Order Establishing Commission Policy Concerning the Noncommercial Nature of Public Broadcasting Stations

It is my hope and belief that the Commission's relaxation of certain funding restrictions on Public Broadcasting stations will go a long way toward preserving and enhancing our non-commercial broadcasting system. It seems clear that the trend toward less federal funding will continue and that alternative means of financing must be explored. Certainly, it is in the public interest to acknowledge the contributions made by Public Broadcasting in the past and to encourage even greater efforts in the future through these alternative funding methods.

While I recognize the necessity to allow more latitude to Public Broadcasting stations to encourage funding, I also am aware that some will be tempted to stray into the preserves of commercial broadcasting. I would caution those who are so tempted to renew their awareness of the charter that brought non-commercial broadcasting into being in the first instance. I would also commend to them a careful reading of Paragraph 49 of the Second Report and Order.

I have long been supportive of Public Broadcasting and I fully intend to continue that support. As an important part of that concern it will be necessary to ensure that Public Broadcasting maintains its special character as delineated by both the Congress and this Commission.

April 23, 1981.

Additional Statement of Commissioner Abbott Washburn

Re: Second Report and Order Establishing Commission Policy Concerning the Noncommercial Nature of Public Broadcasting Stations.

Today the Commission has taken a major step in deregulating noncommercial radio and noncommercial television licensees. Our action addressed only the Commission's fundraising rules. Nevertheless, the simplifications and clarifications to those rules signal a new era for public broadcasting stations, their audiences, and their underwriters.

Specifically, our new rules give public broadcasters greater discretion and flexibility in the fundraising area while preserving the essential character of a noncommercial broadcasting service. Simply stated, *our new rules provide that no program or announcement can be made in return for consideration.* This "consideration received" rule will insure that public broadcasters continue to make their programming decisions apart from commercial marketplace pressures and insulated from dependence on advertising revenues. We continue our policy of allowing acknowledgements of contributions. In addition, the Commission has given individual public broadcasters wide discretion in identifying contributors and the concommitant responsibility to insure that the acknowledgements do not become advertisements.

The permission to use logos as part of the noncommercial television station's acknowledgements is one important aspect of the new rules. We have eliminated former policies that prohibited the use of logos, and I expect their use will increase the number of private companies that underwrite programs and general station operations. While our rulemaking on these matters was pending, PBS requested that we issue a declaratory ruling to allow logos, noting that careful use would not compromise the noncommercial nature of public television. Based on the record in this proceeding, I am convinced that permitting logos will not undermine the basic, noncommercial character of this service.

One of the likely effects of the new rules will be to increase the total contributions and the number of individual contributors to public stations. The increased breadth of private support should reduce the ability of any single, private or public entity to affect programming decisions and thus should help ensure that public stations provide an alternative programming service to the commercial broadcasting service. In addition, public broadcasting may become less dependent upon federal support for their operations and programming. In today's climate of reduced federal funding for public broadcasting, it is to the Commission's credit that we have been mindful of the Congressional policy that a significant portion of public broadcasting's financial support should come from the private sector. In view of the necessity for vigorous fundraising, especially now, the Commission has granted public broadcasters more latitude.

While we have attempted to address the financial needs of noncommercial stations, we have at the same time balanced that need against their obligation to provide a noncommercial broadcasting service. To a large degree, preserving this balance now becomes the responsibility of each noncommercial licensee. The changes permitted here must be implemented in such a fashion that licensees' actions remain consistent with their noncommercial character. Often, there will be a fine line to draw between acknowledging donors and their goods or services versus announcements which promote the sale of a product or service. I am confident that the public broadcasting licensees will not abuse the deregulatory measures adopted and that we can rely on their judgment, their independence, and their good faith to preserve the essential character of the noncommercial broadcasting service.

[FR Doc. 81-15444 Filed 5-21-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 94

[Docket No. 19671; FCC 81-216]

Various Methods of Transmitting Program Material to Hotels and Similar Locations; and Use of the Business Radio Service for the Transmission of Motion Pictures or Other Program Material to Hotels or Other Similar Points

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document permits a licensee to transmit the licensee's program material and services to the licensee's customers using microwave frequencies in the Private Operational-Fixed Microwave Service (OFS) for this purpose. The Commission has amended its rules to allow this use in the OFS bands above 13 GHz and on three television channels in the 2.5 GHz band. The Commission has received numerous requests to allow this use of OFS bands over the past several years.

EFFECTIVE DATE: June 25, 1981.

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

FOR FURTHER INFORMATION CONTACT: John C. K. Hays, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of various methods of transmitting program material to hotels and similar locations, and use of the Business Radio Service for the transmission of motion pictures or other program material to hotels or other similar points, Docket No. 19671.

First Report and Order

Adopted: May 7, 1981.

Released: May 15, 1981.

Background

1. On January 24, 1973, the Commission released a Noice of Inquiry and Notice of Proposed Rulemaking Memorandum Opinion and Order in this docket that was primarily concerned with the application of the Commission's "anti-siphoning" policy to new methods of distributing, by wire or radio, motion pictures or other program material to hotels and similar locations.[1] The "anti-

[1] *Notice of Inquiry* and *Notice of Proposed Rulemaking Memorandum Opinion and Order*, Docket No. 19671, 39 FCC 2d 527 (1973), [38 FR 2766; January 30, 1973].

siphoning" policy refers to the Commission's past efforts to prevent the "siphoning" of popular program material from conventional free television to pay services such as subscription television and cablecasting for pay. At that time, the Commission's rules contained provisions regulating the types of feature films and sporting events that could be televised by a subscription television station or cablecast by a cable system for an extra per-program or per-channel charge.[2] In this docket in 1973, the Commission was concerned with "whether the newer modes will in fact affect the public's receipt of motion pictures or other program material on the other media and, if so, whether it is appropriate for the Commission to adopt similar, or different, restrictions for the new modes, modify the existing restrictions on pay cablecasting and subscription television, or take other remedial action."[3] The Commission, therefore, requested comment, "with a view toward adoption of final rules, on the question of whether we should limit the nature of material transmitted to hotel television receivers (or receivers in other institutions or private homes) by common carrier wire or radio, non-common carrier wire or radio, or laser techniques, in order to prevent the loss of such material by television broadcast stations or cable television systems, or otherwise limit or prevent any such competitive effect upon these services as would be contrary to the public interest."[4] At that time, the Commission felt that, although the new methods of distribution "differ in technology and include both private and common carrier systems, they raise common questions of potential competition with commercial television broadcast transmission and cable television, and potential 'siphoning' of program material from free television, in addition to certain issues separately applicable to each method of program distribution."[5]

2. The new methods of distribution that concerned the Commission included common carrier systems in the Multipoint Distribution Service (MDS) and private radio facilities in the Operational Fixed Service, which later became Part 94, Private Operational-Fixed Microwave Service (OFS).[6] A common carrier system licensed in the MDS consists of an omnidirectional microwave station transmitting simultaneously to multiple fixed receivers within the station's service area. The subscribers to the station's services supply the station licensee with the information to be transmitted and designate both the time of transmission and the locations of the receivers. At the designated receiver locations, the signal is intercepted by a directional antenna and is converted from the microwave frequency to a selected lower frequency by a down converter. It is, then, passed through a decoder which activates only the intended receivers and, finally, is displayed upon an unused television channel or fed to a data terminal. Although school systems, industry and municipal governments have subscribed to the services of MDS operators to satisfy their communication needs, MDS stations have been predominately used to distribute entertainment programming to master antenna systems, cable television systems and more recently, private residences, particularly during the evening hours.[7]

3. Private systems similar to these common carrier systems in the MDS have been proposed by applicants filing for microwave frequencies in the OFS. These proposals have included private microwave facilities to transmit program material between designated locations with point-to-point links as well as omnidirectional stations to distribute it to multiple receive locations as in the case of MDS systems. At the time the order in this docket was issued, Columbia Pictures Industries, Inc. (Columbia) had filed for microwave facilities to serve multiple locations in Atlanta, Georgia, and in other urbanized areas, as well. The applicant's plan was to select a central site; to construct a private local distribution service (LDS) microwave facility at that site; and to transmit motion picture films and other program material to major hotels. The product was to be received at the hotels and sold to individuals for viewing in their hotel rooms. The motion picture company licensee and the hotel were free to make a profit, but the choice of whether or not to use the licensee's services was to be left solely to the individual guest.

4. Although the Commission determined that this operation was consistent with existing rules and partially granted Columbia's applications in a separate action, questions remained as to whether this type of use should generally be allowed in the Business Radio Service. The Commission, therefore, conditioned the grants on the outcome of the proceedings in this docket and initiated a broad review of this type of use of business microwave facilities.[8] The reason was that, despite the generality of the language in the rules describing the purpose of the so-called private business radio services,[9] the basic objective of the many allocation proceedings involving them [10] clearly had been to make available radio facilities to support the main operations of non-communication businesses. Thus, the Columbia proposal raised the issue

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[2] 47 CFR 73.643(a), (b), (c), (d), and 76.225 (1977).

[3] *Notice of Inquiry and Notice of Proposed Rulemaking Memorandum Opinion and Order*, Docket No. 19671, 39 FCC 2d 527, 529 (1973).

[4] Id.

[5] Id. at 528.

[6] Part 94 of the Commission's rules governs the licensing and operation of private operational-fixed microwave systems, including control and fixed relay, in frequency bands above 952 MHz. The radio stations in these systems are licensed by the Commission as Operational-fixed Stations, which are fixed stations not open to public correspondence, operated by and for the sole use of those persons or agencies operating their own radiocommunication facilities (§ 94.3 of the Commission's rules). Eligibility in Part 94 is limited to persons qualified for licensing in a radio service under either Part 81, Stations on Land in the Maritime Service and Alaska-Public Fixed Stations; Part 87, Aviation Services; or Part 90, Private Land Mobile Radio Services (§ 94.5 of the Commission's rules).

[7] The Commission has recently proposed rules that might substantially expand the number of channels available for MDS use by giving this service access for the first time to channels in the 2500 to 2690 MHz band. *See* note 16 *infra*.

[8] *In Re Proposals by Columbia Pictures Industries, Inc., For Operational Fixed Station Facilities in the Business Radio Services*, 39 FCC 2d 411 (1973).

Columbia's original proposal was for 5 video channels. The first and second channels were to be used for entertainment programming. The third channel was a promotional channel advising hotel guests of the movies available for their viewing on the first channels and the starting times of each feature. The fourth channel was to be used to inform guests of things they could do and see in the city in which the system was located. Advertising would be carried on this channel and a charge would be made to third party advertisers for this service. The fifth channel would be used for closed circuit network telecasting of conventions and meetings at participating hotels. The charge for this service would be paid by third party "conventional" or third party sponsors whose messages would be carried under contractual arrangements.

The Commission authorized the proposed uses of the first three channels but denied the proposed use of the fourth channel for carrying messages of third party advertisers and the proposed use of the fifth channel for convention coverage. The Commission felt that the last two uses were clearly inconsistent with the purpose for which the Business Radio Services were established. Id. at 411 and 412.

According to the Commission records, Columbia never constructed any microwave stations pursuant to this authorization and eventually requested that their licenses be terminated without prejudice.

[9] See § 90.1(b) of the Commission's rules.

[10] E.g. *See* Federal Communications Commission, "Report of the Commission," Docket No. 6651, August 9, 1945, 39 FCC 257 (1970), concerning the General Mobile Radio Service. *Notice of Proposed Rule Making*, Docket No. 9018, 13 FR 3241 (1948) and *Report and Order of the Commission*, Docket No. 9018, 13 FCC 1190 (1949) establishing the Industrial Radio Service. *Notice of Proposed Rule Making*, Docket No. 10904, 19 FR 913 (1954) and *Report and Order*, Docket No. 10904, 19 FR 4156 (1954) concerning the Maritime Services.

of whether these new uses broaden the type of communication system being authorized in the private services. Up to that time, the traditional private microwave system had been a point-to-point system within the same organization used to convey information and instructions related to the main business of the licensee and necessary for efficient operation. On the other hand, the Columbia proposal was essentially for a distribution path between the licensee and its customers to distribute its products. The Commission, consequently decided to explore in this docket the ramifications of this new use through public inquiry and possible rulemaking.[11]

The "Anti-Siphoning" Rules

5. Some time after the proceedings in this docket were initiated the "anti-siphoning" provisions of the Commission's rules were deleted because of the holding in *Home Box Office* v. *Federal Communications Commission* that the Commission had failed to establish its jurisdiction to regulate pay cable programming on the record before the court.[12] The U.S. Court of Appeals, D.C. Circuit, vacated the pay cable restrictions but not the identical subscription television restrictions. In subsequent rulemakings[13] the Commission eliminated the subscription television restrictions based on the principle that the two communications activities may be viewed as directly competitive and that they should be treated equally insofar as program availability is concerned. The Commission concluded that no useful or public interest purpose would be served by *treating them differently.*

6. Therefore, with regard to the anti-siphoning rules, since the new methods are also directly competitive with subscription television and pay cable, they will be given equal treatment. As was stated regarding the elimination of the restrictions on subscription television,[14] to apply anti-siphoning rules to the new methods of distribution would leave them in the vulnerable position of being the only pay systems with program restrictions. And if, as a consequence of such rules, they are adversely affected, the public might lose entirely the benefits of these new types of communications systems. As we have affirmed in numerous instances, the public interest is best served by diverse media forms. In view of the above we conclude that "anti-siphoning" type rules do not serve the public interest and we will not apply them to the MDS or private services.[15]

Requests for Private Facilities

7. The remaining issue in Docket No. 19671 is whether private distribution systems should be licensed in the OFS. Since the partial grant of Columbia's applications, the Commission has received a number of applications and inquiries concerning the possible use of OFS frequencies to distribute video programming to subscribers. Generally, these requests indicated that the facilities may not be authorized under present rules in either the Cable or Broadcast Service and have argued that Common Carrier facilities were either unavailable or too expensive. Consequently, relief has been sought in the Private Radio Services. The Commission, however, has declined to act upon these applications pending the final disposition of this docket.

8. A number of these requests have asked for OFS frequencies to transmit material between designated locations (point-to-point). Usually a microwave link has been needed to complete a distribution system consisting of other modes of transmission of which some may be leased from communications common carriers. For example, in 1977 the Teleprompter Corporation requested a microwave link to transmit entertainment programming from a common carrier receive-only earth station to an MDS station. The program material would be received by the receive-only earth station from the satellite facilities of RCA American Communications, Inc. (RCA SATCOM-1&2 satellites) and would be distributed by the MDS station to subscribers of Teleprompter for a monthly or per program charge. According to the Teleprompter Corporation, the receive-only earth station and the MDS station are not and cannot be collocated and, therefore, the microwave link is necessary to interconnect them. As another example, in 1979 the Tel-A-View Communications Corporation applied for a microwave link between two apartment buildings. Entertainment programming would be received from a satellite by an earth station on one of the buildings and transmitted to the other building using the microwave link. Also, in 1979 the University of Alaska applied for a microwave link between its Media Services Department at Anchorage and a satellite uplink facility of Alascom to serve rural Alaska with educational, instructional, informational and sports programs. These three examples illustrate the types of requests which have been received by the Commission for point-to-point microwave facilities in the OFS to transmit program material.

9. Other requests have asked the Commission to license microwave facilities in the OFS to distribute material to multiple receive locations (omnidirectional) in urban areas. In 1976, the Cablecom Corporation and SHI, Inc. applied for omnidirectional microwave facilities in the OFS to distribute entertainment programming in the Chicago area. Both have requested assignment of two of the three television channels in the band, 2500–2690 MHz, presently allocated to OFS.[16]

As a further example, in 1978 members of the Chinese community in Boston requested microwave facilities in the OFS to set up a small "subscription TV station" to provide Chinese language programs to the Chinese community in which 60% to 70% of the population do not speak English. In addition, an inquiry was received by the Commission

[11] In the Notice the Commission asked, among other things, for comments on "* * * whether Business microwave frequencies should be used for distribution by the licensee of his product for which a charge is made (such as motion pictures, music, etc.), or his services (such as computer service) to his customers; * * * assuming (this is permitted) * * * comments are requested on the impact of each on the spectrum space available in the Business Radio Service and on whether a new radio service, perhaps on frequencies above 12700 MHz, should be established." *Notice of Inquiry* and *Notice of Proposed Rulemaking, Memorandum Opinion and Order*, Docket No. 19671, 39 FCC 2d 527, 532 (1973).

[12] *Home Box Office* v. *Federal Communications Commission*, 567 Fed. 2d 9, 34 (D.C. Cir. 1977), cert. denied, 434 U.S. 829 (1977), rehearing denied, 434 U.S. 988 (1977).

[13] *Order*, Docket Nos. 19544 and 18893, 67 FCC 2d 252 (1977) deleting the subscription cablecasting rules in their entirety from the Commission's rules. *Report and Order*, Docket No. 21311, 42 FR 62372, 41 RR 2d 1491 (1977) deleting the movie restrictions on Subscription Television. *Report and Order*, Docket No. 21489, 43 FR 15322, 42 RR 2d 1207 (1978) deleting the programming restrictions on Subscription Television.

[14] *See Report and Order*, Docket No. 21489, 43 FR 15322, 15323, 42 RR 2d 1207, 1210 (1978).

[15] Since the beginning of the MDS in 1974, licenses for MDS facilities have been authorized subject to all rules that are promulgated in Docket 19671. This referred to rules that would have applied the "anti-siphoning" policy to MDS operations. Because the Commission is not adopting such rules, this condition is now void and no longer will be placed on MDS authorizations.

[16] In a separate action, the Commission is considering reallocating the 2500 to 2690 MHz band among the Instructional Television Fixed Service (ITFS) the MDS and the OFS. *Notice of Inquiry, Proposed Rulemaking and Order*, Gen. Docket No. 80-112, 45 FR 28323 (Released May 2, 1980). This reallocation could give the OFS access to more channels in that band, since it could initially make available 10 channels for the MDS, 10 channels for the OFS and 11 channels for the ITFS. When the particular group of channels allocated to one of these services becomes filled in any locality, applicants in that service would be free to apply within the other two groups for channels.

in 1979 concerning the possible use of both point-to-point and omnidirectional facilities in the OFS to set up a nationwide network to provide continual news programming to cable systems.[17]

10. These examples are illustrative of the existing demand for private microwave facilities for distribution purposes, both point-to-point and omnidirectional. None of these requests has been granted pending the outcome of this docket. By waiver of the rules, however, the Commission did grant a microwave link in October, 1979,[18] to the Appalachian Regional Commission to transmit video programming from its studio at the University of Kentucky to its satellite uplink facility located 3.8 miles away. The Appalachian Regional Commission had been providing specialized educational programs to the Appalachian Region on an experimental basis under Part 5 of the Commission's rules using the ATS–6 satellite. When this satellite became inoperative for this purpose, the Appalachian Regional Commission modified its system to use the RCA SATCOM–1 satellite. A microwave link in the OFS was needed as part of the new system to interconnect the studio with a new earth station located at a different site from that of the previous earth station. The granting of this link in the OFS enabled the Appalachian Regional Commission to continue to provide its specialized educational programming with only a minor disruption in service. This is the only private microwave facility licensed by the Commission in the OFS for distribution of video programming since the partial grant of Columbia's applications at the time this docket was initiated.

Comments

11. In response to the inquiries contained in the Notice issued in this docket a number of interested parties filed comments.[19] The portion of the comments addressing the questions regarding the "anti-siphoning" policy will not be discussed, since these questions are now moot. Concerning the licensing of microwave facilities in the OFS for distribution purposes, the ABC Television Affiliates Association, which represents the television affiliates of the American Broadcasting Companies, Inc., the Athena Communications Corporation, a large multiple cable television system operator, Cablecom-General, Inc., the National Broadcasting Company, Inc. and United Video, Inc., a miscellaneous microwave common carrier, indicated in their comments that it would be contrary to good spectrum management. The National Broadcasting Company, Inc. and United Video, Inc. further indicated that these frequencies are already in great demand by users who need radio frequencies as adjuncts to their business and, consequently, there is a question whether program distributors can be accommodated on them. The American Petroleum Institute and the Utilities Telecommunications Council, which represents the telecommunications interests of electric, gas, water and steam utilities, agreed with these comments and were primarily concerned about the 12.2 to 12.7 GHz band. They stated that, as lower OFS bands become congested, this band will be necessary to meet the future requirements of priority users such as public utilities, petroleum and gas pipelines, the railroads and other similar business entities. They were against any rule change allowing the transmission of entertainment programming on this band. On the other hand, Trans-World Communications, Inc., a division of Columbia Pictures, Inc., supported in its comments the use of OFS frequencies to distribute program material.

Conclusions

12. While the Commission understands the desire of these commenters to reserve the spectrum space allocated to the OFS for the traditional licensee who uses the frequencies as adjuncts to its main business, it believes that the additional requests for private distribution systems subsequent to the grant of Columbia's applications should not be ignored and that accommodating the legitimate communications requirements of these entities is in the public interest. Under Section 303(g) of the Communications Act of 1934,[20] as amended, the Commission has a statutory obligation to "encourage larger and more effective use of radio in the public interest." Consequently, the Commission believes that it is in the public interest to allow the use of the OFS frequencies for distribution purposes and, more generally, to restrict as little as possible alternative uses of spectrum.

13. The functions that the Commission projects for private distribution systems include video material distribution (one-way omnidirectional with response capabilities), video material distribution (one-way and two-way directional), voice (one-way and two-way directional), and at some future date high speed data services distribution. Video distribution can be accommodated on 6 MHz channels, if there is no need to relay it beyond a single hop. If multiple-hop relaying is required, a channel 20 MHz wide is necessary using current technology and equipment. Voice, telemetry, and low speed data can typically be accommodated on baseband channels of approximately 4 kHz bandwidth.

14. Currently, there are limitations on the use of OFS frequencies for these functions. In the nine OFS bands below 12.2 GHz, the permitted bandwidths are not wide enough to accommodate wide-band, FM, multi-hop distribution systems.[21] In five of these bands, the channel assignments are restricted to such narrow bandwidths that they, in effect, are precluded from even AM television transmission. Of the remaining four bands, in which AM transmission would be possible, the 2150 to 2160 MHz band is shared with the MDS which is now the principal user of this band, and the 1850 to 1990 MHz and 6525 to 6875 MHz bands are not available under the existing rules of the Business Radio Service (BRS) which is the service where private distribution

[17] This request could not be granted under present rules because § 94.9(b)(3) prohibits the transmission of program material to cable television systems. The Commission does not propose to change this rule at this time. See paragraph 20 *infra*.

[18] This Commission's letter to the Appalachian Regional Commission, FCC 79–657, October 12, 1979.

[19] Of the thirty-two sets of comments filed in this proceeding, eight were from CATV interests, seven from broadcast interests, four from common carriers other than MDS operators, three from program producers, two from MDS operators, two from private microwave users, two from manufacturers of radio equipment, and four from other types of radio interests. In addition, the comments filed in Docket Nos. 19493 and 20561 were to be considered in this docket to the extent that they dealt with the "anti-siphoning" policy. (Docket No. 19493 established the MDS and Docket No. 20561 concerned the definition of a cable system and the creation of classes of cable systems.)

[20] 47 U.S.C. Section 303(g).

[21] The frequency bands available to the OFS are:

Frequency band	Maximum authorized bandwidth
1. 952 to 960 MHz	50 or 100 or 200 kHz.
2. 1850 to 1990 MHz	5 or 10 MHz.
3. 2120 to 2150 MHz	800 or 1600 kHz.
4. 2150 to 2160 MHz	10 MHz.
5. 2180 to 2200 MHz	800 or 1600 kHz.
6. 2450 to 2500 MHz	800 kHz.
7. 2650 to 2680 MHz	6 MHz.
8. 2686.9375 to 2688.9375 MHz.	125 kHz.
9. 6525 to 6875 MHz	5 or 10 MHz.
10. 12,200 to 12,700 MHz.	10 or 20 MHz.
11. 13,200 to 13,250 MHz.	25 MHz.
12. 18,360 to 19,040 MHz.	Up to 100 MHz.
13. 21,200 to 23,600 MHz.	Up to 100 MHz.
14. 31,000 to 31,200 MHz.	Up to 100 MHz.
15. 38,600 to 40,000 MHz.	Up to 50 MHz.
16. Bands above 40,000 MHz.	To be specified in authorization.

systems would normally be licensed.[23] Consequently, the only possible band below 12.2 GHz for licensing even AM video transmission would be the three 6 MHz channels in the 2.5 GHz band which is presently subject to a reallocation proceeding by the Commission.[23]

15. With its maximum authorized bandwidth of 20 MHz, the OFS 12.2 to 12.7 GHz band could carry good quality AM and FM television transmission; however, it was allocated at the WARC–79 for direct satellite broadcasting, thus, potentially limiting its development for private terrestrial systems. At any rate, with the exception of the three channels in the 2.5 GHz band, the OFS bands below 13 GHz are the bands in which most traditional, private point-to-point microwave systems operate and, consequently, are substantially filled up. This would appear to be the reason that most commenters who addressed the remaining issue in this docket were opposed to the use of OFS bands for distribution purposes.[24]

16. Nevertheless, there appears to be a need for frequencies to distribute program material or other products and services for which no provision has been made under the rules and which should be satisfied by frequencies in the OFS. Moreover, for many applicants, this would be the only viable solution to the problem of distributing program material or providing services. Even where common carrier services are available, the commission policy has been to provide users with a choice[25] the OFS. Consequently, the Commission has decided to amend the rules to allow a licensee to transmit the licensee's own product or services to the licensee's customers on frequencies in the OFS bands.

17. The bands to be used for this purpose are the three 6 MHz channels in the 2.5 GHz band and the OFS bands above 13 GHz. The channels in the 2.5 GHz band have the necessary bandwidth for AM single-hop, omnidirectional distribution and the frequencies in the bands above 13 GHz have the necessary bandwidth for FM multi-hop point-to-point distribution of high resolution, high quality television. Moveover, these channels and bands are lightly used. Presently there are only about ten licensees operating in various localities on the three 6 MHz channels presently allocated to the OFS in the 2.5 GHz band. In addition, only two licensees operate in the 13.2 to 13.25 GHz band; four in the 18.36 to 19.04 GHz band; and none in the 21.2 to 23.6 GHz band, the 31.0 to 31.2 GHz band, the 38.6 to 40.0 GHz band or the bands over 40 GHz. The Commission recognizes that radio signals transmitted in the bands above 13 GHz are easily attenuated by rain and other atmospheric conditions and that there is not much equipment available for operation in them. But attenuation could possibly be reduced by better system design using shorter microwave link, redundant circuits, and techniques to be developed in the future. And, making these bands accessible for distribution purposes may stimulate the development and manufacture of equipment needed in them.

18. When applying for the frequencies in these OFS bands to distribute products or services, applicants will be required to comply with all of the provisions of Part 94. Furthermore, the Commission will normally assign only one transmit channel at each location for omnidirectional operations and only one transmit channel or frequency along each path for directional operations whether one-way or duplex. Regardless of the type of operation, the Commission will only consider assigning more than one channel or frequency based upon a strong showing of need for simultaneous transmission of the applicant's products or services. In addition, omnidirectional and other point-to-multipoint operations for distribution purposes will be restricted to the 2500 to 2690 MHz band. Moreover, any licenses granted for any of the three channels in the 2.5 GHz band will be partial grants and will be specifically conditioned as to be subject to the outcome of General Docket No. 80–112,[26] which is proposing to reallocate the 2.5 GHz band and General Docket No. 80–113,[27] which is proposing new technical standards for this band. Until these two dockets are resolved, all stations licensed in this band under Part 94 must comply with the technical standards applicable to stations in the ITFS as required by present rules.[28]

19. It should be noted that the Commission is only authorizing a licensee to distribute products and services in which the licensee has an ownership or other interest to the licensee's own customers or subscribers. At this time no authorization is being made for the licensee to transmit the products and services of another person to that other person's customers or subscribers except under the cooperative, non-profit provisions of § 94.17 of the Commission's rules. Thus, a licensee would be permitted to distribute to the licensee's own subscribers video programming or a data or information service in which the licensee has acquired either ownerships or distribution rights, but would not be permitted to distribute to someone else's subscribers for a profit video programming or a data or information service in which the licensee has no contractural or property interest.

20. In permitting the use of these OFS frequencies for distribution purposes, it should be noted, also, that the Commission at this time is not withdrawing its prohibition on using the radio facilities authorized in the OFS to render a communications common carrier service, or to transmit program material in connection with broadcasting or to cable television systems.[29] Each of these activities has access to microwave frequencies in their own service and the Commission is not addressing in this docket whether or not they should remain separated from the Private Radio Service. At this time, eligibility for the OFS frequencies will continue to be limited to persons qualified for licensing in Part 94. Persons qualifying as licensees under this part will be permitted to use the designated OFS microwave frequencies to distribute their products and services to subscribers or other clientele.

21. Several of the common carrier interests who commented in this proceeding argued that private distribution systems distributing program material or other services for

[23] Section 94.61(b) of the Commission's rules. In Docket No. 19869 which established Part 94, Private Operational-Fixed Microwave Radio Service, the Commission initially proposed to expand the use of the 1650 to 1990 MHz and 6575 to 6875 MHz (now 6525 to 6875 MHz) bands to include licensees in the BRS, but only those who operated long-haul systems. Long-haul systems are defined as microwave systems in which the longest tandem path length exceeds 250 miles (§ 94.3 of the Commission's rules). This proposal was generally opposed by the commenters in Docket No. 19869 and it was not adopted. The Commission decided that additional study was required to determine whether these two bands would be able to accommodate the existing users as well as potential users in the BRS. *Report and Order*, Docket No 19869, 52 FCC 2d 984, 899–900 (1975). The Commission is not reopening this issue at this time.

[24] *See* note 16 *supra*.

[25] Actions taken at the 1979 World Administrative Radio Conference (WARC–79) may affect operations in the OFS bands. The extent of the impact will be determined in a rulemaking proceeding for the domestic implementation of the provisions of the WARC–79. The Commission is now conducting an inquiry in Docket No. 80–739.

[26] See e.g. *Multiple Licensing—Safety and Special Radio Services, Memorandum Opinion and Order and Notice of Proposed Rule Making, Docket No. 18921*, 24 FCC 2d 510 (1970). *Second Report and Order, Docket No. 18262*, 46 FCC 2d 752 (1974).

[26] *See* note 16 *supra*.

[27] *Notice of Inquiry and Proposed Rulemaking*, Gen. Docket No. 80–113, 45 FR 29350 (released April 24, 1980.)

[28] Section 94.65(f) of the Commission's rules.

[29] Section 94.9(b) of the Commission's rules.

pay would be performing the functions of a common carrier. Consequently, these parties contended that private systems of this nature should not be authorized but, if they are, they should be subject to the regulation and obligations of a common carrier such as providing service on reasonable demand. According to them, to regulate these systems otherwise would result in unfair and destructive competition to licensed common carriers.

22. The Commission does not agree that private microwave systems used to distribute the program material or services of the system licensee would perform common carrier service. These systems would be authorized in the Private Operational-Fixed Microwave radio service and would be subject to the rules governing that service. The material to be transmitted over the system would be of the licensee's own choosing, not of its subscribers.[30] Although under the rules in Part 94, the licensee may be authorized to carry the material of others, this would be done under the existing cooperative, non-profit arrangement prescribed in Section 94.17 of the rules. Consequently, the Commission rejects the arguments that such private systems should be regulated as common carriers.

23. Regarding possible economic injury to licensed common carriers, the allegations were general and conjectural and did not show that the public interest would be adversely affected. Furthermore, economic injury to a licensee has not *per se* been considered a valid ground for objections to new competition. *See* New York Telephone Company, 47 FCC 2d 488, 495, *recon. denied*, 49 FCC 2d 264, (1974); aff'd *sub nom. Pocket Phone Broadcast Service* v. *FCC*, 538 F2d 447 (D.C. Cir. 1976). The fundamental issue is not whether a licensed common carrier will suffer economic injury but whether such a private injury will be detrimental to the public interest.[31] In this connection, the Commission stated in its Report and Order in Docket No. 11866 that "the public interest would not be served by a policy of restricting or denying the licensing of private point-to-point systems solely because common carrier facilities are available or may become available in the reasonable future. It follows that the Commission should not consider the availability of common carrier facilities as a condition of eligibility for private users." [32] The Commission still adheres to this policy and its underlying rationale. Common carrier services were not intended to exist to the exclusion of other services, but rather, to provide services for hire to those who may not be eligible for a license in any service or who even though eligible, do not desire to operate their own communication facilities.

24. Several other commenters indicated that the distribution of entertainment programming could be regarded as "broadcasting". In this respect, we recognize that point-to-multipoint transmission of video programming directly to customers using private microwave frequencies is similar in some respects to pay services such as subscription television, and possibly should be regulated in a similar manner. In General Docket No. 80-603,[33] which is an inquiry into the regulation for the direct broadcast satellite, inquiry is being made into establishing a hybrid classification for multipoint transmission of subscription direct-to-home programming services. Therefore, we will not authorize any license for point-to-multipoint microwave facilities in the OFS to transmit video programming directly to apartment house MATV systems or private homes pending resolution of these matters. When this question is resolved, we will make a final determination in this docket concerning the appropriate treatment of the direct-to-home transmission of video programming using point-to-multipoint microwave facilities in the OFS.

25. To conclude, the Commission has determined that there is a need for microwave frequencies to distribute program material and services of private radio licensees which, for all practical purposes, can only be satisfied by frequencies in the OFS. The Commission has decided that it is in the public interest to satisfy this need using the newly developing OFS bands in the spectrum above 13 GHz and the three 6 MHz channels in the 2.5 GHz band. The Commission believes that by making only these bands available for this new use, the more developed spectrum below 13 GHz will be reserved for traditional users in the OFS, thus, mitigating their concern over scarce spectrum and yet the newer spectrum above 13 GHz will receive a needed stimulus for growth and development. Moreover, the Commission finds that it is not in the public interest to apply any form of the anti-siphoning rules to the new methods of program distribution.

26. For further information in this proceeding contact John Hays at (202) 623-7175.

27. Accordingly, it is ordered, That pursuant to the authority contained in Sections 301, 303, 307, 308, 309 and 316 of the Communications Act of 1934, as amended, Part 94 of the Commission's rules is amended effective June 25, 1981, as set forth in the attached Appendix below.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 94—PRIVATE OPERATIONAL-FIXED MICROWARE SERVICE

1. Section 94.9 is amended by revising paragraph (a)(1), adding a new paragraph (a)(2), redesignating the present (a)(2) as (a)(3) and the present (a)(3) as (a)(4) to read:

§ 94.9 Permissibility of communications.

(a) * * *

(1) The licensee's own communications. This includes the transmission of the licensee's program material and services to the licensee's customers, but only in the frequency bands provided for this purpose in this part.

(2) The communications of the licensee's parent corporation, or of another subsidiary of the same parent, or its own subsidiary where the party to be served is regularly engaged in any of the activities which constitute the basis for eligibility to use the frequencies assigned, provided that the radio communications service to such other parties is on a non-profit basis.

(3) The communications of other parties in accordance with § 94.17.

(4) Emergency communications unrelated to the licensee's activities in accordance with § 94.11.

* * * * *

[30] *See Frontier Broadcasting Co., et al.* v. *J. E. Collier and Carl O. Krummel, doing business as Laramie Community T. V. Co., et al.*, 24 FCC 251, 254 (1958). *Report and Order*, Docket No. 16106, 5 FCC 2d 197, 202 (1966).

[31] With respect to common carriers, the Commission has stated: "That an existing carrier might be adversely affected by the entry of a competing carrier is not our chief concern. Injury to the overall public interest and the public ability to receive adequately communications services are the circumstances to be avoided." 61 FCC 2d 246, 253 (1976). See also: *Notice of Proposed Rulemaking*, Gen. Docket 80-183, para. 46, 45 FR 32013 (Released May 8, 1980).

[32] *In the Matter of Allocation of Microwave Frequencies Above 890 MHz, Report and Order*, Docket No. 11866, 27 FCC 359, 412 (1966).

[33] Notice of Inquiry, General Docket No. 80-603, 45 FR 72719 (Released October 30, 1980).

§ 94.61 [Amended]

2. In § 94.61, the frequency table in paragraph (b) is amended by inserting a new footnote designator, "(19)," across from the frequency band, 2500 to 2690, and by inserting a new footnote designator, "(20)," across from each of the frequency bands, 13,200 to 13,250; 18,360 to 19,040; 21,200 to 22,000; 22,600 to 23,600; 31,000 to 31,200; 38,600 to 40,000 and bands above 40,000; and by inserting two new footnotes at the end of the table to read as follows:

* * * * *

(b) * * *

(19) This band is available for radio systems to be used for point-to-multipoint transmission of the licensee's program material or services to the licensee's customers. *Provided however,* That the transmission of video programming directly to apartment house MATV systems and private homes is prohibited.

(20) This band is available for radio systems to be used for the point-to-point transmission of the licensee's program material or services to the licensee's customers.

[FR Doc. 81-15413 Filed 5-21-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

Shrimp Fishery in the Gulf of Mexico; Closure Date

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

ACTION: Notice of closure date.

SUMMARY: The date of closing the fishery conservation zone (FCZ) off Texas to trawl fishing for all species except royal red shrimp is advanced from June 1 to May 22. Texas offshore waters will remain closed through July 15; the closure duration will be 55 days. The intended effect of this action is to allow harvest of brown shrimp at optimal commercial size.

EFFECTIVE DATE: 0001 hours May 22, 1981, to 2400 hours July 15, 1981. Public notice has been issued at least 72 hours prior to the closure date.

FOR FURTHER INFORMATION CONTACT: Harold B. Allen (Acting Regional Director), 813-893-3141.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery in the Gulf of Mexico (FMP) provides for adjustments to the closing and opening dates for the seasonal closure of the FCZ off Texas. Implementing rules at 50 CFR 658.24 describe the Texas closure and specify that these decisions made by the Regional Director under criteria set out in that section.

Available information and estimates indicate an early closure between the dates of May 17 and June 1 is warranted and desirable. Biological data collected between April 13 to 24 by the Texas Parks and Wildlife Department on the size of shrimp indicate an earlier than usual movement of brown shrimp from the bays into the Gulf. The regulations state that the closure date should be based on when the average size of shrimp leaving the bays to enter the Gulf is approximately 90 mm. The following table indicates projected sizes of shrimp at various dates for a number of years. It is predicted that the population median size of shrimp entering the Gulf of Mexico will be 90 mm during the week of May 24, 1981.

Year [1]	Sample median size in millimeter April 17	Projected size in millimeter [2] May 17	May 24	June 1
1966	28	68	77	[3] 86
1967	53	[4] 93	102	111
1968	33	73	82	[3] 91
1972	58	[3] 98	107	116
1973	28	68	77	[3] 86
1976	53	[3] 93	102	111
1977	28	68	77	[3] 86
1981	43	83	92	101

[1] The years 1967, 1972, and 1976 are shown because they are the only previous years, since the State of Texas began in 1959 to use a seasonal closure of its territorial sea for shrimp management purposes, that the season closed prior to June 1. The years 1966, 1968, 1973, and 1977 are representative years when the closed season began on June 1 and are included for comparison of shrimp growth with years of early closure.

[2] Based on average growth rate 1.34 mm per day.

[3] Indicates the recommended closure date.

It is generally known that shrimp move out of the bays during the night on out-going tides. Most movement occurs during periods of longer-than-average tide duration. This year, the duration of out-going tides is longer during the period May 21 to 25. The next period of longer out-going tides begins on June 5. Based on the above information, the Regional Director has determined that the customary closure dates of June 1 to July 15 will be changed to May 22 to July 15. The State of Texas will close its waters during these same days.

All trawling is prohibited between May 22 and July 15 in the area described in § 658.24, except that vessels may trawl for royal red shrimp beyond the 100-fathom depth contour. These vessels need no special permit or letter of authorization.

A final environmental impact statement was prepared on the FMP under section 102(2)(C) of the National Environmental Policy Act and is filed with the Environmental Protection Agency. The Acting Administrator, NOAA (Acting Administrator), has determined that this action is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it is merely a predictable implementation of the existing regulations implementing the FMP. The FMP was determined not to be a "major rule," but a regulatory impact review was prepared analyzing the impacts of this seasonal closure. The Acting Administrator has certified that this action will not have a significant impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons (Paperwork Reduction Act of 1980).

Because of the need outlined above for prompt action to protect the migrating small shrimp and to allow them to grow to optimal market size, this action responds to an emergency situation within the meaning of section 8 of Executive Order 12291, and is thus exempt from the requirement of section 3(c)(3) of that order that it be submitted to the Director of the Office of Management and Budget 10 days prior to publication. This field order has been transmitted to the Director.

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

Dated: May 15, 1981.

Terry L. Leitzell,

Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 81-15116 Filed 5-18-81; 10:41 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

7 CFR Parts 271, 272 and 273

Food and Nutrition Service

[Amdt. No. 196]

Amount of Initial Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This rulemaking amends current Food Stamp Program regulations by establishing procedures for issuance of half-month benefits in the month of application. This change is deemed necessary by Secretary in order to reduce program spending so as to keep spending within the limits set by Congress.

DATE: Comments must be received on or before July 6, 1981 in order to be assured of consideration.

ADDRESS: Comments should be submitted to Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 500 12th Street, SW., Washington, D.C., Room 678.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Chief, Regulations and Policy Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250; (202) 447-9075. A Draft Impact Analysis is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures contained in Secretary's Memorandum 1955 and under Executive Order 12291. It has been determined that the rule will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices, and will not have a significant adverse effect on competition, employment, productivity, investment or foreign trade. Therefore, the rule has not been classified as a major rule. This determination is based on the fact that the rule will result in a significant savings of program funds and will necessitate only one minor adjustment to the food stamp certification process which should add no additional costs and no significant additional administrative burden to the State and local agencies which operate the program. Moreover, the rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises.

The proposal has also been reviewed with regard to the requirements of Pub. L. 96-354. The Administrator of the Food and Nutrition Service has certified that this proposal does not have a significant economic impact on a substantial number of small entities. The provisions allow for half-month issuance of initial benefits. Requirements are not placed on small businesses or small organizations. There are requirements placed on State agencies, and to the extent that county governments operate the Food Stamp Program, some requirements would be placed on them. However, the requirements do not have a significant economic impact on local governments.

The Administrator, Food and Nutrition Service, has determined that there should be a 45 day comment period; a 60 day comment period would delay realization of potential program savings for the remainder of this fiscal year. The 45 day period ensures the ability to implement the rule at least in time to realize its benefits for the full fiscal year 1982. The Department will review all comments received by the 45th day and will give them careful consideration before final rulemaking is published.

Background

Since implementation of the Food Stamp Act of 1977, program costs have risen beyond the level anticipated by Congress and the Department. Further, it can be assumed that program costs will continue to increase, so long as food prices and unemployment rates rise because these factors have a major impact on program participation and, consequently, on program costs. As a result, there is now an effort to identify ways in which current policy can be changed to reduce program costs without causing undue hardship to participants. One policy change is the reinstitution of the issuance of less than full month benefits for the month of application. Section 11(e)(3) of the Food Stamp Act of 1977 includes the provision that a household found eligible for the Food Stamp Program be provided an allotment "retroactive to the period of application." Currently, the regulations define the period of application as the month in which the household applies and also provide for benefit entitlement for the entire month of application. Consequently, regardless of whether a household applies on the 2nd or the 28th day of the month they receive benefits for the entire month. This definition of the period of application results in eligible households applying late in the month receiving benefits for a period of time which has passed and for which they have already purchased food.

Defining the period of application as a time more closely tied to when an application is made will result in substantial program savings while still meeting households' ongoing benefit needs. The legislative history of the Act clearly indicates that Congress intended the Secretary to have the flexibility to define "period of application" in a manner which would limit the retroactive effect of the initial month's benefits while avoiding undue administrative complexity. The House Committee on Agriculture, in reporting on the pertinent provisions of the 1977 Act, stated: "The allotment so provided would not have to date back to the exact day of application, but only to the period thereof (a week or quarter or half month segment to permit ease of administration and avoid mathematically complex calculations for the allotment, e.g. 17/30th of a month)."

Defining the Period of Application

The Department considered three different alternatives relative to redefining the period of application. (The redefinition of the period of application applies *only* to issuance of benefits; the time period for determining eligibility will still be the month in which the application is filed.)

The first option considered was to define the period of application as the day of application and prorate benefits based on the number of days left in the month. This option would result in benefits being issued only for a very specific and limited time period. For example, if a household applied on July 29, it would receive benefits for three days in July. While this option would result in the largest savings of any of the options considered, the Department believes that its value is lessened by the administrative burden it would place on State agencies. The procedures involved in determining a benefit amount would be very complex. Instead of allowing eligibility workers to use tables to look up a benefit amount, this option would require eligibility workers to calculate the allotment using the percentage of the month remaining as of the date of application. The addition of this calculation could increase the chance of error. An increase in errors and, consequently, in the amount of benefits that are over issued or underissued would be another factor offsetting the amount of savings. An additional factor which could reduce the amount of savings would be late implementation of the provision. Because of the increase in complexity in the certification process which this option introduces, the Department believes that it would possibly take State agencies longer to implement the procedures. Those States which have automated data processing systems would probably program their computers to calculate benefits. However, those States which are not computerized would have to allow sufficient time before implementation to train their staffs and the resulting delay in implementation would reduce the amount of savings realized.

Finally, the proration of benefits raises a problem in the area of issuance. If a prorated benefit comes to, or is rounded to, $1, $3 or $5, a question arises regarding how to issue since coupons are issued in books of $2, $7 and $10. Issuing coupons in the amount of $1, $3 and $5 would necessitate tearing coupons out of books and loose coupons increase the difficulty of maintaining complete accountability. Therefore, the $1, $3 and $5 amounts would need to be rounded to the nearest denomination to avoid this problem. Then, strictly speaking, there would not be a real proration of benefits.

In summary, the Department questions the feasibility of this option, taking into consideration the administrative burden imposed by the complexity of this option, the chance of an increase in errors, the probable slower implementation rate, and the issuance problems described above. Certainly, these problems reduce the amont of program savings attributed to this option. However, based upon recent legislative deliberations concerning this option, the Department is interested in receiving comments regarding possible implementation of daily prorating. Based on these comments the Department will consider this option.

The second option the Department considered was to define the period of application as a seven-day period, thus dividing the month into quarters, and issue benefits retroactive to the first day of each quarter. Defining the period of application using quarter-month increments would result in the household's initial allotment reflecting its benefit needs for the quarters remaining within the application month after the date of application. For example, households applying in the first quarter of the month woud receive a full month's benefits and households applying at any point in time within the last quarter would receive benefits only for the last quarter. Projected savings attributed to this option are offset by some administrative considerations. While this is not as complex as the proration of benefits would be, it would still increase the chance of error. Under this option, four issuance tables would have be developed and used, thus increasing the chance that benefits could be inadvertently assigned from the wrong table. In addition, determining where each quarter of a month falls would introduce another variable into the computation process. Since all 12 months do not contain the same number of days, three different sets of quarter month dates would have to be established and followed resulting in the quarters being different from one month to the next. If an error is made relative to when a new quarter starts the chance of an overpayment or an underpayment exists. Again, the Department is concerned that the problems discussed above lessen the amount of savings which could be realized using quarter-month issuance.

The third option considered by the Department was to define the period of application in half-month time periods, and issue half-month benefits for those households that apply after the 15th of the month.

Defining the period of application as the 1st through the 15th and the 16th to the end of the month would result in half month benefits being received by those households applying after the 15th of the month. Households applying before the 16th of the month would receive a full month's benefit. By issuing half-month benefits it is estimated that $210 million in program benefit costs would be saved annually. (This estimate assumes that the balance of the President's proposals are in effect.) This figure is the most reliable savings figure because this alternative would be administratively the most feasible of the partial month options and, consequently, the savings would not be as readily offset by administrative costs. Eligibility workers would have two clearly defined time periods which do not vary from month to month for which to issue benefits, either from the 1st through the 15th of the month or the 16th through the end of the month. The relative simplicity of this option would reduce the opportunity for error in this area.

Moreover, only two benefit tables would have to be prepared and used, and this also results in a less complex procedure. Finally, because this option is administratively simpler than either the proration of benefits or quarter-month issuance, State agencies would most probably be able to implement it more quickly and thus begin cost savings earlier.

The Department is proposing to define the period of application in half-month time periods because it places the least administrative burden on the State agencies, it would result in the earliest savings since it can be implemented easily and quickly, and it is the option least apt to result in errors being made at initial certification. In addition, it is responsive to program participants because it recognizes that a household applying for benefits has been in a need situation for more than just the day of application. The proposed regulations reflect this definition of the period of application and would revise current rules to provide for half-month issuance.

Minimum Allotment

The Act specifies that one and two person households receive minimum allotments of $10 *per month*. Since the Department is proposing half-month issuance, provisions have been incorporated into these proposed regulations to allow for the issuance of a minimum allotment of $6 for those households which would receive the $10 minimum allotment if issuance was for the whole month, but which apply in the second half of the month and consequently receive a smaller issuance. While $5 was the obvious minimum allotment for half-month issuance, being half of the $10 minimum monthly allotment, this amount poses issuance problems. As previously mentioned, coupons are issued in books of $2, $7

and $10 and thus, unless loose coupons are issued, it is not possible to issue a $5 allotment. For this reason, the Department is proposing that the half-month minimum benefit be $6.00 for those households applying in the second half of the month.

Implementation

Because of rising program costs and the need to lessen some of the administrative burden being experienced by State agencies in a time of increased program participation, the Department believes that these regulatory changes should be implemented as early as possible. It is especially essential to lower program costs since program spending, if it continues at the present level, will exceed the amount of money appropriated for the program by Congress. The earliest date the Department expects to be able to publish final regulations is July 1st. In order to allow States sufficient time to implement these provisions the Department is proposing that the regulations be implemented 60 days following publication of final regulations. The Department believes that this strikes a balance between the time State agencies will need to implement the provisions, and the need to realize program savings as soon as possible so that the Department can continue to issue program benefits at their current level.

Therefore Parts 271, 272 and 273 are proposed to be amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.7 paragraph (d)(1)(ii) is revised as follows:

§ 271.7 Allotment reduction procedures.

* * * * *

(d) *Implementation of Allotment Reductions. (1) Reductions.* * * *

(ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the reduction. Such action would differ from State to State depending on the nature of the issuance system in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate percentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of $10. The computer program shall also be adjusted to allow for those households who, because of applying in the second half of the month, are issued a half-month allotment of $6 for the month of initial certification, as provided in § 273.10(e)(2). FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in the Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS.

In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusteing allotments at the point of issuance as each household appears at the issuance office.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. A new paragraph (g)(32) is added § 272.1 as follows:

§ 272.1 General Terms and Conditions.

* * * * *

(g) *Implementation.* * * *

(32) Amendment 196. State agencies shall implement these regulations no later than the first of the month the 60th day after following publication of final regulations.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.10:

(a) Paragraph (a)(1) is revised,

(b) paragraphs (e)(2)(i) and (ii) are revised,

(c) paragraph (e)(2)(iii)(B) is revised, and

(d) paragraph (e)(3) is removed and (e)(4) is designated as (e)(3). The changes read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of Application.* (1) The eligibility for most households submitting an initial application shall be based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of the calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the program. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month, calendar or fiscal, as defined by the State agency. A household's benefit level for the initial month of participation will be based on the day of the month it applies for benefits. Using a calendar month, households applying from the 1st through the 15th of the month shall receive a full month's benefits and households applying from the 16th to the end of the month shall receive a half-month's benefits. Using a standard fiscal month, households applying in the first 15 days of the fiscal month shall receive a full month's benefits and those applying after the first 15 days shall receive a half-month's benefits.

* * * * *

(e) *Calculating net income and benefit levels.* * * *

(2) *Eligibility and benefits.* (i) Household's net monthly income, as calculated in paragraph (e)(1) of this section, shall be compared to the monthly income eligibility standards for the appropriate household size to determine eligibility for the month.

(ii) Except as provided in paragraph (iii) below, the household's monthly allotment shall be equal to the Thrifty Food Plan for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(i) of this section. After multiplying the net income by 30 percent, the State agency shall round the product down if it ends in 1 through 49 cents and round the product up if it ends in 50 through 99 cents, prior to subtracting that amount from the Thrifty Food Plan. This rounding method shall be used in all determinations of allotments. For those households who apply after the first 15 days of the month the household's initial monthly allotment shall be divided in half. All eligible one and two-person households shall receive a minimum monthly allotment of $10 or, if half-month issuance is applicable, a minimum monthly allotment of $6.

(iii) * * *

(B) Except as provided in paragraph (e)(2)(iii)(C) of this section below, if the amount of benefits obtained by the calculation in paragraph (e)(2)(iii)(A) of this section is less than $10, the household shall be provided a minimum

benefit of $10, or, half-month issuance is applicable, a minimum benefit of $6.

* * * * *

(91 Stat 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551 Food Stamps)

Dated: May 18, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81-15449 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-30-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1145, 1307, 1500 and 1700

Benzene-Containing Consumer Products; Withdrawal of Proposed Rules

Cross Reference: In the rules section of this **Federal Register**, the Consumer Product Safety Commission (CPSC) is withdrawing its proposed ban of consumer products which contain certain amounts of benzene (16 CFR Part 1307, 43 FR 21839, May 19, 1978). This withdrawal appears in the Rules section at the request of the Agency and in conformity with section 2058 of the Consumer Product Safety Act. The CPSC is also withdrawing several other proposed conforming amendments which were published in the same **Federal Register** (16 CFR Parts 1145, 1500 and 1700) (43 FR 21838, 21852 and 21853, respectively).

For more detailed information on the withdrawals, see FR Doc. 81–15426 in the rules section of this **Federal Register**. Refer to the Table of Contents in the front of the Register for the proper page number.

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Mississippi-2)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

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 that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the State Oil and Gas Board of Mississippi that the Rea sand of the Mississippian Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter W. Lawson, (202) 357–8703.

Issued: May 18, 1981.

I. Background

On March 30, 1981, the State Oil and Gas Board of Mississippi (Mississippi) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Rea Sand of the Mississippian Formation in Clay County, Mississippi, be designated as a tight formation. Pursuant to § 371.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Mississippi's recommendation that the Rea Sand of the Mississippian Formation be designated a tight formation should be adopted. Mississippi's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

Mississippi recommends that the Rea Sand of the Mississippian Formation found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, Clay County, Mississippi, be designated as a tight formation.

The recommended formation varies in thickness from 30 feet to 160 feet and occurs at depths ranging from 8,865 feet to 9,975 feet. The only producing well in the Rea Sand of the Mississippian Formation in the recommended area is completed in an interval of 9,058 feet to 9,100 feet.

III. Discussion of Recommendation

Mississippi claims in its submission that evidence gathered and presented at a public hearing in support of this recommendation domonstrates 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 stablized 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.

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

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

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Mississippi-2), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be

available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 2, 1981.

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

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(49) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(25) through (48) [Reserved]

(49) *The Rea Sand of the Mississippian Formation in Mississippi.* (Mississippi-2).

(i) *Delineation of Formation.* The Rea Sand of the Mississippian Formation is found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, in Clay County, Mississippi.

(ii) *Depth.* The recommended formation occurs at depths ranging from 8,865 feet to 9,975 feet and varies in thickness from 30 feet to 160 feet.

[FR Doc. 81-15218 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM79-76 (Texas-10)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

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 that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the Railroad Commission of Texas that the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written request for a public hearing are due on June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter Lawson, (202) 357–8556.

Issued: May 18, 1981.

I. Background

On March 30, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Edwards Limestone Formation in Dewitt, Karnes, and Lavaca Counties, Texas, 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 Texas' recommendation that the Edwards Limestone Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

Texas recommends that the following named fields where the Edwards Limestone Formation is encountered be designated as a tight formation. These fields are found along the Gulf coast in the southeastern part of the state in DeWitt, Karnes, and Lavaca Counties, in a portion of Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

The Edwards Limestone Formation is massive in thickness. An upper and lower limit can be established across the three county area. In the west, the upper limit may be encountered at approximately 13,460 feet and in the east, the shallowest depth at which it is found, is approximately 13,150 feet. The base of the Edwards Limestone Formation in the west is located at an undetermined depth. At 14,000 feet, the Edwards Limestone Formation is still apparent which indicates a minimum thickness of approximately 540 feet, while in the east the base appears at an approximate depth of 14,500 feet resulting in a thickness of 1,350 feet. Texas points out that these depths are approximations based on available data.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas 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 stablized 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.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water

aquifers that are, or are expected to be, used as a domestic or agricultural water supply.

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

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas-10), 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 June 2, 1981.

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

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(47) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(21) through (46) [Reserved]

(47) *Edwards Limestone Formation in Texas.* RM79-76 (Texas-10)

(i) *Delineation of Formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the Gulf coast in the southeastern part of the state in DeWitt, Karnes, and Lavaca Counties, Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(ii) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is the 14,500 feet resulting in a thickness of approximately 1,350 feet.

[FR Doc. 81-15321 Filed 5-21-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

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

High-Cost Gas Produced From Tight Formations; Proposed Rulemakinng

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 Utah Board of Oil, Gas and Mining and the United States Geological Survey that the Wasatch/Mesaverde Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307 or Victor Zabel, (202) 357-8616.

Issued: May 18, 1981.

I. Background

On May 11, 1981, the State of Utah Board of Oil, Gas and Mining and the United States Geological Survey (Utah) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Wasatch/Mesaverde Formation located in Uintah County, Utah, 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 Utah's recommendation that the Wasatch/Mesaverde Formation be designated a tight formation should be adopted. Utah's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in the Bitter Creek-Red Wash area of Uintah County, Utah, approximately 25 miles southeast of the town of Roosevelt, Utah. The recommended area contains 448,000 acres located in the general area of Townships 7 South through 12 South and Ranges 18 East through 25 East.

Approximately 85 percent of this land is federal, 11 percent state and 4 percent fee. The average depth to the top of the

Wasatch/Mesaverde Formation is 4,559 feet. The average gross productive interval averages approximately 1,150 feet in thickness.

III. Discussion of Recommendation

Utah claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. TGF-100 convened by Utah 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 milidarcy;

(2) The stablized 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.

Utah 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 Utah that the Wasatch/Mesaverde Formation, as described and delineated in Utah's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Utah-1), 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 June 2, 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 Utah's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(52) 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.

* * * * *

(25) through (51) [Reserved]

(52) *Wasatch/Mesaverde Formation in Utah* RM79-76 (Utah-1)

(i) *Delineation of formation.* The Wasatch/Mesaverde Formation is found in the Bitter Creek-Red Wash area of Uintah County, Utah and is the general area of Townships 7 South through 12 South and Ranges 18 East through 25 East.

(ii) *Depth.* The average depth to the top of the Wasatch/Mesaverde Formation is 4559 feet.

[FR Doc. 81-15319 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. Rm79-76 (Wyoming-4)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

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 incentive price (18 CFR 271.703). This rule establishes 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 Wyoming Oil and Gas Conservation Commission that the Fox Hills Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8307 or Victor Zabel, (202) 357-8616.

Issued: May 18, 1981.

I. Background

On May 5, 1981 the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Fox Hills formation located in Sweetwater County, Wyoming, be designated as a tight formation. Pursuant to § 2271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Fox Hills Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

The recommended formation is located in Sweetwater County, Wyoming in the southern portion of the Green River Basin, south of the town of Table Rock. The area is described as encompassing Township 16 North, Ranges 97 through 99 West; Township 17 North, Ranges 96 through 98 West; Township 17 North, Range 99 West, Sections 24 through 28 and 33 through 36, Township 18 North, Ranges 96 and 97 West; and Township 18 North, Range 98 West, Sections 24 through 26 and 34 through 36.

The vertical limits of the Fox Hills Formation are defined by the Lance Formation above and the Lewis shale below. The average depth to the top of the formation is 7,412 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 69–80, convened by Wyoming 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 milidarcy;

(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.

Wyoming 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 Wyoming that the Fox Hills formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Wyoming-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 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 June 2, 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 Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(51) 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.

* * * * *

(25) through (50) [Reserved]

(51) *Fox Hills Formation in Wyoming* RM79–76 (Wyoming-4)

(i) *Delineation of formation.* The Fox Hills Formation is found in Sweetwater County, Wyoming, in Township 16 North, Ranges 97 through 99 West; Township 17 North, Ranges 96 through 98 West; Township 17 North, Range 99 West, Sections 24 through 28 and 33 through 36; Township 18 North, Ranges 96 and 97 West; and Township 18 North, Range 98 West, Sections 24 through 26 and 34 through 36.

(ii) *Depth.* The Fox Hills Formation vertical limits are defined by the Lance Formation above and the Lewis Shale below. The average depth to the top of the Fox Hills Formation is 7,412 feet.

[FR Doc. 81–15320 Filed 5–21–81; 8:45 am]

BILLING CODE 6450–85–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Recodification, Revision and Additions to Part 700 Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Notice of extension of time for filing comments on proposed Recodification, Revision and Additions to Part 700.

SUMMARY: On March 9, 1981, a proposed Recodification, Revision and Additions to Part 700-Commission Operations and Relocation Procedures was published in the **Federal Register** (46 FR 15720). Comments were authorized to be received until May 8, 1981. The Commission has determined that additional time is required for review of the proposed Recodification and has extended the time for comments to July 7, 1981. The purpose of this notice is to advise the affected public that time for comment on the proposed Recodification, Revision and Additions to Part 700-Commission Operations and Relocation Procedures has been extended to July 7, 1981.

DATE: Comments are now due on or before July 7, 1981.

FOR FURTHER INFORMATION CONTACT: William G. Lavell, General Counel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone 602–779–3311, Extension 1376, FTS: 261–1376.

Roger Lewis,

Chairman.

May 14, 1981.

[FR Doc. 81–15448 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-108-80]

Income Tax; Consolidated Return Regulations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of change of date of a public hearing on proposed regulations relating to the bad debt deduction for a thrift institution that is a member of an affiliated group which files a consolidated return.

DATES: The public hearing will be held on September 9, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 26, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-108-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice appearing in the **Federal Register** for Friday, May 1, 1981 (46 FR 24595), it was announced, among other things, that a public hearing on proposed regulations relating to consolidated returns would be held on August 13, 1981, beginning at 10:00 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The proposed regulations were published in the **Federal Register** for Friday, January 30, 1981 (45 FR 9965).

The date for the public hearing has been changed and it will be held on Wednesday, September 9, 1981.

Outlines of oral comments must be delivered or mailed by August 26, 1981.

In all other respects the details with respect to the hearing remain the same.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-15451 Filed 5-21-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-267-79]

Income Tax; Dollar-Value LIFO Inventory; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the valuation of dollar-value last-in, first-out (LIFO) inventories.

DATES: The public hearing will be held on June 30, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 16, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-267-79), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 472 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 16, 1981 (46 FR 3912).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the public hearing and the time they wish to devote to each subject by June 16, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-15452 Filed 5-21-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Interior.

ACTION: Notice of Intent to Propose Rulemaking.

SUMMARY: The Geological Survey (GS) is considering the development of a rulemaking to revise and modernize the regulations in 30 CFR Part 221 governing the operation of oil and gas leases with the exception of the royalty provisions. Comments and suggestions are hereby invited to assist in the determination of the need for and extent of such a rulemaking. The GS desires to receive maximum participation from the petroleum industry, State governments, all other interested individuals and segments of the public and other Federal Government Agencies at the earliest stages of the rulemaking process.

DATE: Comments and recommendations must be received by July 6, 1981.

ADDRESS: Comments and recommendations should be submitted to the Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles L. Sours, Chief, Branch of Rules and Procedures, or Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092 (704–860–7535).

SUPPLEMENTARY INFORMATION: It is the intent of the GS to develop a proposed rule if the need for revision of Part 221 is shown. The last substantial revision of this Part was completed in 1942, and while changes have been promulgated since that time, no rulemaking to completely review the Part has been published. In addition to the removal and updating of outdated forms, the GS wishes to receive specific comments on the need to revise the overall structure of the Part. The royalty computation and collection provisions will not be included in this rulemaking because the royalty accounting procedures covering all Federal and Indian leases of all minerals regulated by Title 30 of the CFR are currently undergoing a complete system redesign. Upon the completion of that system design, a separate rulemaking will be initiated dealing with the royalty provisions of various Parts of Title 30 of the CFR.

All comments and suggestions received will be considered in determining the need to revise Part 221. Any such proposed rulemaking will be published in the **Federal Register** for further comments before final rulemaking is adopted.

Dated: May 15, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-15286 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 209

Service Charges for Allotments of Pay to Savings Accounts of Federal Civilian Employees

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Treasury proposes to amend 31 CFR 209.8, the regulation governing the service charge for allotments of pay to savings accounts of civilian employees who are employed within the United States. The proposed amendment increases the service charges, established in 1968 and unchanged from that date, to comply with the statutory requirement, referenced below in the authority citation, that employing agencies be reimbursed by recipient financial organizations for the additional cost of sending allotments requested by employees. The proposed amendment also substitutes a more appropriate statutory reference for the information that collected service charges are deposited into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

DATES: Proposed effective date: October 4, 1981. Comments on this proposal must be received by July 10, 1981.

ADDRESS: Comments should be addressed to the Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT:

Mr. John MacArthur, Government Accounting Systems Staff, Bureau of Government Financial Operations, Room 412, Treasury Annex, Department of the Treasury, Washington, DC 20226 (202/566–8374).

SUPPLEMENTARY INFORMATION:

Classification: The Department of the Treasury has determined that this regulation will not cause a significant effect on the economy and will not result in a major increase in costs or prices for financial organizations, consumers, or government agencies. The Department, therefore, does not consider this regulation to be a major rule for the purposes of Executive Order 12291 (1981).

Background

Title 31 U.S. Code, section 492, requires that agencies be reimbursed for the additional cost of sending checks for allotments of pay to savings accounts of Federal civilian employees, by the financial organizations to which these checks are sent. Service charges were established in 1968. They no longer adequately reimburse the Government for the cost of administering the savings allotment program. The revised service charges proposed by this rule reflect the current additional cost to the Government for processing and mailing savings allotment checks to financial organizations.

Authority: This amendment is proposed under the authority of Revised Statute 3620, as amended by Pub. L. 90–365, 82 Stat. 274 (31 U.S.C. 492).

For the reasons set out in the preamble, part 209 of Chapter 11 of Title 31 of the Code of Federal Regulations is proposed to be amended as follows.

Accordingly, § 209.8 is amended by revising paragraphs (a)(1), (a)(2), and (b) as follows:

§ 209.8 Service charge.

* * * * *

(a) * * *

(1) Twelve (12) cents for each payroll deduction stated on the record which is to accompany the aggregate remittance (for all administrative and payrolling costs in the agency); plus

(2) Twenty-seven (27) cents for each remittance, as a single charge for the entire record accompanying the remittance, regardless of the number of payroll deductions listed (for all check preparation and mail preparation costs in the disbursing office, including postage).

(b) In accordance with Revised Statute 3617, as amended by section 6, Pub. L. 91–375, 84 Stat. 783 (31 U.S.C. 484), the total service charge collected pursuant to this section shall be covered into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

W. E. Douglas,

Commissioner.

March 19, 1981.

[FR Doc. 81-15464 Filed 5-21-81; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Big Cypress National Preserve

AGENCY: National Park Service, Interior.

ACTION: Extension of Comment Period.

SUMMARY: On April 22, 1981 (46 FR 22905) the National Park Service published a notice of intent to propose rules to regulate the use of Off-Road Vehicles (ORV's) in the Big Cypress National Preserve, Florida. The Comment period established in that notice is hereby extended to July 6, 1981.

DATES: The National Park Service will consider all comments on the notice that are received by July 6, 1981.

ADDRESS: Comments should be addressed to Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

FOR FURTHER INFORMATION CONTACT:

Jack Morehead, Superintendent, Everglades National Park, P.O. Box 279,

Homestead, Florida 33030. Telephone: (305) 274-6211.

SUPPLEMENTARY INFORMATION: The April 22, 1981, notice requested that written comments be submitted to the National Park Service by May 22, 1981. This deadline has been extended until July 6, 1981, to allow more time for full public participation.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-15521 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-70-M

36 CFR Part 7

Everglades National Park

AGENCY: National Park Service, Interior.

ACTION: Extension of Comment Period.

SUMMARY: On April 22, 1981 (46 FR 22905) the National Park Service published a petition for rulemaking and request for comments seeking regulatory revisions to allow airboat use on the Stairstep Airboat Trails within Everglades National Park. The comment period established in this petition is hereby extended to June 22, 1981.

DATES: The National Park Service will consider all comments on the notice that are received by June 22, 1981.

ADDRESS: Comments should be addressed to Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

FOR FURTHER INFORMATION CONTACT: Jack Morehead, Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030. Telephone: (305) 247-6211.

SUPPLEMENTARY INFORMATION: The April 22, 1981, petition for rulemaking requested that written comments be submitted to the National Park Service by May 22, 1981. This deadline has been extended until June 22, 1981, to allow greater opportunity for public comment.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-15522 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Facing Identification Marks on Official Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend postal regulations to modify the specifications for printing the official mail imprint and to add the requirement that a Facing Identification Mark (FIM) be printed on certain official mail post cards, letter-size envelops and self mailers. State employment security agencies mailing under the U.S. Department of Labor indicia would also be required to comply with the processing of official mail of the executive and judicial branches of the Government.

DATE: Comments must be received on or before June 22, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photo-copying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Bill Maguire, (202) 245-4353.

SUPPLEMENTARY INFORMATION: In order to improve the processing of official mail of the executive and judicial branches of the United States Government, the Postal Service proposes to phase in a policy requiring certain official mail of authorized departments and agencies to bear a Facing Identification Mark (FIM). A FIM would have to be printed on all letter-size official postage and fees paid mailing pieces procured after September 1, 1981. Agencies would be allowed to use up existing mailing stocks. We specifically invite comment of the reasonableness of the September 1, 1981 proposed implementation date.

Addition of FIM would also necessitate the modification of the official mail imprint. State employment security agencies mailing under U.S. Department of Labor indicia would also be required to comply with the FIM requirement. This would be accomplished by the deletion of section 137.4 of the Domestic Mail Manual (DMM) and the addition of a new section 137.242j to cover employment security mail. Official metered mail and official permit imprint mail would not require the FIM. Official business reply mail currently has to meet the FIM requirement (see Section 137.252). In order to implement this change, the indicia requirements of section 137.241 would be modified and the placement of the official emblem would be changed in sections 137.242a, 137.243 and 137.244.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated in the Federal Register by reference (39 CFR 111.1):

Part 137—Official Mail

In part 137, revise 137.24 to read as follows:

.24 *Indicia*

.241 There are four general types of official penalty mail indicia: (a) Standard penalty indicium, (b) official metered indicium, (c) official permit imprint indicium, and (d) official business reply indicium. Each type must conform with an authorized format, as described in 137.242–137.245.

.242 *Standard Penalty Indicium.* All official mail using the standard penalty indicium must comply with the following described specifications.

a. The indicium for letter-size mail must be printed and must consist of the postal emblem (see Exhibit 137.242b) located ⅜ of an inch from the top edge of the mail piece; and immediately below the postal emblem, the words POSTAGE AND FEES PAID, the name of the department or agency and the agency sampling number, if assigned.

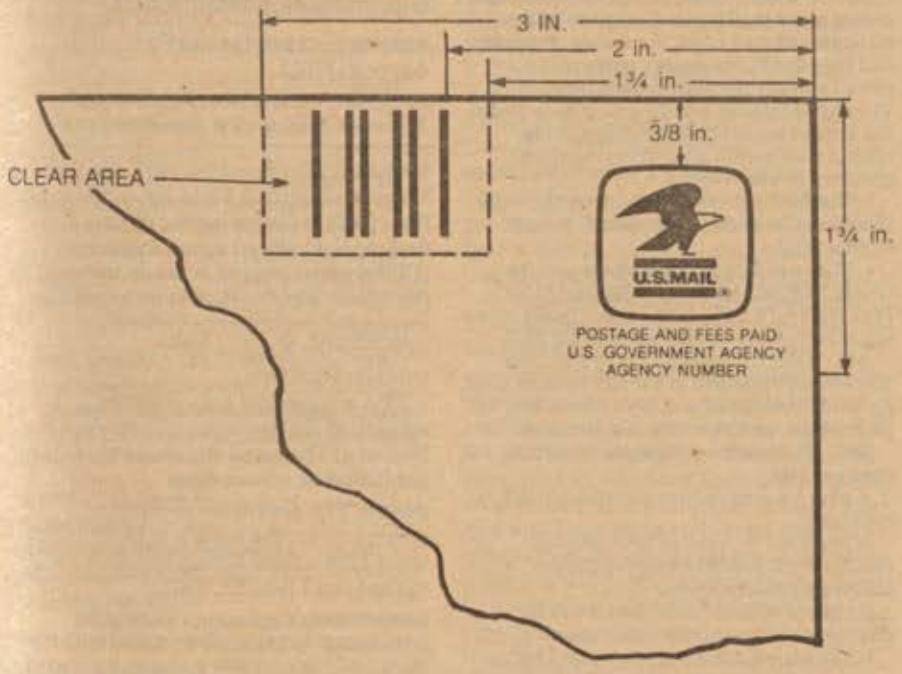
b. Except for second-class, and bulk third-class mail (see 137.273 b and c), the Facing Identification Mark (FIM), a vertical bar code pattern which functions as an orientation mark for automatic facing and canceling equipment, is required as follows:

(1) An area of 3 inches by 1¾ inches in the upper right corner of the address side of each mail piece must be reserved for the indicium and the FIM. The entire indicium, including the postal emblem, must be within 1¾ inches from the right and within 1¾ inches from the top edge of the mailing piece. A FIM must be printed on all mailing pieces, including cards, letter-size envelopes and self mailers. (see 128) but is not required on labels or envelopes larger than letter-size.

(2) The FIM must be positioned in such a manner that the distance from the right edge of the nearest FIM bar is 2 inches plus or minus ⅛ of an inch, and the top of the FIM pattern is *within* ⅛ of an inch from the top edge of the mail piece. It is permissible for the pattern to touch the top edge of the mail piece. The bars must be at least ½ inch long. A clear area free of any other printing must be maintained around the FIM. This clear area begins 1¾ inches from the right edge of the mail piece and extends 1¼ inches to the left. The height of the clear area is ⅝ of an inch down from the top edge. (See Exhibit 137.242b) Additional specifications for printing the FIM are contained in Publication 12, *United States Postal Service Instructions Facing Identification Marks.* Because the spacing between the vertical bars requires control, the Postal Service provides negatives for printing the FIM pattern. In all cases,

Postal Service specifications and negatives must be used. The specifications and negatives for FIM are available from local post offices or from the Manager, Government Revenue and Examination Branch, Finance Department, U.S. Postal Service Headquarters, Washington, D.C. 20260.

Exhibit 137.242b



(3) A FIM must appear on all letter-size mailing pieces procured after September 1, 1981. Stocks of cards, envelopes and self-mailers procured prior to September 1, 1981, which do not bear a FIM may be used until exhausted.

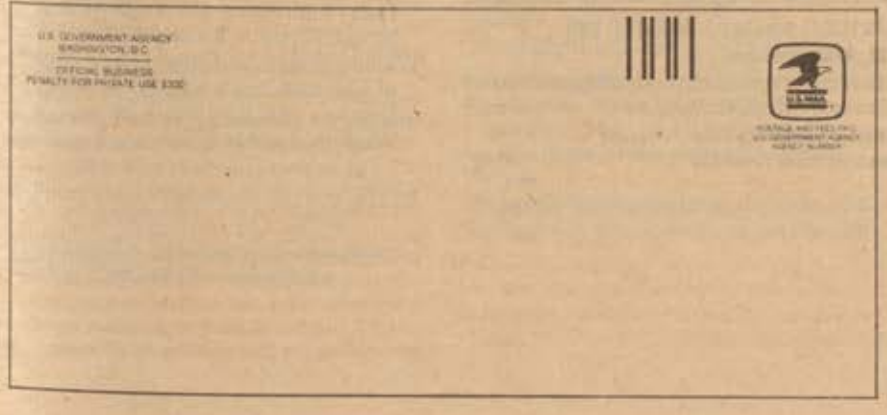
c. The FIM pattern and use of the postal emblem as part of the indicium is optional on larger than letter-size mail.

d. The postal emblem and FIM pattern may be omitted on self-mailers completely printed by computer with no provision for printing designs other than letters and numbers, provided the items are faced, sorted and tied in bundles by ZIP Code.

e. Any endorsement for a special service or class of mail must be placed approximately ¼ inch below the indicium.

f. The complete return address and the words "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300" must appear in the upper left corner of the mail piece (see Exhibit 137.242f). The penalty statement may not be handwritten or typewritten.

Exhibit 137.242f



g. Official mail of a designated State extension director must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words COOPERATIVE AGRICULTURAL EXTENSION WORK—Acts of may 8 and June 30, 1914. The words POSTAGE AND FEES PAID U.S. DEPARTMENT OF AGRICULTURE, and the agency sampling number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

h. Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word PUBLICATION. The title of the bulletin or report may be used. The words POSTAGE PAID U.S. DEPARTMENT OF AGRICULTURE, and the agency number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

i. Official mailings made by cooperative extension agents described in 137.22c must be prepared in accordance with the provisions of 137.242 a through f.

j. Official mailings made by State employment security agencies cooperating with the Department of Labor must bear in the upper left corner the name and complete return address of the state agency and the words "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300". The words "POSTAGE AND FEES PAID, EMPLOYMENT SECURITY MAIL, LAB–449" must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

.243 *Official Metered Indicium.* Penalty mail may be sent under official postage meter procedures when an agency has obtained a license for each meter in accordance with 137.273a. Mail sent from agency locations licensed to use meters must bear in the upper right corner a meter stamp or tape with the official meter format illustrated in 144.416 and a complete return address in the upper left corner. The FIM pattern and other indicia described in 137.242b must not be used on official metered mail.

.244 *Official Permit Imprint Indicium.* Permit imprints may be used by government agencies to facilitate postage accountability for larger mailings. Unless a meter is used, permit imprints are required for all First-Class, single piece third-class, and fourth-class mailings made by contractors, and for all presort First-Class and fourth-class bulk rate mailings made either by a government agency or its contractors. Departments and agencies wishing to mail under permit imprint procedures must obtain prior authorization and follow the appropriate procedures in 137.273d and 145. The format for official permit imprint mail is as follows:

a. The official permit imprint indicium must appear in a rectangular box in the upper right corner of the mail piece. It consists of the statement of mail class, the words "Postage and Fees Paid", the agency name and a permit number preceded by the letter, "G". The city of mailing and date may be included but are not required. Illustrations of the official mail permit imprint indicium are provided in 145.5e and f.

b. The FIM pattern and the postal emblem should not be included on official permit imprint mail.

c. The complete return address and the words, "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300" must appear in the upper left corner as illustrated in 137.242f.

.245 *Official Business Reply Indicium.* The format described in 137.252 must be used for cards, envelopes and labels furnished by government agencies for reply purposes.

.246 The markings required in 137.242 through .245:

a. May be used only to transmit official mail, and

b. Shall not be used on items carried outside the U.S. Mail except under the following circumstances:

(1) When official items are carried by employees of the originating agency;

(2) When official items are carried by contractors for subsequent entry into the U.S. Mail under the provisions of 137.253 and .254; or

(3) When agencies reach written agreement with the Manager, Government Revenue and Examination Branch, Finance Department, U.S.P.S. Headquarters, to account for and pay postage on official items carried outside the U.S. Mail to avoid violation of the Private Express Statutes (13 U.S.C. 1693–1699 and 39 U.S.C. 601–606).

.247 Mail of departments and agencies which is not sent by use of official envelopes or labels as provided in 137.242 through 245 must have postage prepaid. The rates and conditions applicable to non-federal government mailers apply.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2)(10), 404(a) (2)–(4))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–15314 Filed 5–21–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–7–FRL–1835–7]

Approval and Promulgation of State Implementation Plans: Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Rulemaking.

SUMMARY: On April 16, 1981, the State of Kansas submitted State Implementation Plan (SIP) revision for the Wichita-Sedgwick County carbon monoxide (CO) nonattainment area, as required by the Clean Air Act (CAA) as amended. Interested persons are invited to examine the Kansas SIP revision and submit comments.

EPA's proposed action on the submitted SIP revision will appear in a Notice of Proposed Rulemaking, to be published at a later date.

DATES: The period for receiving comments on the state's submittal and what EPA's final action should be will extend until June 22, 1981.

ADDRESSES: Comments should be addressed to Michael T. Marshall, Air, Noise and Radiation Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

The Kansas submittal may be examined during normal business hours at the above address and also at the following locations:

Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460;

Kansas Department of Health and Environment, Division of Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620;

Wichita-Sedgwick County, Metropolitan Area Planning Department, City Hall—10th Floor, 455 North Main Street, Wichita, Kansas 67202;

Wichita-Sedgwick County Department of Community Health, Air Quality Control, 1900 East Ninth Street, Wichita, Kansas 67214.

FOR FURTHER INFORMATION CONTACT: Michael T. Marshall, (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: The SIP revision was submitted, as required by Section 172 of the CAA, to provide for the attainment of the National Ambient Air Quality Standards (NAAQS) in areas which are currently nonattainment. EPA published the Wichita-Sedgwick County attainment status in the **Federal Register** of March 3, 1978 (44 FR 8962). The State's submission describes the CO attainment and maintenance demonstration of the delineated nonattainment area.

The purpose of this notice is to announce that the revision has been formally submitted and is available for public inspection. The public is encouraged to make written comments. A description of the revision and the proposed EPA action on the revision will appear in the **Federal Register** as a notice of proposed rulemaking at a later date.

Dated: May 12, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-15416 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PH–FRL–1833–6; PP 7E1978/9E2242/P171]

2-Chloroallyldiethyldithiocarbamate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the herbicide 2-chloroallyldiethyldithiocarbamate. These proposals were submitted by the Interregional Research Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues of the subject herbicide on radishes and upland cress at 0.2 part per million (ppm).

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Enironmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions 7E1978 and 9E2242 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Tennessee and Florida.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for negligible residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on the raw agricultural commodities radishes and upland cress at 0.2 ppm.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed negligible tolerance of 0.2 ppm in or on radishes and upland cress were subchronic oral feeding studies in rats and dogs, both with a no-observed-effect-level (NOEL) of 200 ppm, highest level fed, a delayed neurotoxicity study in the hen negative at 3.85 gram (g)/kilogram (kg), highest dose. While the toxicity of this chemical has not been completely characterized, there is little or no expectation of finite residues remaining in the subject commodities. Thus, the incremental exposure and risk to humans is insignificant.

The National Cancer Institute (NCI) report on the carcinogenicity of 2-chloroallyldiethyldithiocarbamate indicated that, based on the terms of the bioassay, it was carcinogenic to Osborne-Mendel rats and to $B_6C_3F_1$ mice by inducing mammary gland adenocarcinoma and gastric neoplasia.

On the basis of the NCI study, the agency considers the cancer risk from dietary exposure of 2-chloroallyldiethyldithiocarbamate-treated radishes and upland cress to be very small. If it is assumed as a worst possible case that 2-chloroallyldiethyldithiocarbamate would be present in all fresh radishes and upland cress at the proposed tolerance level and all radishes and upland cress at the would be treated with 2-chloroallyldiethyldithiocarbamate, the lifetime risk of cancer from consuming radishes and upland cress is estimated to be less than 10^{-6}. However, it is unlikely that any real residue will exist on these commodities. The lifetime risk of cancer from dietary residues of 2-chloroallyldiethyldithiocarbamate resulting from prior established tolerances is estimated to be 2×10^{-6}.

The acceptable daily intake (ADI), based on the 90-day dog feeding study (NOEL of 200 ppm) and using a 2,000-fold safety factor, is calculated to be 0.0025 milligram (mg)/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.1500 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0554 mg/day. The current action will utilize 0.32 percent of the ADI. Published tolerances utilize 36.94 percent of the ADI.

The metabolism of 2-chloroallyldiethyldithiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before June 22, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 7E1978/9E2242/P171]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Clinton Fletcher, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on Regulatory Flexibility Act requirements, see the appendix to this proposed rule.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346(e)))

Dated: May 7, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by revising § 180.247 by (1) reformatting it into alphabetically tubular format and (2) alphabetically inserting the raw agricultural commodities "radishes" and "upland cress" to read as follows:

§ 180.247 2-Chloroallyldiethyldithiocarbamate; tolerances for residues.

Tolerances are established for residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Bean vines	0.2(N).
Broccoli	0.2(N).
Brussels sprouts	0.2(N).
Cabbage	0.2(N).
Cantaloupes	0.2(N).
Celery	0.2(N).
Collards	0.2(N).
Corn (kernels plus cob with husk removed)	0.2(N).
Corn fodder	0.2(N).
Corn forage	0.2(N).
Corn grain	0.2(N).
Cucumbers	0.2(N).
Endive (escarole)	0.2(N).
Kale	0.2(N).
Lettuce	0.2(N).
Lima beans	0.2(N).
Mustard greens	0.2(N).
Okra	0.2(N).
Potatoes	0.2(N).
Radishes	0.2(N).
Snap beans	0.2(N).
Soybeans	0.2(N).
Soybean forage	0.2(N).
Soybean hay	0.2(N).
Spinach	0.2(N).
Tomatoes	0.2(N).
Turnip greens	0.2(N).
Turnips	0.2(N).
Upland cress	0.2(N).
Watermelons	0.2(N).

Appendix to [PP7E1978/9E2242/P17] 2-Chloroallyldiethyldithiocarbamate Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Congress enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601–612) effective January 1, 1981. The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on radishes and upland cress at 0.2 part per million.

The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15382 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PH-FRL-1833-8; PP 1E2479/P178]

S-Propyl Dipropylthiocarbamate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide *S*-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This proposal was submitted by Stauffer Chemical Company. This proposal would establish the maximum permissible level for residues of *S*-Propyl dipropylthiocarbamate in or on peanut hulls.

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. Sw., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: The Stauffer Chemical Company, 1200 S. 47th St., Richmond, CA 94804 has submitted a pesticide petition (PP 1E2479) to the EPA. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide *S*-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million.

The data submitted in the petition and all other relevant material have been evaluated. Tolerances of 0.1 part per million on peanuts, peanut forage, and peanut hay were established in August 1967. Elanco Product Company has submitted an amendment to EPA to add the application of a tank mix of trifluralin and *S*-Propyl dipropylthiocarbmate to peanuts in

accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During the review of this application it was determined that a tolerance for residues of *S*-Propyl dipropylthiocarbamate in peanut hulls would be required to cover expecterd residues in that commodity. A related document (PP 1E2480/P177) proposing establishment of a tolerance in peanut hulls for trifluralin appears elsewhere in this issue of the **Federal Register.**

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure to humans.

The metabolism of *S*-Propyl dipropylthiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of *S*-Propyl dipropylthiocarbamate at 0.1 ppm in a variety of commodities. Thus based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any ingredient listed herein, may request, on or before June 22, 1981, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 1E2479/P178]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulator Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this proposed regulation.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticides Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 is amended by revising § 180.240 by (1) reformatting the text into alphabetical tabular format and (2) inserting the raw agricultural commodity "peanut hulls" to read as follows:

§ 180.240 S-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for the herbicide *S*-Propyl dipropylthiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Corn, fodder	0.1
Corn, forage	0.1
Corn, fresh (inc sweet) (K-CWHR)	0.1
Corn, grain	0.1
Peanuts	0.1
Peanut, forage	0.1
Peanut, hay	0.1
Peanut, hulls	0.1
Potatoes	0.1
Soybeans	0.1
Soybean, forage	0.1
Soybean, hay	0.1
Sweet potatoes	0.1

Appendix

[PP 1E2479/P178]

S-Propyl Dipropylthiocarbamate

Proposed Tolerance

Certification Under Regulatory Felexibility Act:

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. KK601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. KK346a, 348), the agency is authorized to establish, by regulation, tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually nonexistent or insignificant.

This proposed regulation would establish a tolerance of 0.1 part per million in or on peanut hulls for the herbicide *S*-Propyl dipropylthiocarbamate. Any costs resulting from this rule would almost certainly be outweight by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15384 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1833-7; PP 1E2480/P177]

Trifluralin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide and plant growth regulator trifluralin in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This proposal was submitted by Elanco Products Company. This proposal would establish the maximum permissible level for residues of trifluralin in or on peanut hulls.

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments may be submitted to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: Elanco Products Company, a Division of Eli Lilly and Company, PO Box 1750, Indianapolis, IN 46206 has submitted a pesticide petition (PP 1E2480) to the EPA. The petition proposes that the Administrator, pursuant to section

408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide and plant growth regulator trifluralin (alpha,alpha,alpha-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity peanut hulls at 0.1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. A tolerance of 0.05 ppm in or on peanuts for trifluralin was established on March 8, 1968. The petitioner has submitted an amendment to EPA to add an application of a tank mix of trifluralin and *S*-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During a review of this application it was determined that a tolerance for residues of trifluralin in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2479/P178) proposing establishment of a tolerance for *S*-Propyl dipropylthiocarbamate in or on peanut hulls appears elsewhere in this issue of the **Federal Register.**

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure for humans.

The metabolism of trifluralin is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of trifluralin ranging from 0.05 ppm to 2.0 ppm in a variety of raw agricultural commodities. Thus, based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health, and it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains the ingredient listed herein may request, on or before June 22, 1981, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 1E2480/P177]." All written comments filed in response to this proposal will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this proposed regulation.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodity "peanut, hulls" in the table under § 180.207 to read as follows:

§180.207 Trifluralin; tolerances for residues.

* * * * *

Commodity	Part per million
* * * * *	
Peanut, hulls	0.1
* * * * *	

Appendix

[PP 1E2480/P177]

Trifluralin

Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the agency is authorized to establish by regulation, tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually nonexistent or insignificant.

This proposed regulation would establish a tolerance of 0.1 part per million in or on peanut hulls for trifluralin. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15303 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6033]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Des Moines County, Iowa, previously published at 45 FR 22619 on April 20, 1981.

EFFECTIVE DATE: May 22, 1981.

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 correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Des Moines County, Iowa previously published at 45 FR 22619 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 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)).

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(Unincorporated) Des Moines County	Hawkeye Creek	About 1750 feet upstream of confluence of West Tributary Hawkeye Creek.	*672

(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: May 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–15358 Filed 5–21–81; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

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

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Chugach National Forest, Alaska; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Impact Statement on the Land and Resource Management Plan for the Chugach National Forest.

The Forest Plan will be developed in accordance with Sec. 6 of the National Forest Management Act of 1976 and regulations issued pursuant to the Act.

The Forest Plan will provide management direction for these National Forest System lands and will replace existing Multiple Use Plans and other functional plans.

The Forest Plan will be selected from a range of alternatives which will include at least:

a. A no action alternative which represents the most likely conditions expected to exist in the future if current management direction would continue unchanged;

b. Alternatives that display possible outputs of resources at each of several expenditure levels; and

c. Alternatives designed to resolve the identified major public issues and management concerns.

Public input will be an integral part of the planning process. Input has been received through a series of meetings held in area communities and through letters received over the past three years on this and previous planning efforts. Times and places for these "scoping" meetings were announced by notices in area newspapers, news releases, and notices mailed to other agencies, organizations and individuals known to have interest in management of the Chugach National Forest.

The anticipated release date for the Draft Environmental Impact Statement (DEIS) is March 31, 1982. A 90-day period for public review and comments will follow. The final Environmental Impact Statement (FEIS) is tentatively scheduled for filing with the EPA by December 31, 1982, with implementation of the Forest Plan thereafter. All dates are in accordance with requirements of the NFMA Regulations and directions from the Chief of the Forest Service.

The Regional Forester, Alaska Region, is the Responsible Official. For further information, contact Mr. Clay G. Beal, Forest Supervisor, 2221 E. Northern Lights Blvd., Suite 230, Anchorage, AK 99504.

John A. Sandor,
Regional Forester.

[FR Doc. 81-15357 Filed 5-21-81; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Big Rivers Electric Corporation, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and, based upon this EA, REA made a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance for proposed ash handling facilities of the Big Rivers Electric Corporation, Inc., (Big Rivers) of Henderson, Kentucky. The existing ash pond at the Reid Generating Station has reached its design capacity. To meet future ash handling requirements and to ensure that the existing ash pond complies with the National Pollution Discharge Elimination System permit requirements, Big Rivers proposes to reroute the discharge canal; to dredge this pond; and to dispose of the dredged ash in an ash hold area within the scrubber waste disposal area for the Green Station. These actions together will provide for the long-term disposal of ash from the Reid Station in an environmentally sound manner. Alternatives to these actions were considered. The proposed actions were found to be preferred for environmental, economic, and engineering reasons.

Big Rivers prepared a Borrower's Environmental Report (BER) concerning the proposed project. Based on this BER and other support documents, REA prepared an Environmental Assessment which fully incorporates the BER. REA's independent evaluation of the project and the above-mentioned documents leads it to conclude that approval of the project does not represent a major Federal action that will significantly affect the quality of the human environment, and in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21:320-21, REA has made a Finding of No Significant Impact (FONSI).

Various alternatives to the proposed ash handling facility have been considered by Big Rivers and REA. These alternatives include no action, alternative ash pond locations, fly ash trucking to a landfill, pneumatic conveying, mechanical dewatering, and conversion of the existing pond to a landfill. It has been determined that the most economical and environmentally acceptable alternative is the proposed project.

REA has determined also that the proposed project will not adversely impact any threatened or endangered species or critical habitat, important farmlands, archeological and historic resources, wetlands, nor floodplains. Approximately 10 acres of the disposal area will be located in the 100-year floodplain. This acreage is part of the Green Station disposal area which was previously approved for scrubber waste disposal. Alternatives to locating in the floodplain were considered. REA has determined that there are no practicable alternatives that will avoid location of facilities in the floodplain. Further discussion of floodplains can be found in the EA and BER. Copies of the EA and Big Rivers' BER may be reviewed in the office of Frank W. Bennett, Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, Telephone (202) 447-6183, and Big Rivers' Headquarters, 201 3rd Street, P.O. Box 24, Henderson, Kentucky 42420.

This Federal assistance 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 18th day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15414 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation & Transmission Cooperative, Inc.; Finding of No Significant Impact

The Plains Electric Generation and Transmission Cooperative, Inc., (Plains) of Albuquerque, New Mexico, is making a design change in the transmission lines to interconnect its Escalante steam generating station with the electric transmission systems in the area.

On January 9, 1980, the Rural Electrification Administration (REA) issued a Final Environmental Impact Statement (FEIS) on the Escalante generating plant and related transmission facilities that considered certain transmission facilities different from those now proposed. The FEIS discussed four 115 kV transmission lines emanating from the Escalante generating station. Plains now proposes to change two of these lines that were to be built in an easterly direction and tying into the Public Service Company of New Mexico's (PNM) transmission grid at Ambrosia Lake to a single 230 kV transmission line. This new plan was chosen to improve interconnection and transmission arrangements in the area.

Plains prepared a Borrower's Environmental Report (BER) on the proposed design change. REA prepared an Environmental Assessment (EA) on the change.

After an independent evaluation of the BER and EA, REA concluded that the design change will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact" (FONSI).

This FONSI, REA's, EA, and Plain's BER may be reviewed in the office of the Director, Power Supply Division, Rural Electrification Administration, Room 5168, South Agriculture, Washington, D.C. 20250, and at the office of the cooperative, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, NE, Albuquerque, New Mexico 87107.

This program is listed in the catalog of the Federal Domestic Assistance, 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 15th day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15146 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

San Isabel Electric Association, Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for San Isabel Electric Association, Inc., Pueblo, Colorado, (San Isabel). The proposed financing will assist San Isabel in constructing 70.8 km (44 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Walsenburg Substation located in Huerfano County, Colorado, and the proposed Burro Canyon Substation located in Los Animas County, Colorado. Associated substation facilities include the construction of a new distribution substation and the expansion of one existing substation. San Isabel has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

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 the San Isabel and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing 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 San Isabel's Borrower's Environmental Report, a Finding of No Significant Impact was 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 and substation were reviewed by San Isabel and REA. The alternatives include no action, rebuilding existing facilities, underground construction, alternate connection points, and alternate routes. The most viable alternative to deliver power to all existing and future loads of San Isabel in Huerfano and Los Animas Counties is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and San Isabel's Borrower's Environmental Report may be reviewed 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, San Isabel Electric Association, Inc., Enterprise & Aerospace Drive, (P.O. Box 872), Pueblo West, Colorado 81007.

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 15th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15147 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

San Luis Valley Rural Electric Cooperative, Inc.; Finding of No Significant 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 assistance by REA for San Luis Valley Rural Electric Cooperative, Inc. (SLV), of Monte Vista, Colorado. The proposed financing assistance will be used by SLV for the construction of 72 km (45 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Waverly Substation located in Alamosa County, Colorado, and the proposed Mesita Substation in Costilla County, Colorado, and the proposed Mesita Substation in Costilla County, Colorado. Associated substation facilities entail construction of the Mesita Substation and construction of a new Stockade Substation to replace the existing Stockade Substation. SVL 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 SVL and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing 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 SLV'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 SLV and REA. The alternatives include no action, use of existing facilities and underground construction. The most viable alternative to deliver power to all existing and future loads of SLV in Alamosa, Conejos, and Costilla Counties is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessement and SLV's Borrower's Environmental Report may be reviewed 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, San Luis Valley Electric Cooperative, Inc., 3625 West U.S. Hwy. 160, Monte Vista, Colorado 81144.

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

Dated at Washington, D.C., this 15th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15148 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported German, Danish and French Swiss Cheese

On April 20, 1981, the U.S. Department of Agriculture received three complaints alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany, Denmark and France. On April 28, a fourth complaint was received alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in Denmark and France. Under Section 702 of the Trade Agreements Act of 1979 (PL 96–39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40–44, I have determined that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany is $1.74 per pound; that the duty-paid wholesale price of imported Swiss cheese produced in Denmark is $1.61 per pound; that the duty-paid wholesale price of imported Swiss cheese produced in France is $1.83 per pound; and that the domestic wholesale market price of U.S. produced Swiss cheese is $1.81 per pound for Grade A–B and $1.78 per pound for Grade C. I have determined that current imports of German and French Swiss cheeses are Grade A–B and that current imports of Danish cheese are Grade C. I, therefore, have determined that there is price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany and Denmark and I have notified the United States Trade Representative accordingly.

Done at Washington, D.C., this 20th day of May 1981.

John R. Block,

Secretary.

[FR Doc. 81-15646 Filed 5-22-81; 12:22 pm]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6–81]

Proposed Foreign-Trade Zone—Baltimore/Washington International Airport, Md.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Maryland Department of Transportation (MDOT), a State public agency, requesting authority to establish a general-purpose foreign-trade zone at the Baltimore/Washington International Airport (BWI), in Anne Arundel County, Maryland, with the Baltimore Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 14, 1981. The applicant is authorized to make this proposal under Chapter 519, Acts of 1978, Sections 466–469 of Article 23, Annotated Code of Maryland.

The applicant proposes to establish a foreign-trade zone within BWI's Air Cargo/Industrial Park Complex which covers 500 acres on airport property. The zone will consist of two sites on 38 acres to be developed in successive stages. Site one is a 16-acre parcel on Maryland Route 170 near Taxiway "A". It contains three existing air cargo buildings totaling 103,000 square feet of floor space to be used for initial zone operations. Site two, located on Maryland Route 176 near Taxiway "T" would be developed to accommodate the needs of anticipated processing and manufacturing users. The State Aviation Administration, and MDOT agency, would operate the zone in conjunction with its overall operation of the airport.

MDOT has been working in close cooperation with the Maryland Department of Economic and Community Development in formulating a zone project consistent with State needs. As a result, the project has been designed as an integral part of the State's economic development efforts to attract new business and to support existing industries.

The application contains evidence concerning the need for zone services in the Baltimore area. The applicant's market survey indicates substantial interest on the part of the Maryland business community, particularly firms using BWI airport.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Paul R. Nichols (Chairman), Program Manager, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Carl W. Johnson, Program Analyst, Customs Service, Region III, 40 South Gay Street, Baltimore, Maryland 21202; and Colonel James W. Peck, District Engineer, U.S. Army Engineer District Baltimore, P.O. Box 1715, Baltimore, Maryland 21203.

As part of its investigation, the examiners committee will hold a public hearing on June 25, 1981, beginning at 10:00 a.m., in Conference Room 2 of the Passenger Terminal, Baltimore/Washington International Airport, Maryland. The purpose of the hearing is to help inform interested persons, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by June 17, 1981. Instead of an oral presentation, written statements may be submitted to the examiners committee in accordance with the Board's regulations, care of the Executive Secretary, at any time from the date of this notice through July 25, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

District Office, U.S. Department of Commerce, 415 U.S. Customshouse, Gay and Lombard Streets, Baltimore, Maryland 21202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, Washington, D.C. 20230

Dated: May 18, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-15327 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: June 9, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Conference Room B, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the Public.

(3) Presentation on civil application of microwave tubes.

(4) Presentation on civil application of image intensifiers and other photo tubes.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT:

Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: May 14, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-15325 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: June 10, 1981, at 8:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT:

Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: May 15, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-15326 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Plate From Taiwan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel plate from Taiwan. This review covers the only known exporter of the merchandise to the United States, China Steel Corporation, Kaohsiung, Taiwan, for two consecutive time periods up to May 31, 1980. This review indicates for the first period the existence of a weighted-average margin of 19.97% and no shipments for the second period. As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and purchase price on shipments during the first time period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 13, 1979, a dumping finding with respect to carbon steel plate from Taiwan was published in the Federal Register (44 FR 33877-8). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As

required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on carbon steel plate from Taiwan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of hot-rolled carbon steel plate, 0.1875 inch or more in thickness, over 8" in width, not in coils, not pickled, not coated or plated with metal, not clad, other than black plate, and not pressed or stamped to nonrectangular shape. Carbon steel plate is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA). China Steel Corporation ("CSC") is the only known exporter to the United States of Taiwanese carbon steel plate. This review covers two consecutive time periods from February 14, 1979, the date of suspension of liquidation, through May 31, 1980. For the period July 1, 1979 through May 31, 1980, there were no known shipments to the United States.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, since all sales were made to unrelated U.S. purchasers. In this case purchase price was calculated on the basis of the CIF or C&F price to an unrelated purchaser in the United States, with deductions, where appropriate, for ocean freight and insurance. Additions were made for both harbor dues and customs duties on imported raw materials not collected for producing exported merchandise. Additions were also made for the amount of sales tax, stamp tax and education tax rebated upon exportation, but only to the extent that such taxes were incurred with respect to home market sales and were added to or included in the price of such or similar merchandise. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities were sold in the home market to provide a basis for comparison. CSC sold at least 55% of its total sales in Taiwan and home market sales were over 100% of the quantity sold for exportation to countries other than the United States. CSC provided the Department with a complete list of home market sales. However, this list did not identify what extras were included in individual sales. In the absence of such specific information, foreign market value was calculated on the basis of the weighted-average base list price plus the home market list price of the extras included in the sales to the United States. Available evidence indicates that the firm adheres to its list prices. The foreign market values were adjusted for differences in credit costs in accordance with § 153.10 of the Customs regulations. No other adjustments were claimed or made.

The Department's review of cost of production data submitted in response to an allegation of sales below the cost of production in the home market indicates that there were no sales at less than the cost of production in the home market.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Time period	Margins, Percent
Feb. 14, 1979 to June 30, 1979	19.97
July 1, 1979 to May 31, 1980	[1]19.97

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before June 22, 1981 and may request disclosure and/or a hearing on or before June 8, 1981. Any request for an administrative protective order must be made on or before May 27, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the period. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 19.97%, based upon the last known shipments, shall be required on all shipments of carbon steel plate from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15404 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Ferrite Cores (of the Type Used in Consumer Electronic Products) From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on ferrite cores (of the type used in consumer electronic products) from Japan. The review covers the one exporter of this merchandise to the United States not covered by the Department's previous 1981 review for the period November 1, 1976 through February 29, 1980. The review indicates the existence of dumping margins for this exporter during this period.

As a result of the review, the Department has preliminarily determined to assess dumping duties for this exporter equal to the calculated differences between foreign market value and purchase price on each of its shipments occurring during the period. Where company-supplied information was not complete the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 22, 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 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On

January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on ferrite cores (of the type used in consumer electronic products) from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

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).

The Department knows of a total of nine exporters to the United States of such Japanese ferrite cores. This review covers the one exporter, TDK Electronics Co., Ltd. ("TDK"), not covered by the review published in the Federal Register on April 3, 1981 (46 FR 20249), for all time periods up to February 29, 1980, during which shipments of ferrite cores may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by prior master lists, is under review. Liquidation has been suspended pending disposition of the issue.

The Department has determined that TDK's response did not cover all sales during the period and was, therefore, incomplete. Where information was complete, we used that information solely for appraisement. Where information was incomplete, we used TDK's fair value weighted-average margin as the best information available.

On September 11, 1978, TDK requested a revocation. Since our current analysis indicates that margins exist for TDK, we will not consider this request.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act and section 203 of the 1921 Act. Purchase price was based on the CIF packed price to unrelated purchasers in the United States. Where applicable, we deducted ocean and inland freight, insurance, and U.S. duty. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Tariff Act and section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. TDK sold in the home market at least 10 percent of total sales, and at least 12 percent of sales for export to countries other than the United States, during the period covered. The home market prices were based on delivered prices with adjustments for inland freight, and differences in packing and in the merchandise, where applicable. Claims for differences in credit costs, direct selling costs, and general selling expenses were disallowed since the firm provided insufficient supporting documentation. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Period	Margin on reported items percent	Margin on unreported items percent
TDK	Nov. 1, 1976 to Mar. 31, 1978	1.28	28
	Apr. 1, 1978 to Nov. 30, 1978	18.34	28
	Dec. 1, 1978 to Feb. 29, 1980	8.32	28

Interested parties may submit written comments on these preliminary results on or before June 22, 1981 and may request disclosure and/or a hearing on or before June 8, 1981. Any request for an administrative protective order must be made on or before May 27, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall asses, 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 stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 28 percent shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751 (a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15405 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: June 9, 1981, at 8:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of minutes of April 14, 1981, meeting.

(4) Discussion of microprocessor peripheral circuits for educational purposes of the Subcommittee.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PULBIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230 Telephone: 202–377–2583.

Dated: May 19, 1981.

Saul Padow

Director of Licensing, Office of Export Administration.

[FR Doc. 81-15436 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: June 9, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: May 19, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-15437 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar and Syrups From Canada; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On March 24, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on sugar and syrups from Canada. The review covered five exporters and the time period November 8, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Based on comments received from one of the exporters, the Department made adjustments which resulted in a new margin for that company.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202–377–5222).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, an antidumping duty order with respect to sugar and syrups from Canada was published in the **Federal Register** (45 FR 24126–7). On March 24, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order (46 FR 18326). The Department has now completed its administrative review of that antidumping duty order.

Scope of the Review

Imports covered by this review are shipments of sugar and syrups produced from raw sugar derived from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. The subject merchandise is currently classifiable under items 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of five exporters to the United States of Canadian sugar and syrups. This review covers all five of the exporters from the date liquidation was suspended, November 8, 1979, through March 31, 1980. This is the initial administrative review of this order.

Interested parties were afforded an opportunity to furnish oral or written

comments. F. W. Jones & Son, Ltd., one of the companies which had failed to respond, submitted a response to the questionnaire. Though the response was late, we did not consider it untimely, since the lateness was unavoidable, therefore, we used the response to calculate a new margin. For the other exporters the margins are the same as those in the preliminary results.

Written comments were received from the petitioner, Amstar Corporation. Amstar asked that no adjustment be made for the drawback of Canadian import duty paid on the importation of raw sugar from Cuba. The product imported into the U.S. was not produced with Cuban sugar; however, a drawback claim is allowable against the exported product on the basis that the exported product substitutes for the sugar imported from Cuba. This adjustment was made since it is required by section 204 of the Antidumping Act of 1921. Amstar argued for a deduction for the cost of segregating raw sugar by country of origin, an operation necessary to insure that no Cuban-origin sugar is exported to the United States. As in the fair value investigation, this deduction was not made, since it was determined to be an administrative expense properly allocable to all sales and not directly related to the sales in question. Finally, Amstar argued for an adjustment for a difference in packing costs, due to the possibility that "one-way" pallets were used for export sales, whereas returnable pallets were used in home market sales. In this case there is no evidence that the packing costs varied between the two markets for this period.

Final Results of the Review

As a result of our comparision of the United States price to foreign market value, we determine that the following margins exist:

Canadian exporter	Margin (United States dollars per pound)
Atlantic Sugar, Ltd.	[1] 0.0223
B. C. Sugar	[1] .010105
F. W. Jones & Son, Ltd.	.00308
Redpath Sugars, Ltd.	.0345
St. Lawrence Sugar, Ltd.	.0345

[1] No shipments during current period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time period involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon 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 administative review by the end of April, 1982.

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).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15400 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning August 31, 1981 in the Washington, D.C. SMSA: The cost of the project is estimated to be $374,000. The Project I.D. No. is 03-10-80011-01.

CLOSING DATE: June 22, 1981.

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

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

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

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

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

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

1. *Capability of Firm:*

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

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

2. *Staffing Capability:*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resume.) (Project manager must be designated.)

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials:*

A. Submit examples of work: specimen packages acceptable (Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions, centers of business influence, etc.

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

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of

the work requirement and will be part of the award.

5. *Costs:* Provide explanation of all proposed costs by line item.

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

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

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

Space furnishings and office equipment will be provided in a government determined location at no cost to the applicant.

A Pre-Application conference to assist all interested applicants will be held at the following address on Monday, June 8, 1981 at 10:00 A.M., U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 6802, Washington, D.C. 20230.

Dated: May 18, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-15339 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

S. Jonathan Stern; 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: Mr. S. Jonathan Stern (P281).

b. Address: 635 Wakerobin Lane, San Rafael, California 94903.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Minke whale (Balaenoptera acutorostrata); unspecified.

4. Type of Take: Individual minke whales may be inadvertently harassed during the course of conducting observational activities, including photography and underwater sound recordings.

5. Location of Activity: Waters of the San Juan Islands, Washington.

6. Period 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, U.S. Department of Commerce, Washington, D.C. 20235, on or before June 22, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northerwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Southerwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15436 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1981 services to be provided by workships for the blind and other severely handicapped.

EFFECTIVE DATE: May 22, 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 March 13, 1981, March 27, 1981, and January 30, 1981, the Committee for Purchase From the Blind and Other Severely Handicapped published notice (46 FR 16701, 46 FR 19017, and 46 FR 9982) of proposed additions to Procurement List 1981, Novembr 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1981:

SIC 0782

Lawn Maintenance, Area 11 (Chapel and Child Care Area), Naval Weapons Station, Yorktown, Virginia

SIC 7369

Commissary Shelf Stocking and Custodial Service, Little Rock Air Force Base, Jacksonville, Arkansas

SIC 7349

Janitorial Service, Federal Building, 100 West Capitol Street, Jackson, Mississippi

SIC 7699

Pallet Repair, Naval Supply Center, Norfolk, Virginia

C. W. Fletcher,

Executive Director.

[FR Doc. 81-15354 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Deletions from procurement list.

SUMMARY: This action deletes from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 22, 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 April 3, (and April 10, correction) 1981, the Committee for Purchase From the Blind and Other Severely Handicapped published notices (46 FR 20258 and 46 FR 21407) of proposed deletions from 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 no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1981:

Class 8695

Kit, Spectro Oil Analysis (Ground Equipment), 6695–00–925–2982

Class 7520

Pencil, Mechanical, 7520–00–205–1645, 7520–00–285–5817

C. W. Fletcher,

Executive Director.

[FR Doc. 81-15355 Filed 5-21-81; 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 a proposal to delete from Procurement List 1981 services provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 24, 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 services from Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7641

Furniture Rehabilitation, Seattle, Washington plus 30-mile radius, Tacoma-Auburn, Washington, plus 30-mile radius, including McChord Air Force Base and Fort Lewis;

Metal Furniture Rehabilitation, Olympia, Washington, plus 13-mile radius, Tacoma, Washington, plus 13-mile radius, including McChord Air Force Base and Fort Lewis, Seattle, Washington, plus 13-mile radius, Bremerton, Washington, plus 13-mile radius.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-15356 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Terms and Conditions of the Medium-Staple Cotton Futures Contract of the Chicago Board of Trade

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.[1]

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in medium-staple cotton for delivery in units of 50,000 lbs. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 21, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to CBT Medium-Staple Cotton Futures Contract.

FOR FURTHER INFORMATION CONTACT: George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Blake Imel, Deputy Director, Division of Economics and Education, (202) 254–3203.

SUPPLEMENTARY INFORMATION: The terms and conditions of the CBT's proposed medium-staple cotton futures contract are as follows:[1]

Medium-Staple Cotton

Trading Conditions

XX01.00 *Authority*—On or after designation by the Commission as a contract market, trading in cotton may be conducted under such terms and conditions as the Board may prescribe by Regulation.

XX02.01 *Application of Regulations*—Transactions in Medium-Staple Cotton futures shall be subject to the general Rules of the Association as far as applicable and the Regulations contained in this Chapter which are exclusively applicable to trading in Medium-Staple Cotton.

XX04.01 *Unit of Trading*—The unit of trading for Medium-Staple Cotton shall be 50,000 pounds. Bids and offers may be accepted in lots of 50,000 pounds or multiples thereof.

XX05.01 *Months Traded In*—Trading in Medium-Staple Cotton may be conducted in the current month and any subsequent months as determined by the Board or the Cotton Committee.

XX06.01 *Price Basis*—Fluctuations in the price of Medium-Staple Cotton shall be in multiples of 1/100 of a cent per pound.

XX07.01 *Hours of Trading*—The hours of trading for future delivery in Medium-Staple Cotton shall be determined by the Board subject to the provisions of Rule 1007.00.

XX08.01 *Trading Limits*—(See Regulation 1008.01).

XX08.01A *Trading Limits*—(See Regulation 1008.01A).

XX09.01 *Last Day of Trading*—No trades in Medium-Staple Cotton futures deliverable in the current month shall be made during the last seven days of that month. Any contracts remaining open after the last day of trading must be either:

(a) Settled by delivery no later than the fifth business day following the last trading day; or

(b) Liquidated by means of a bona fide exchange of futures for the actual cash commodity, no later than the fifth business day following the last trading day.

XX09.02 *Trading in the Last Seven Business Days of the Deliver Month*—After trading in contracts for future delivery in the current delivery month has ceased according to Regulation XX09.01 of this chapter, outstanding contracts for delivery may be liquidated by means of a bona fide exchange of such current futures for the actual cash commodity.

XX10.01 *Margin Requirements*—Margin requirements shall be determined by the Board by Regulation. (See 431.03)

XX11.01 *Disputes*—All disputes between interested parties may be settled by arbitration as provided in the Rules and Regulations.

XX36.01 *Standards*—Each contract made under these regulations shall be

[1] The text of forms and other notices referenced and included within the Exchange's proposed rules have not been included within this publication. Copies of such forms may be obtained upon request of the Commission's Secretary.

for cotton, basis Strict Low Middling, staple one and one-sixteenth of an inch, micronaire between 3.5 and 4.9. Cotton which is of the following grades:

Good Middling
Strict Middling
Middling Plus
Middling
Strict Low Middling PLus
Strict low Middling
Low Middling Plus
Low Middling
Good Middling Light Spotted
Strict Middling Light Spotted
Middling Light Spotted

and of staple greater than one and one-sixteenth of an inch is deliverable, at the appropriate discount or premium. Cotton which has a micronaire less than 3.5 or greater than 4.9 is not deliverable.

Grade and staple premiums and discounts shall be based on the average commercial differences as reported by the USDA Agricultural Marketing Service for those spot markets designated by the Secretary of Agriculture for medium-staple cotton. Cotton of grade different from Strict-Low Middling, yet within the range of grades specified above, shall be deliverable at the full quoted average discount or premium. Cotton of staple length one and three-thirty seconds of an inch and longer is deliverable at a premium of the difference between the basis price and the average for one and three-thirty seconds of an inch cotton at the designated spot markets.

Each contract shall be for delivery of 50,000 pounds of cotton of the above mentioned deliverable grades, of no more than one percent (500 pounds). Weight and tolerance specifications shall be gross of any deductions which may be applicable.

XX36.02 *Compressed Cotton*—Bales of cotton that are standard compressed, universal compressed or uncompressed are deliverable. The seller of uncompressed cotton must grant the buyer a sum per bale of cotton sufficient to cover the cost of standard or universal density compression at the time and place of delivery. When no standard cost is applicable, or can be agreed upon, the deliverer shall grant the buyer ten dollars ($10.00) for each uncompressed bale of cotton delivered.

XX36.03 *Over-Aged Cotton*—Cotton that has been certified at a regular warehouse, shall be subject to the following age penalties: three pounds per bale per month for the seventh through twelfth month; four pounds per bale per month for the thirteenth through the eighteenth month; five pounds per bale per month for the nineteenth through twenty-fourth month, and six pounds per bale per month for the twenty-fifth and each month thereafter. The above mentioned allowances shall apply to all months, or fraction thereof, following cotton certification. The price per pound allowed shall be the net average price.

XX36.04 *Monthly Weight Allowance*—At the time of delivery, the seller shall grant the buyer a weight allowance of one-half pound per month, or fraction thereof per bale beyond the day the cotton was last weighed. This is in addition to over-aged cotton (see XX36.03).

XX36.05 *Untenderable Bales*—In addition to bales of cotton which are not of the micronaire, staple and grade characteristics detailed in XX36.01, the following bales of cotton shall not be deliverable: bales reduced in grade for any reason; bales of reginned cotton, gin-cut cotton, or of perished staple; bales that are repacked, false-packed, mixed packed, or water-packed; bales that have been on fire; bales weighing under 352 pounds net or over 675 pounds net; damaged or unmerchantable bales as determined by the Registrar's Office or its appointed agents; bales of high density compressed cotton or of cotton which has previously been pressed to high density; and bales with sisal bagging.

XX36.06 *IRS Provisions*—All standards and provisions of the United States Cotton Futures Act, as specified in the Internal Revenue Code of 1954 (revised 1976), shall apply to all cotton traded and delivered according to this contract.

XX36.07 *Raingrown Cotton*—Raingrown cotton is deliverable at the same price as non-raingrown cotton, but must be so identified.

XX37.01 *Official Inspectors*—Supervision of the inspecting, weighing, and sampling of cotton shall be the responsibility of the Registrar's Office or its agents.

XX38.01 *Inspection*—All cotton tenderable under this contract must have been classified by the U.S. Board of Cotton Examiners, under the auspices and according to the standards of the U.S. Department of Agriculture.

In conjunction with the deliveries of the warehouse receipts and bale classifications, the seller must deliver to the buyer within two business days following delivery of the warehouse receipts, a duplicate sample of each bale delivered (the original having been used for official certification). Each duplicate sample shall not weigh less than four ounces and must be delivered to the receiver or his agent at the point of storage of the cotton. If necessary, the Registrar's Office, or its agents, shall perform the duties of receiving, checking and delivering duplicate samples according to fees established by said office.

Any and all initial costs and fees of sampling and classification shall be borne by the seller and shall not be the responsibility of the buyer. For each duplicate sample missing or weighing less than four ounces, the seller shall pay the buyer four dollars ($4.00).

Cotton samples, to be valid, must be drawn under the supervision of the Registrar's Office or its appointed agents.

XX38.02 *Deliverer's Classification*—If the seller has not received the U.S. Board of Cotton Examiners' classification at the time he presents his delivery notice to the Clearing Corporation, and he has a receipt indicating that the appropriate samples were properly submitted to the above mentioned Board of Cotton Examiners, he may submit is own, estimated classification to the buyer at the time of delivery pending issuance of the Board of Cotton Examiners' classification.

If the seller does present his own classification, he shall receive a pro forma payment of eighty percent based on the classification he presented to the buyer in lieu of the Board of Cotton Examiners' classification. Upon receipt of the Board of Cotton Examiners classification the seller shall promptly present a corrected invoice to the buyer, whereupon the buyer shall have one business day to present the necessary payment due to the seller, allowance being made for any difference in the reported classification.

If after receipt of the Board of Cotton Examiners' classification the total of certificated bales of cotton does not meet the specified weight tolerance, the seller shall pay the buyer a minimum penalty of $150.00 for each 100 pounds, or fraction thereof, of cotton which is below the stated weight tolerance. At this time, any discrepancies between monies paid by the buyer and monies due the buyer shall also be settled.

XX39.01 *Weighing*—Upon entering a regular warehouse, cotton to be certificated shall be weighed, exclusive of tare and any samples drawn, under the supervision of the Registrar's Office or its duly appointed agents. Such weight as well as the date of weighing, shall be recorded on the warehouse receipt and shall form the basis from which any and all weight allowances detailed in Section XX36 of this Chapter shall be calculated. Cotton that is reweighed must be done so under the supervision of the Registrar's Office or its agents to remain certificated. The warehouse receipt must record the date and results of the last supervised

weighing of each bale covered by the receipt.

XX41.01 *Delivery Points*—Medium-Staple Cotton located in regular warehouses at the following points may be delivered in satisfaction of the futures contracts: Galveston, Texas; Greenville, South Carolina; Houston, Texas; Memphis, Tennessee; Bakersfield and Fresno, California; and Phoenix, Arizona. The aforementioned delivery points are bounded by their respective switching districts.

XX41.02 Western Delivery Differentials—Tenderable cotton grown in the San Joaquin Valley of California, of an approved strain of the Acala Cotton Board (SJV), and located in regular warehouses at Phoenix, Bakersfield, and Fresno may be delivered in satisfaction of the futures contracts at the full contract price. All other tenderable western growth cotton located in regular warehouses at Phoenix, Bakersfield and Fresno may be delivered in satisfaction of the futures contract at a discount of two (2) cents per pound under the contract price.

XX42.01 *Delivery of Cotton by Warehouse Receipts*—Delivery of Medium-Staple Cotton shall be made by the delivery of registered warehouse receipts issued by warehousemen against stocks in warehouses which have been declared regular by the Board. The Board by Regulation may prescribe the conditions upon which warehouses and warehousemen may become regular except that in the case of federally licensed warehouses and warehousemen, the Board may impose only such reasonable requirements as to location, accessability and suitability as may be imposed on other regular warehouses and warehousemen.

XX43.01 *Registration of Warehouse Receipts*—Warehouse receipts, in order to be eligible for delivery, must be registered with the Offical Registrar appointed by the Board, must not be more than one year old, and must not have an expiration date in the month in which they are delivered. Warehouse receipts which have been registered with the Registrar's Office shall immediately lose their registration status if they are used in satisfaction of contract obligations at another exchange.

XX43.02 *Reissuance of Warehouse Receipts*—Every Medium-Staple Cotton receipt must be returned to the warehouseman or his agent for reissuance prior to its becoming one year old. At such time accrued storage charges shall be paid and the warehouseman shall be obligated to provide the owner with a new and duly registered receipt. It is not necessary that the cotton be resampled and reclassified to effect reissuance of a warehouse receipt.

XX44.01 *Receipt Format*—Only warehouse receipts approved by the U.S. Department of Agriculture shall be valid.

XX45.01 *Insurance*—Whether or not the holder of the receipts chooses to have insurance for bales of cotton prior to delivery of the receipts, he must have adequate and full coverage against fire, tornado and other contingencies provided for in the standard form of "extended coverage" endorsements or policies for all bales of cotton delivered until noon of the business day following delivery of the receipts.

XX46.01 *Date of Delivery*—Delivery of Medium-Staple Cotton Certificates may be made by the seller upon any permissible delivery day of the delivery month.

XX47.00 *Delivery Notice*—(See 1047.00)

XX47.01 *Delivery Notices*—Notice of intention to deliver shall be in the following form:

* * * * *

The following summary of all bales to be delivered in accordance with the Rules and Regulations, shall accompany the delivery notice:

* * * * *

The following complete listing of all bales to be delivered in accordance with the Rules and Regulations, shall accompany the delivery notice:

* * * * *

XX48.00 *Method of Delivery*—(See 1048.00—

XX49.01 *Time of Delivery*—As prescribed by the U.S. Internal Revenue Code of 1954 (revised 1976), delivery is a six day process commencing with the presentation of a delivery notice to the Clearing House. Notice of intention to delivery may be made to the Clearing House until 8:00 p.m. on the position day. The last position day of the delivery month shall be the last trading day of the month, seven business days prior to the end of the delivery month. No deliveries shall be made during the last two business days of the month and all deliveries shall have been complete by such time.

Intention day shall be the next business day immediately following the position day. By 8:30 a.m. of the intention day, the Clearing House shall assign the oldest long position the responsibility for taking delivery of the cotton described by the delivery notice. By 4:00 p.m. of the intention day, the seller responsible for delivery shall have presented a delivery invoice, according to the procedures described in XX49.03 of this Chapter, to the Clearing House.

A copy of each delivery notice submitted to the Clearing House must also be sent promptly to the Commodity Futures Trading Commission.

XX49.02 *Buyer's Report of Eligibility to Receive Delivery*—(See 1049.02).

XX49.03 *Sellers' Invoices to Buyers*—Upon determining the buyers obligated to accept deliveries tendered by issuers of delivery notices, the Clearing House shall promptly furnish each issuer the names of the buyers obligated to accept delivery from him and a description of each commodity tendered by him which was assigned by the Clearing House to each such buyer. Thereupon, sellers (issuers of delivery notices) shall prepare invoices addressed to their assigned buyers describing the documents to be delivered to each such buyer and, in the case of deliveries under Rule 1041.00, the information required in said Rule. Such invoices shall show the amount which buyers must pay to sellers in settlement of the actual deliveries, based on the delivery prices established by the Clearing House for that purpose adjusted for applicable premiums, discounts, storage charges, quantity variations and other items for which provision is made in these Rules and Regulations relating to contracts, and shall be in the form set forth hereunder. Such invoices shall be delivered to the Clearing House by 4:00 p.m. on the day of intention. Upon receipt of such invoices, the Clearing House shall promptly make them available to buyers to whom they are addressed, by placing them in buyers' mail boxes provided for that purpose in the Clearing House.

Invoices for delivery of Medium-Staple Cotton in satisfaction of contract obligations shall use the settlement price established for the position day and shall be of the following form:

* * * * * *

In addition to the above form, the seller shall deliver to the buyer a copy of the listing of each and every bale, and their characteristics, provided with the notice of intention to deliver (see Section XX47.01).

XX49.04 *Payment—(See 1049.04).*

XX50.00 *Duties of Members*—(See 1050.00).

XX51.01 *Office Deliveries Prohibited*—(See 1051.01).

XX54.00 *Failure to Accept Delivery*—(See 1054.00).

XX56.01 *Storage Charges*—No warehouse receipts covering cotton in regular store shall be valid for delivery on futures contracts unless the storage charges on the cotton have been paid up

to and including the 18th day of the preceding month, and such payment endorsed on the warehouse receipt. Unpaid accumulated storage charges at the posted rate applicable to the warehouse where the cotton is stored shall be allowed and credited to the buyer by the seller to and including date of delivery. Further, no warehouse receipt shall be valid for delivery if the receipt has expired prior to delivery or has an expiration date in the month into which it is delivered.

XX58.01 *Loading Orders*—The owner of one or more contract(s) sets of certificated warehouse receipts issued by a regular warehouse, who desire to have the cotton shipped, shall pay storage charges due on the warehouse receipts through the day following the business day on which he intends to file loading orders. The owner of the warehouse receipts shall submit the receipts to the Registrar for cancellation, and surrender the cancelled receipts to the warehouse, along with written loading orders, and a declaration whether shipment is to be by rail or by truck. Loading orders filed after 3:30 p.m. Chicago time shall be considered dated the following business day.

Regularity of Warehouses

XX81.01 *Regularity of Warehouses*—Persons operating cotton warehouses who desires to have such warehouses made regular for the delivery of cotton under the Rules and Regulations shall make application for a Declaration of Regularity on a form prescribed by the Board for a term expiring the next succeeding June 30. Regularity shall be effective 30 days after all terms and conditions have been met and notice to that effect has been posted on the bulletin board of the Association.

Applications for renewal of regularity shall be made prior to June 15 in each year for the year beginning July 1 and shall be on the same form.

(1) All warehouses making application to become regular for delivery of Medium-Staple Cotton shall be federally approved in accordance with Title 7, Section 101 of the U.S. Code. All such provisions and restrictions applicable under said law shall also apply to warehouses desiring to become regular for delivery of Medium-Staple Cotton.

(2) Such warehouse shall be connected by railroad tracks with one or more interstate railway lines.

(3) The proprietor or manager of such warehouse shall be in good financial standing and credit. No warehouse shall be declared regular until the person operating the same files a bond with sufficient sureties in such sum and subject to such conditions as the Board may require.

(4) Such warehouse shall be provided with modern improvements and appliances for the convenient and expeditious receiving, handling and shipping of bales of cotton in large quantity.

(5) The proprietor or manager of such warehouse shall honestly and fully cooperate with the system of registration of warehouse receipts as established by law, and furnish to the Registrar all needed information to enable him to keep a correct record and account of all cotton, together with the quality characteristics thereof, received and delivered by them daily and of that remaining in store at close of each week.

(6) The proprietor or manager of such warehouse shall promptly, by the proper publication, advise the trade and the public of any damage to bales of cotton held in store by it, whenever such damage shall occur to an extent that will render it unwilling to purchase and withdraw from store, at its own cost, all, such damaged bales of cotton.

(7) The Board shall be assured that the operator or manager of the warehouse will agree to conform to Regulations of this Chapter with regards to delivery procedures and receipt format.

(8) The proprietor of manager of such warehouse shall accord every facility to any duly authorized committee, for the examination of its books and records, for the purpose of ascertaining the stocks of all bales of cotton which may be on hand at any time. Such examination and verification shall be made at least twice each year, by the Warehouse, Weighing and Custodian Committee or any other duly authorized committee to be appointed by the Chairman of the Board, which committee shall have the authority to employ experts to determine the number of cotton bales in store.

(9) The proprietor or manager of a regular warehouse shall guarantee that all bales of cotton received in and shipped out of such wardhouse shall be weighed and sampled under the supervision of the Registrar's Office or its duly appointed agents.

(10) No warehouse shall be deemed suitable to be declared regular if its location, accessibility, tariffs, insurance rates, or other qualifications shall depart from uniformity to the extent that its receipts, if tendered in satisfaction of futures contracts, will unduly depress the values of futures contracts or impair the efficacy of futures trading in this market, or if the warehouseman operating such warehouses engaged in unethical or inequitable practicies, or if, being a federally licensed warehouse, fails to comply with the federal statute, rules or regulations, and state statues, rules and regulations whenever appropriate.

All warehousemen are and shall be and remain subject to the Rules, Regulations and Rulings of the Board of Trade of the City of Chicago on all subjects and in all areas with respect to which the U.S. Department of Agriculture does not assert jurisdiction pursuant to the U.S. Warehouse Act, as amended.

(11) All warehousemen shall inload and outload all cotton consecutively without giving preference to the cotton owned by him over the cotton of others, and without giving preference to one depositor over another. He shall inload all cotton consecutively in the order in which they arrive at his warehouse, pursuant to inloading orders previously given so far as its capacity for bales of cotton permits. He shall outload all cotton in the order in which suitable transportation is made available at his warehouse by the holder of the warehouse receipt, pursuant to bona fide outloading orders previously furnished to him.

All warehousemen shall keep adequate permanent records showing compliance with the requirements of this Regulation. Such records shall at all times be open for inspeaction by the designated official or officials of the contract market.

(12) The operator of a regular warehouse shall limit the amount of certificated cotton to an amount which can be shipped within a thirty (30) day period. Each warehouse will report to the exchange its thirty day shipping capacity of cotton.

(13) The maximum load-out charge per bale of cotton which has been tendered in satisfaction of the Board of Trade futures contracts shall be $5.00 per bale. This price shall include picking out by tag number, removing from storage, delivery to warehouse platform, and loading according to custom into railroad car, truck, van or container.

XX82.01 *Insurance*—As regards insurance of bales of cotton, the warehouseman shall be subject to the provisions and requirements of Section 101.23(a) of Title 7 of the U.S. Code, which states: When requested in writing by the depositor of cotton in a licensed warehouse, or by the holder of the receipt covering such cotton, to insure such cotton against loss or damage by fire, lightning, and other risks, each licensed warehouseman shall secure in his own name such insurance under reporting forms of policies which

automatically attach for the full value of such cotton, including daily changes of value through market fluctuations and changes in the quantity of such product from day to day, as soon as such cotton is placed in his legal custody, and he shall continue such insurance in effect so long as the cotton remains in his legal custody. Such insurance shall be covered by lawful policies issued by one or more insurance companies. Each warehouseman insuring cotton under the provisions of this section shall submit such reports to underwriters as may be required under the terms of such policies, and copies of such reports shall be submitted to the Department as it may require. If the warehouseman is unable to procure insurance to the extent requested, he shall, orally or by telegraph or by telephone, and at this own expense, immediately notify the perosn making the request of such fact. When insurance is not carried in the warehouseman's name, the receipt shall show that the cotton is not insured by the warehouseman. Nothing in this section shall be construed to prevent a licensed warehouseman from adopting a rule that he will insure all cotton stored in his warehouse, but if he elects to insure he shall accomplish such insurance through policies as above specified.

The charge for insurance on bales of cotton delivered in satisfaction of futures contracts, payable by the holder of the necessary receipts, shall be limited to a maximum of $1.00 per $100.00 evaluation annually for fire, tornado and other contingencies provided for in the standard form of "extended coverage" endorsements or policies. Any charges for said insurance in excess of this amount shall be paid by the warehouseman.

XX82.02 *Tagging Cotton*—The warehouseman upon issuance of a receipt for any bale of cotton, shall attach a durable and easily visible numbered tag for identification purposes. The warehouseman shall record the location of all bales of cotton according to tag numbers.

XX82.03 *Arrangement of Stored Cotton*—Bales of cotton which are excessively wet or which have been damaged by fire shall not be stored next to undamaged certificated bales of cotton.

The warehouseman shall handle and store cotton so as to prevent any damage which might occur because of moisture, fire, or other such hazards.

XX82.04 *Sampling*—All sampling and weighing of cotton shall be done by persons in the employ of the warehouseman, under the supervision of the Registrar's Office or its duly appointed agents.

XX83.01 *Loading Schedule*—Warehouseman shall adhere to the following schedule in providing for the loading and departure of cotton shipments against cancelled certificated cotton receipts:

(1) By 4:00 p.m. on the fifteenth business day following the day on which loading orders are filed, all loading orders filed up to a maximum of 30% of the total number of certificated receipts outstanding and those yet unshipped against any prior loading orders.

(2) By 4:00 p.m. on the eighth business day following the completion of shipments against the first 30% of a warehouseman's total certificated receipts outstanding and those yet unshipped against prior loading orders, additional loading orders which cumulatively exceed 30% up to a maximum of 70% of a warehouseman's total number of certificated receipts outstanding and those yet unshipped against prior loading orders.

(3) By 4:00 p.m. on the seventh business day following the completion of shipments against the first 70% of a warehouseman's total certificated receipts outstanding and those yet unshipped against prior loading orders, additional loading orders which cumulatively exceed 70% of a warehouseman's total number of certificated receipts outstanding and those yet unshipped against prior loading orders.

(4) Where several loading orders are filed on the same business day, the warehouseman shall endeavor, to the maximum practical extent, to accord equitable treatment to all such loading orders when complying with the foregoing schedule.

The Warehouseman's obligation under this paragraph shall be:

(1) in the case of rail delivery, to have the cotton loaded on track ready for railroad pickup;

(2) in the case of truck delivery, to specify shipping interval so that the last day of such interval adheres to the foregoing schedule.

XX84.01 *Revocation of Regularity*—Any regular warehouse may be declared by the Board to be irregular at any time if it does not comply with the conditions above set forth. If the designation of a warehouse as regular shall be revoked by the Board, the Board shall announce such revocation on the bulletin board and also the period of time, if any, during which the receipts issued by such house shall thereafter be deliverable in satisfaction of futures contracts under the Rules and Regulations.

XX85.01 *Application for Declaration of Regularity*—All applications by operators of warehouses for a declaration of regularity under Regulation XX81.01 of this Chapter shall be on the following form:

In conjunction with the proposed futures contract, the Exchange also submits the following rule changes:

Regulation 1008.01—Trading Limits

Regulation XX08.01—*Trading Limits* of the proposed Medium-Staple Cotton futures contract refers to existing Regulation 1008.01 in which trading and variable limits for Chicago Board of Trade commodity future markets are specified. The following two additions to Regulation 1008.01 will provide trading limits and a definition of the crop year for variable limits for the Medium-Staple Cotton futures contract. These two additions should be reviewed along with the Medium-Staple Cotton futures contract and we request that they be approved to become effective when the Exchange receives designation as a contract market for Medium-Staple Cotton.

—Amend Regulation 1008.01—Trading Limits by inserting: Medium-Staple Cotton, 2 cents per pound; (3)—$1,000 ($1500)

—Amend Regulation 1008.01(E) by inserting: Medium-Staple Cotton. All contract months from August through July with at least two open contract months.

* * * * *

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitted written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [sixty days after publication]. Such comment letters will be publicly available except to the

extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 19, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-15415 Filed 5-21-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tuesday, June 16, 1981 from 8:30 a.m. to 5:00 p.m. and Wednesday, June 17, 1981 from 8:30 a.m. to 2:00 p.m. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION, CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street, N.W., Washington, D.C. 20207, (202) 634-7700.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is a nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was created on November 10, 1978, under the authority of Section 10 of the 1978 CPSC Authorization Act (Pub. L. 95-631).

The Toxicological Advisory Board will continue its review of the CPSC Labeling Guide on June 16 and 17, 1981. The Board will be reviewing caustic chemical substances as well as some chemicals previously deferred for review because of significant potential for systemic toxicity. On Wednesday, June 17, representatives from the Environmental Protection Agency will discuss EPA's labeling governing pesticide products.

For a complete list of topics to be discussed or for information on the schedule, please call the number listed above.

The two-day meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Toxicological Advisory Board should notify the Office of the Secretary (see address above) by Friday, June 5, 1981.

The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the appropriate time requested. Time permitting, these presentations and other statements from the audience to members of the Board may be allowed by the presiding officer. Requesters will be informed of the decision before the meeting.

Dated: May 19, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15440 Filed 5-21-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board
Date of Meeting: June 11-12, 1981
Time: 0900-1700 June 11; 0830-1400 June 12
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC

Proposed Agenda: NASA's Occupational Medicine and Environmental Health & Safety Information System, AFEB subcommittee reports, Army over 40 medical screen, Chemical Warfare, Schistosomiasis prophylaxis, review of the WHO policy on Post-Smallpox Eradication and Armed Forces Preventive Medicine Officers' reports.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455 Pentagon, Washington, DC 20310.

Dated: May 12, 1981.

Charles W. Halverson,

Capt., MSC, USN, Executive Secretary.

[FR Doc. 81-15373 Filed 5-21-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Designation of Off-Limits Area

AGENCY: Department of Energy.

ACTION: Designation of Rocky Flats Plant site as Off-Limits Area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy hereby designates the Rocky Flats Plant site an off-limits area in accordance with 10 CFR Part 860, making it a Federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Rocky Flats Plant site. If unauthorized entry into or upon the plant site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more that one year or both. If unauthorized entry into or upon the plant site is into area not enclosed by a fence, wall, roof, for other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States* v. *Jonathan Seward, et al.*, Nos. 79-1711 through 79-1728, 79-1745, 79-1749, 79-1750, 79-1754, 79-1757, 79-1777 through 79-1790, 79-1795, 79-1800, 79-1802 through 17-1804, 79-1809, 79-1811, 79-1812, 71-1815 through 79-1819, 79-1822, through 79-1835, 79-1848 through 79-1855, 79-1857, 79-1858, 79-1860, 79-1861, 79-1931, 79-1932, 79-1934, 79-1936 through 79-1945, and 79-2037, issued a decision invalidating eighty-six trespass convictions on the ground that the Department of Energy's designation of boundaries at the Rocky Flats Plant site published in the **Federal Register** on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, et seq. Pending any review of the decisions of the Court, the Department of Energy, in deference to the Court, is publishing this designation in accordance with the procedural requirements of 5 U.S.C. 551, et seq. and 42 U.S.C. et seq.

EFFECTIVE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: JoAnn Williams (202) 252-6975.

SUPPLEMENTARY INFORMATION: On February 18, the Department of Energy published in the **Federal Register** (46 FR 12775) a proposed designation of the Rocky Flats Site as an off-limits area. Interested persons were invited to submit written comments. No comments were received.

In accordance with section 501(c)(1) of the Department of Energy Organization

Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

DOE has determined that initial and final regulatory flexibility analyses required by Section 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations since they would not exert a significant economic impact on a substantial number of small entities.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply.

DOE has determined that these regulations are not "major rules" as defined in Section 1(b) of Executive Order 12291.

DOE has determined that these regulations are necessary to assure adequate protection of a vital national security facility and that "good cause" within the meaning of 5 U.S.C. 553(d)(3) exists, therefore, for making them effective upon publication.

The Department of Energy, pursuant to Section 299 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), hereby designates the Rocky Flats Plant Site as on off-limits area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4, into or upon the Rocky Flats Plant site of the Department of Energy, such site being the tracts of land located in Jefferson and in Boulder Counties, Colorado, the aforesaid tracts being more particularly described as follows:

1. A tract of land primarily in Jefferson County, Colorado, with a small tract of Boulder County, Colorado, being contained in part or all of Section 1 through 4 and 9 through 15, Township 2 South, Range 70 West, Jefferson County, and Section 35 Township 1 South, Range 70 West, Boulder County, being described more particularly as follows:

Beginning at the West ¼ corner of Section 15, Township 2 South, Range 6 West 6 PM, Jefferson County, thence South along the West line of the SW¼ of said Section 15 S. 00°12'53" E. for 2656.90 feet; Thence S. 89°56'47" E. for 2659.72 feet, Thence N. 89°27'20" E. for 2706.57 feet; Thence N. 89°57'26" E. for 5258.00 feet; Thence S. 89°45'01" E. for 2657.68 feet; Thence S. 89°29'40" E. for 2647.70 feet; Thence N. 00°19'16" W. for 2666.66 feet; Thence N. 00°17'51" W. for 2499.30 feet; Thence N. 89°26'47" E. for 50.00 feet; Thence N. 00°17'51" W. for 125.00 feet; Thence N. 00°20'43" W. for 2687.19 feet; Thence N. 00°03'12" E. for 2627.80 feet; Thence S. 89°41'19" W. for 66.50 feet; Thence N. 00°21'24" W. for 2629.19 feet; Thence N. 00°28'02" W. for 1210.57 feet; Thence along the Southerly right-of-way of Colorado State Highway 128 for a distance of 14,709.42 feet to a point on the north line of Section 3, a distance of 755.73 feet from the North ¼ corner of Section 3. Thence S. 89°34'50" W. for 1852.97 feet; Thence S. 89°58'03" W. for 2675.28 feet; Thence N. 89°56'23" W. for 1335.90 feet; Thence S. 00°31'12" E. for 2601.34 feet; Thence S. 00°41'29" E. for 2624.66 feet; Thence S. 00° for 02'15" E. for 5348.28 feet; Thence N. 88°26'46" E. for 1306.99 feet; Thence N. 88°27'16" E. for 2640.02 feet; Thence S. 00°12'41" E. for 2701.13 feet to point of beginning. The following parcel of land is excepted from the plant site:

Beginning at a point N. 89°02'53" E. 42.70 feet East of the Northeast corner of the SE¼ of Section 12, thence S. 00°33'54" W. for 585.15 feet; thence N. 89°26'06" W. for 50.00 feet to the true point of beginning of the excepted parcel; thence S. 88°02'53" W. for 70.00 feet. Thence S. 01°57'07" E. for 140.00 feet, thence N. 38°41'29" E. for 112.00 feet, thence N. 00°26'58" W. for 55.00 feet to point of beginning.

2. A perpetual and assignable easement and right-of-way for the location, construction, operation, maintenance, and patrol of an access road in, on, over, and across the land described below, including, but not limited to the right to enclose the land with a fence and the right to construct and maintain on said land a guard house or station house:

A tract of land in Section 9, Township 2 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado, which adjoins the Plant and which is described as follows:

Beginning at the SW corner of Section 9, proceed N. 00°03'26" W. for 200.00 feet; thence N. 88°26'46" E. for 1306.99 feet; thence S. 00°02'15" E. for 200.00 feet; thence S. 88°26'46" W. for 1306.99 feet to point of beginning.

3. Three perpetual and assignable easements and rights-of-way (referred to hereinafter as Tract 14–E, Tract 12–E, and Tract 6–E) in, on, over, and across the lands described below, for the location, construction, operation, and maintenance of a water pipeline and a railroad spur track, subject to easements and rights of way reserved:

a. Tract 14–E is a tract of land which adjoins both the Plant and Tract 12–E and is described more particularly as follows:

A tract of land 100 feet in width, situated in Section 16, Township 2, South Range 70 West of the 6th Principal Meridian, Jefferson County, Colorado, being more particularly described as follows: Beginning at a point on the South line of said Section 16, said point being North 89°30' East, 1236.70 feet from the Southwest corner of said Section 16; thence, from said point of beginning, North 03°42' East, 455.40 feet; thence along a 00°59'28" curve to the right, 353.14 feet; thence North 07°12' East, 2514.30 feet; thence along a 06°19'54" curve to the left, 194.26 feet; thence North 05°06' West, 771.30 feet; thence along a 07°28'40" curve to the right, 1138.71 feet; thence North 80°03' East, 1813.20 feet; to a point on the North line of said Section 16, said point being South 88°13'30" West 1256.10 feet from the Northeast corner of said Section 16; thence North 88°13'30" East, along the North line of said Section 16, 703.30 feet; thence South 80°03' West, 2509.30 feet; thence along an 8°36'04" curve to the left, 969.99 feet; thence South 05°06' East, 771.30 feet; thence along a 05°42'04" curve to the right, 215.75 feet; thence South 07°12' West, 2514.30 feet; thence along a 01°00'32" curve to the left, 346.92 feet; thence South 03°42' West, 448.00 feet, to the South line of said Section 16; thence South 89°30' West, along the South line of said Section 16, 100.30 feet to the point of beginning.

b. Tract 12–E is a tract of land which adjoins both Tract 14–E and Tract 6–E and which is described more particularly as follows:

A strip of land 100 feet in width situated in the N½ MW¼ and the SW¼ NW¼ of Section 21, T.2 S., R. 70 W., Sixth Principal Meridian, Jefferson County, Colorado, said strip being more particularly described as follows:

Beginning at a point on the South line of the SW¼ NW¼ of Section 21 T.2 S., R.70 W., Sixth Principal Meridian, Jefferson County, Colorado, which bears North 89°22'10" East, 1050.1 feet from the West 1/4 corner of said section 21; thence North 03°42' East, 2661.40 feet to a point on the North line of said Section 21, which point bears North 89°30' East 1236.7 feet from the NW corner of said Section 21; thence North 89°30' East along said North line of Section 21 a distance of 100.30 feet; thence South 03°42' West, 266120 feet to a point on the South line of the SW¼ NW¼ of said Section 21; thence South 89°22'10" West, 100.30 feet to the point of beginning.

c. Tract 6–E is a tract of land, which adjoins both Tract 12–E and the Denver & Rio Grande Western Railroad main line and is described more particularly as follows:

A tract of land situated in the North Half of the Southeast Quarter of Section 20 and the Northwest Quarter of the southwest Quarter of Section 21, Township 2 South, Range 70 West of the Sixth Principal Meridian, Jefferson County, Colorado, more particularly described as follows: Beginning at a point on the West line of said Section which bears South 00°25' East, 823.10 feet from the West quarter-corner of said Section; thence South 82°53' East 28.70 feet; thence Northeasterly along curve to the left, tangent to the last recited course and having a radius of 905.37 feet, for a distance of 1474.40 feet to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 21 which bears North 89°22'10" East, 1050.10 feet from the West quarter-corner of said Section

21; thence North 89°22'10" East, along the North line of the Northwest Quarter of the Southwest Quarter of said Section 21, 100.30 feet; thence South 03°42' West, 5.80 feet; thence Southwesterly along a curve to the right, tangent to the last recited course and having a radius of 1005.37 feet, for a distance of 1490.00 feet to a point on the North right-of-way line of the main line tract of the Denver & Rio Grande Western Railroad Company; thence Northwesterly, along the said North right-of-way line, 1687.00 feet; thence North 89°59' East, 393.00 feet; thence Easterly along a curve to the right, tangent to the last recited course and having a radius of 1482.69 feet and a central angle of 07°08', for a distance of 184.50 feet; thence South 82°53' East, 935.30 feet to the point of beginning.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 will be posted at all entrances of all said tracts and at intervals along its perimeters as provided in 10 CFR 860.6.

Dated at Washington, D.C., this 10th day of April 1981.

James W. Culpepper,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81-15292 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

B. A. Wales; 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) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn.: John Marks, Office of Enforcment, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On Novembr 26, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with B. A. Wales d/b/a/ J & C Drilling Company, (BAW) of Corpus Christi, Texas on July 25, 1979, 44 FR 67496 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by BAW pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, BAW is refunding the sum of $350,000 by certified checks made payable to the United States Department of Energy in eight quarterly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the ERA:

Defense Logistics Agency
Tesoro Petroleum Corporation

ACTION TAKEN: The ERA is unable to identify readily the persons entitled to receive the $350,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 18th day of May 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15287 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Curtis Hankamer; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 1, 1981.

COMMENTS BY: On or before June 22, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Curtis Hankamer of Houston, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution. Because the DOE and Curtis Hankamer wish to expeditiously resolve this matter as agreed and 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 Curtis Hankamer effective as of the date of its execution by the DOE and Hankamer.

I. The Consent Order

Curtis Hankamer is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Hankamer the Office of Enforcement, ERA and Hankamer entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Hankamer allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Hankamer and the DOE have agreed to a settlement of $410,000. This amount will be refunded by Hankamer on or before June 1, 1981. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Hankamer.

3. This Consent Order constitutes neither an admission by Hankamer that ERA regulations have been violated nor a finding by the ERA that Hankamer has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Hankamer agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $410,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such a payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

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 being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Curtis Hankamer Consent Order". We will consider all comments we receive by 4:30 p.m., local time, June 22, 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 Dallas, Texas on the 14th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-15288 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Perry Gas Processors, Inc.; 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) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653-3541.

SUPPLEMENTARY INFORMATION: On September 11, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Perry Gas Processors, Inc. (PGP) of Odessa, Texas on August 13, 1979, 44 FR 52863 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Perry pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, Perry refunded the sum of $38,000 by certified check made payable to the United States Department of Energy dated September 12, 1979. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Tesoro Petroleum Corporation.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the $38,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of May 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15289 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Worldwide Energy Corp.; 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) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, NW., Room 5204, Washington, D.C. 20461 (202) 653-3541.

SUPPLEMENTARY INFORMATION: On March 21, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Worldwide Energy Corporation (Worldwide) of Denver, Colorado on February 26, 1980, 45 FR 18430 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Worldwide pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, Worldwide refunded the sum of $49,400 by certified check made payable to the United States Department of Energy within 30 days of the effective date of the Consent Order. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no claims to the refunds.

ACTION TAKEN: The ERA is unable to identify readily the persons entitled to receive the $49,400 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of May, 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-15280 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-314-000]

Clay Basin Storage Co.; Application

May 15, 1981.

Take notice that on May 1, 1981, Clay Basin Storage Company (Applicant), 100 Broadway, New York City, New York 10005, filed in Docket No. CP81-314-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas for resale and the exchange of natural gas for the implementation of the proposed extended Clay Basin Interim Storage Arrangements through October 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests a limited term certificate authorizing: (1) the continued sale of natural gas to certain of EL Paso Natural Gas Company's (El Paso) east-of-California (EOC) distributor customers, Arizona Public Service Company (APS), Southern Union Company (Southern Union) and Southwest Gas Corporation (Southwest), (2) the continued sale of natural gas from time to time to El Paso for use by El Paso to replace compressor fuel usage and lost or unaccounted for volumes in the physical transportation of Applicant's gas through El Paso's interstate pipeline facilities, (3) the continued utilization of the Clay Basin Arrangements to store a portion of the payback gas entitled to Southwest under Opinion No. 800-B, and (4) the continued exchange of Applicant's gas stored in the Clay Basin storage field for equivalent quantities to be delivered by Northwest Pipeline Corporation (Northwest) to El Paso in the San Juan Basin area for Applicant's account.

Applicant states that in Docket No. RP72-6, *et al.*, it was authorized to (1) sell natural gas to the El Paso EOC distributor customers, (2) sell natural gas from time to time to El Paso for use in replacing compressor fuel usage and lost or unaccounted for gas volumes associated with the physical transportation of Applicant's natural gas through El Paso's interstate pipeline facilities, and (3) effectuate the exchange of natural gas stored for its account by Mountain Fuel Resources, Inc. (Resources) in Resources' Clay Basin storage field in Daggett County, Utah, for equivalent quantities delivered by Northwest to El Paso in the San Juan Basin area for Applicant's account, all for a period through September 30, 1981.

Applicant indicates that it, El Paso, the EOC distributor customers, Northwest, Mountain Fuel Suply Company (Mountain Fuel), and Resources have agreed to an extension of the Clay Basin Arrangements whereby protection can continue to be afforded to the Priority 1 and 2 requirements of certain of El Paso's EOC customers and, further, whereby the quantities of Opinion No. 800-B payback gas may continue to be preserved for Southwest through October 31, 1982. It is shown that as of May 1, 1981, Applicant's natural gas inventory stored in the Clay Basin storage field is approximately 19,288,715 Mcf, of which 1,760,970 Mcf is attributable to Southwest's remaining Opinion No. 800-B payback gas and the balance, 17,527,745 Mcf, is attributable to volumes preserved for the protection of El Paso's EOC Priority 1 and 2 requirements. Applicant has been advised by El Paso that the volumes currently in place in the Clay Basin storage field are projected to be in excess of the forecasted deficiency in supply to serve fully its EOC category B customers' Priority 1 and 2 requirements during the 1981-82 winter season. Therefore, El Paso does not at this time anticipate making additional quantities of natural gas available for purchase by Applicant for storage in the Clay Basin storage field. Accordingly, the amendments to the presently authorized Clay Basin Arrangements required to extend such arrangements would primarily provide for (1) the continued transportation and sale of the volumes currently stored in the Clay Basin storage field and (2) the disposition of any volumes of natural gas which may be remaining in such after the 1981-82 winter season.

Applicant states that as compensation for the storage service under the proposed extended Clay Basin Arrangements, Resources would charge Applicant a monthly rate through April 30, 1982, comprised of (1) a commodity charge of $0.0100 for each Mcf of natural gas withdrawn from the Clay Basin storage field by Resources and delivered to Northwest for the account of Applicant during each billing month, (2) a demand charge equal to Applicant's proportionate share of Resources' monthly cost-of-service to be calculated in accordance with paragraph V-2(b) of the Clay Basin interim storage service Rate Schedule S-2, as amended, and (3) a pass-through charge equal to Applicant's proportionate share of Northwest's carrying costs applicable to the cushion gas owned by Northwest and used by Applicant to support its working gas volumes in the Clay Basin storage field, to be calculated in accordance with paragraph V-2(c) of the Clay Basin interim storage service Rate Schedule S-2, as amended. Resources would not bill Applicant after April 30, 1982. It is indicated that all charges applicable to the services rendered by Northwest and Resources for Applicant and, in addition, all other charges

incurred by Applicant as a result of its participation in the extended Clay Basin Arrangements, would continue to be billed to El Paso each month in accordance with the provisions of article VI, Section 6.2 of the interim storage agreement, as amended. Further, Applicant states that such extended arrangements contemplate that the holding of natural gas inventories by Applicant would be financed primarily, as in the past, by use of existing working capital and/or by borrowing under the credit agreement of July 6, 1977, as amended between Applicant and The Chase Manhattan Bank (N.A.). Additionally, Applicant states that as part of the negotiated extension of the Clay Basin Arrangements, the costs associated with the operation of the Clay Basin storage field would now be shared three ways among Applicant, Northwest and Resources.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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 Section 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. 81-15328 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-517]

Connecticut Light & Power Co.; Filing

May 15, 1981.

Take notice that on May 5, 1981, Connecticut Light & Power Company submitted for filing a compliance filing pursuant to Commission Opinion Nos. 114 and 114-A issued February 19, 1981 and April 20, 1981, in the above-referenced proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this submittal are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15329 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-38-000]

Gleason Works; Application Treated as a Request for Adjustment Under the NGPA

May 15, 1981.

Take notice that on January 28, 1981, Gleason Works, Machine Division, 100 University Avenue, Rochester, New York 14692 (Applicant) submitted a letter to Federal Energy Regulatory Commission (Commission) concerning certain incremental pricing surcharges applicable to its boiler fuel use of natural gas. In response to the Commission staff inquiry in connection with this matter, Applicant submitted a second letter dated April 7, 1981.

In this correspondence Applicant states that it would qualify for a small boiler exemption from incremental pricing but for the fact that its boiler fuel use of natural gas during the billing period October 16-November 17, 1980, exceeded the 300 Mcf per day cutoff. Applicant notes that its gas usage during this period was abnormally high due to the temporary inoperability of its coal-fired boilers, and that the facility's gas usage during all other months of operation to date has not exceeded an average of 300 Mcf per day. Applicant requests that it be considered a small boiler facility eligible for exemption from incremental pricing.

Applicant's letters shall be treated as an application for an adjustment from the provisions of 18 CFR 282.203(b), which section governs exemptions for certain small boiler fuel facilities under section 206(d) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41(e). All petitions to intervene must be filed on or before June 8, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15330 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-457-000]

Louisiana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that on May 12, 1981, Louisiana Power & Light Company (LP&L) tendered for filing an unexecuted Electric System Interconnection Agreement dated May 12, 1981 with the City of Winnfield, Louisiana (City) which provides service schedules for Emergency Service, Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FERC Docket No. ER76-162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket No. ER76-868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76-867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77-405 with the Town of Jonesboro (Rate Schedule FERC No. 59), in Docket No. ER77-404 with the City of Monroe (Rate Schedule FERC No. 60), in Docket No. ER79-366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective may 15, 1981, the date of expiration of FERC Rate Schedule No. 26, and that the notice requirements of the Regulations be waived as to this filing.

LP&L stated that a copy of this filing was mailed to the City of Winnfield, Louisiana and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 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. 81-15331 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-5]

Minnesota Power & Light Co.; Filing

May 15, 1981.

Take notice that on May 8, 1981, Minnesota Power & Light Company submitted for filing revised rate schedules pursuant to Commission Opinion Nos. 112 and 112-A, issued February 19, 1981 and April 22, 1981.

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 June 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of revised rate schedules are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15332 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-21]

Missouri Utilities Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that on May 1, 1981, Missouri Utilities Company (Missouri) submitted for filing copies of the City of California wholesale electric rate, together with the necessary supporting documentation. Said filing is being submitted in compliance with the Commission's letter order, and pursuant to provisions of the Commission's March 27, 1981 Order Remanding Price Squeeze Issue To Administrative Law Judge in Docket No. ER77-614.

A copy of this filing has been served upon the affected regulatory commissions, and upon the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 8, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15333 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-458-000]

Montana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that Montana Power & Light Company (Montana) on May 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with Puget Sound Power & Light Company (Puget). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $535,360.10, based upon energy delivered from February 28, 1980, through April 30, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of February 28, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Puget. Montana states that the agreement has expired on its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 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. 81-15334 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-459-000]

Montana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that Montana Power & Light Company (Montana) on May 12, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Washington Water Power Company (Washington). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Washington.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,578,391.50, based upon energy delivered from September 3, 1980 through December 30, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Washington. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Reulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 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. 81-15335 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1955-000]

Philip G. Mulligan; Filing

May 15, 1981.

The filing individual submits the following:

Take notice that on May 4, 1981, Philip G. Mulligan filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Philadelphia Electric Company
Director, Philadelphia Electric Power Company
Director, Susquehanna Power Company
Director, Susquehanna Electric Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 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. 81-15336 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

Western Area Power Administration

Parker-Davis Project; Order Confirming and Approving an Extension of Power and Transmission Rates on an Interim Basis

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of an extension of power and transmission rates on an interim basis—Parker-Davis Project.

SUMMARY: Notice is given of Rate Order No. WAPA-6 of the Assistant Secretary for Conservation and Renewable Energy extending wholesale power and transmission service rates on an interim basis for power marketed by the Western Area Power Administration (Western) from the Parker-Davis Project, Arizona, California, and Nevada.

ADDRESS: For futher information contact:

Mr. Robert A. Olsen, Area Manager, Boulder City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 200 Boulder City, NV 89005, (702) 293-8115;

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1535;

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633-8338

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, delegation Order No. 0244-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued on May 15, 1980, Rate Order No. WAPA-3 (45 FR 34046, May 21, 1980) confirming and approving on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1980, Rate Schedules PD-F1, PD-T1, PD-T2, and PD-T3 for wholesale power and transmission service marketed by Western from the Parker-Davis Project. The rates are to remain in effect for a period of 12 months unless the period is extended or until the FERC confirms and aproves them, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on May 15, 1980.

The FERC has not yet acted on the rates. The purpose of Rate Order No. WAPA-6 is to extend the power and transmission rates for another 12 months (through June 30, 1982) unless further extended or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, D.C., May 14, 1981.

Frank De George,

Acting Assistant Secretary, Conservation and Renewable Energy.

In the matter of: Western Area Power Administration—Parker-Davis Project Power Rates, Rate Order No. WAPA-6.

Order Confirming and Approving an Extension of Power and Transmission Rates on an Interim Basis

May 14, 1981.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Parker-Davis Project, for the Water and Power Resources Service (formerly the Bureau of Reclamation) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, delegation Order No. 0244-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Pursuant to Delegation Order No. 0204-33, on May 15, 1980, the Assistant Secretary for Resource Applications issued Rate Order No. WAPA-3 (45 FR 34046, May 21, 1980) confirming and approving on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1980, Rate Schedules PD-F1, PD-T1, PD-T2, and

PD–T3 for wholesale power and transmission service marketed by the Western Area Power Administration's (Western) Parker-Davis Project. The rate order stated that the rates "* * * shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves these or substitute rates, on a final basis, whichever occurs first." The rate schedules were submitted to the FERC for confirmation and approval on a final basis by the Assistant Secretary for Resource Applications' letter of May 15, 1980.

Discussion

In as much as the FERC is not expected to complete its confirmation and approval of the Parker-Davis Project power and transmission rates by June 30, 1981, a further extension of the interim rates is necessary.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1981, an extension of existing Rate Schedule PD–F1, PD–T1, PD–T2, and PD–T3. These rates shall remain in effect through June 30, 1982, unless extended, or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, D.C., May 14, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

Rate Schedule PD–F1

(Supersedes Rate Schedule LC–F2), Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Wholesale Firm Power Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To wholesale power customers for general electric service supplied through one meter at one point of delivery.

Character and Conditions of Service:

Three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Monthly Rate:

CAPACITY CHARGE: $1.82 per kilowatt of billing demand.

ENERGY CHARGE: 4.15 mills per kilowatthour for each kilowatthour scheduled and/or delivered, not to exceed the delivery obligation under the electric service contract.

BILLING DEMAND: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Billing for Unauthorized Overruns:

For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rates.

Adustments:

For transformer Losses:

If delivery is made at transmission voltage but metered on the low-voltage side of the transformer, the meter readings will be increased two (2) percent to compensate for transformer losses.

For Power Factor:

None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

Rate Schedule PD-T1—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Firm Transmission Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To firm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission service for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: $6.80 per kilowatt per year for each kilowatt contracted for at the point of delivery as specified in the service contract; payable monthly at the rate of $0.567 per kilowatt.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovolt-amperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

Rate Schedule PD–T2—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Transmission Service of Colorado River Storage Project (CRSP) Power and Energy

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To Colorado River Storage Project (CRSP) Southern Division customers where such power and energy are supplied to the Parker-Davis system by CRSP at points of interconnection with the CRSP system and for transmission and delivery, less losses, to Southern Division customers at points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission capacity for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: $3.67 per kilowatt of the maximum allowable rate of delivery made available at each point of delivery during each season as specified in the service contract, payable monthly at the rate of $0.612 per kilowatt.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

Rate Schedule PD–T3—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Nonfirm Transmission Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To nonfirm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered subject to the availability of transmission capacity, less losses, to points of delivery on th Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission service on an intermittent basis for three-phase alternating current at

sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: 1.3 mills per kilowatthour for each kilowatthour scheduled; payable monthly.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[FR Doc. 81-15291 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30192A; PH-FRL-1834-4]

Abbott Laboratories; Approval of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Abbott Laboratories, Chemical and Agricultural Products Division, has received approval of an application to conditionally register the pesticide product DEVINE™, containing 0.8 percent of the new active ingredient 3.2×10^8 Live Chlamydospores of *Phytophthora palmivora* MWV per pint.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm.412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 18, 1980 (45 FR 76242) that Abbott Laboratories, Chemical and Agricultural Products Div., 14th and Sheridan Rd., Chicago, IL 60064, had submitted an application to conditionally register the pesticide product DEVINE™, which contains 0.8 percent of the active ingredient 3.2×10^8 Live Chlamydospores of *Phytophthora palmivora* MWV per pint. The application proposed that the mycoherbicide be registered for general use to control *Morrenia odorata*, strangler or milkweed vine in citrus groves.

This application was approved March 25, 1981 and the product was assigned EPA registration No. 275-39.

A copy of the label and list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Rm. EB-35, 202-426-8850 in accordance with section 3(c)(2) of FIFRA. Request for data must be made in accordance with the provisions of Freedom of Information Act and must be addressed to the Freedom Information Office (A-101), 401 M St., SW., Washington, D.C. 20460.

Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136))

Dated: May 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15363 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50478A; PH-FRL-1833-1]

Abbott Laboratories; Extension of Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Abbott Laboratories has been issued an extension of an experimental use permit. Such permits are in accordance with, and subject to, the procedural requirements of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 9, 1980 (45 FR 30684) that Abbott Laboratories, Chicago, IL 60064, has been issued an experimental use permit (275-EUP-23) for use of 1,000 pounds of the insecticide *Bacillus thuringiensis* Berliner, var *israelensis* 4.5×10^9 IU/lb on intermittently flooded pastures, irrigation ditches, sewage lagoons, rice paddies, roadside ditches, natural marshes, estuarine areas, and running streams to evaluate control of mosquito larvae and blackfly larvae.

The program was authorized only in the States of Alabama, Arkansas, California, Delware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

Abbott Laboratories submitted an amendment to the EUP along with a request for an extension.

The experimental use permit is extended for use of 3,700 pounds of the insecticide *Bacillus thuringiensis* Berliner, var *israelensis* 4.5×10^9 IU/lb on intermittently flooded pastures, irrigation ditches, sewage lagoons, rice paddies, roadside ditches, natural marshes, estuarine areas, and running streams to evaluate control of mosquito larvae and blackfly larvae. A total of 1,850 acres are now involved. The program is authorized in the additional States of Arizona, Colorado, Connecticut, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wisconsin. This experimental use program is effective from April 4, 1981 to April 4, 1982.

Persons wishing to review this experimental use permit are referred to the product manager. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15366 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 7G1998/T296; PH-FRL-1835-5]

Abbott Laboratories; Renewal of Temporary Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been renewed for residues of mycocaracide *Hirsutella thompsonii* on citrus fruits and small fruits.

DATE: This temporary exemption from the requirement of a tolerance expires March 9, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 22, 1980 (45 FR 27005), that a temporary exemption from the requirement of a tolerance had been renewed for residues of the mycocaracide *Hirsutella thompsonii* on citrus fruits and small fruits. This exemption (PP 7G1998) was requested by Abbott Laboratories, Chemicals & Agricultural Products Div., North Chicago, IL 60064.

Abbott Laboratories has requested a renewal of the temporary exemption from the requirement of a tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (275-EUP-20) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary exemption will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Abbott Laboratories will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires March 9, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15370 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 8G2129/T289; PH-FRL-1834-2]

Bendiocarb; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been renewed for residues of insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate), and its metabolites (2,2-dimethyl-1,3-benzodioxol-4-ol), and *N*-hydroxymethyl bendiocarb in or on the raw agricultural commodities corn (grain, fodder, and forage) at 0.05 part per million (ppm), in milk at 0.05 ppm, in fat, meat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm, in kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm and in eggs at 0.05 ppm.

DATE: These temporary tolerances expire January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of July 25, 1980 (45 FR 49671) that temporary tolerances had been established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol) and its metabolites 2,2-dimethyl-1,3- benzodioxol and *N*-hydroxymethyl bendiocarb in or on the following raw agricultural commodities: corn (grain, fodder, forage) at 0.05 ppm; milk, eggs, and the meat, fat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm, in kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm.

Fisons Inc., has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (10065-EUP-14) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material has been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Fisons Inc., will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire January 27, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 1291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: April 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 15365 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51260; TSH-FRL-1833-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA)..

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-187, June 14, 1981.
PMN 81-189, June 21, 1981.
PMN 81-191, June 16, 1981.
PMN 81-200 and 81-201, June 23, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN number	Notice manager	Telephone	Room number
81-187, 81-200 and 81-201	George Bagley.	(202-426-2601)	E-210.
81-189	Kathleen Ehrenshergir.	(202-755-1150)	E-335.
81-191	Mary Cushmac.	(202-382-2277)	E-229.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were publised in the **Federal Register** of May 15, 1979 (44 FR 28558—nitial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES",

submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51260]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 14, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-187

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cycloaliphatic polyester modified with a polyether glycol.

Use. The manufacturer states that the PMN substance will be used by processors to produce formed articles for use by commercial or individual consumers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>190°C.
Solubilities:
Form—Solid pellets.
Density—1.12.
Water—<0.1.
Octanol—<0.1.

Environmental Test Data. The manufacturer states that the chemical oxygen demand (COD) test showed incomplete digestion (1.6 g/g). Secondary waste treatment compatibility study in a saturated solution of less than 1 ppm (assumed concentration) showed no effects on the microbiological carbon metabolism. A study to determine the acute effects on five aquatic species in a saturated solution of less than 1 ppm (total organic carbon concentration) showed no effects on the give aquatic species.

Toxicity Data

Acute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—No exacerbation of the irritative response.
Skin sensitization potential—None.
Eye irritation—Slight.
Repeated 2-week feeding study (rats) of 1.0 and 0.1% in diet—Hematology: Normal. Clinical chemistry: Normal. Necropsy: Normal organ weights. Pathology: No gross or histopathologic changes due to compound were observed. Target organ: None identified.

Exposure. The submitter states that 32 manufacturing and processing workers could have skin and inhalation exposure to the new chemical for 7 to 8 hr/da, 10 to 100 da/yr, at a potential maximum concentration of 1 mg/m³.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the land or water, and negligible amounts will be released into the air. Any waste generated will be incinerated in an approved facility; flue gasses will be passed through a scrubber, and scrubber water and ash quench water will be discharged into a wastewater treatment system.

PMN 81-189

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated polyester.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to both chemical and nonchemical industry employees and to consumers as part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	601,000	800,000
2d year	800,000	1,000,000
3d year	1,000,000	1,204,500

Physical/Chemical Properties

Percent total solids—92.8.
Acid value—4.7.
Viscosity—310 cps.
Color value (Gardner)—2.
Flash point—230° F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at five sites, 152 manufacturing and processing workers will have potential skin and eye exposure to the new chemical for 4 to 6 hr/da, 4 to 154 da/yr, during filling of mixing equipment and shipment containers, sampling for quality control, filtering, and cleaning. At the site of a typical user, workers have potential skin and eye exposure.

Environmental Release/Disposal. The manufacturer states that at five sites, less than 100 kg/yr of the new chemical will be released into the air and water and up to 4,010 kg/yr into the land. Vapors are passed through a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land.

PMN 81-191

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 16, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Annual sales—In excess of $500,000,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Acrylic acid, bisphenol *A*-epichlorohydrin resin, ethyl, acrylate, methyl methacrylate, polyvinyl butyral resin, and styrene polymer.

Use. The manufacturer states that the PMN substance will be used in an industrial use as an intermediate in metal coating formulation.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	500	5,000
2d year	5,000	50,000
3d year	50,000	150,000

Physical/Chemical Properties

Neat polymer:
Molecular weight—100,000 wt. av. (by G.P.C.).
Viscosity—Semi-solid.
Solubility—Esters, ketones, glycol ethers, aromatics.
Aqueous solution of polymer:
Total nonvolatiles—34.5%.

Viscosity—150 cps.
Flash point—130° F.
Weight/gallon—8.7 lbs.
pH—7.2.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that five manufacturing, processing, and disposal workers could have skin exposure to the new chemical for 1 to 3 hr/da, 30 to 63 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during tank filling and filtering processes and while transferring the new substance. At a site not controlled by the submitter, three disposal workers could have skin exposure for 1 hr/da, 30 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during drum cleaning and reconditioning.

Environmental Release/Disposal. The manufacturer states that none of the PMN substance is anticipated to be released into the air and water and less than 10 kg/yr into the land. Filter cartridges and filter bags will be loaded in approved drums and removed to an approved landfill.

PMN 81-200

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstitutedbenzene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor component in an industrial formulation with minimal potential for human contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st Year	50	100
2d Year	100	300
3d Year	300	500

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
Octanol—<0.1%.
Melting point—Decomposes above 124° C.

Toxicity Data.

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Skin sensitization potential—Low.
Eye irritation—Slight.

Exposure. The submitter states that eight manufacturing and processing workers will have skin and inhalation exposure for 1 hr/da, 4 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during transfer and cleaning operations. A maximum of 100 industrial customers would have daily skin exposure.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and none into the land and water. Emissions vapors are passed through a scrubber; wastewater and combustible solid wastes are collected for incineration and eventual discharge into a wastewater treatment system.

PMN 81-201

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 23, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic name provided: Polymer of substituted acrylic acid derivative and substituted styrene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a very minor component in a commercial formulation with minimal potential for human exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	150	500
3d year	200	700

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
Octanol—<0.1%.
Glass transition temperature—138°C.

Environmental Test Data

Acute effects on six aquatic species—A test solution with a nominal concentration of 100 ppm showed no effects on the six species tested.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Skin sensitization potential—None.

Exposure. The submitter states that three manufacturing workers will have skin and inhalation exposure during transfer operations for 1.5 hr/da, 14 da/yr, at an average concentration of 1 to 10 mg/m³ and a peak concentration of 10 to 100 mg/³. Twelve processing workers will also have skin and inhalation exposure during transfer operations for 2 hr/da, 80 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 10 to 100 mg/m³. A maximum of 300 commercial consumers would have daily skin exposure.

Environmental Release/Disposal. The manufacturer states that there will be negligible amounts of the new substance released into the air and none into the land and water. Emissions vapors are passed through a scrubber; wastewater and combustible solid wastes are collected for incineration and eventual discharge into a wastewater treatment system.

[FR Doc. 81-15367 Filed 5-21-81; 8:45 am]
BILLING CODE 6560-31-M

[PP 4G1511/T311; PH-FRL-1834-3]

Collectotrichum Gloeosporioides; Renewal of Temporary Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance for residues of mycoherbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on rice and soybeans (when used as an herbicide to control northern jointvetch *Aeschynomene virginica)* and f. sp. *jusseaeae* to control winged waterprimrose *(Jussiaea decurrens)* in or on rice when used as a mycoherbicide.

DATE: This temporary exemption from the requirement of a tolerance expires October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 10, 1976 (41 FR 23435), that a temporary exemption from the requirement of a tolerance has been established for residues of the

mycoherbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on rice and soybeans and f. sp. *jusseaeae* in or on rice in reponse to pesticide petition (PP 4G1511). This temporary exemption from the requirement of a tolerance was requested by the University of Arkansas, Fayetteville, AR 72701.

The University of Arkansas has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (34487-EUP-1) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance exemption will protect the public health. Therefore, the temporary exemption is renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. The University of Arkansas will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The university will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires October 1, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption from a requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this petition indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (36 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15364 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50512A; PH-FRL-1835-4]

Elanco Products Co.; Extension of Experimental use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends an experimental use permit that published in the **Federal Register** or January 12, 1981 (45 FR 2715), for Elanco Products Co.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of January 12, 1981 (45 FR 2715) that Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, received an extension of an experimental use permit (1471-EUP-63). The experimental use permit allows the use of 1,343 gallons of the product containing the active ingredient ethalfluralin [*N-ethyl-N*-(2-methyl-2-propenyl)-2,-6-dinitro-4-(trifluoromethyl) benzenamine] on seed and pod vegetables, forage legumes, and peanuts to evaluate control of weeds. A total of 2,579 acres are involved. This program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and Utah.

The permit (1471-EUP-63) is amended to include the raw agricultural commodity growing cucurbits. A total of 1,003 acres are involved, and 557 gallons of the product will be used. The experimental use permit is effective from April 16, 1981, to April 16, 1982.

(Sec. 5, 92 Stat. 819, as amended; (7 U.S.C. 136))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15371 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-171A; PH-FRL-1834-5]

FMC Corp.; Filing of Feed Additive Petition; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a feed additive petition for the combined residues of the insecticide carbofuran in or on soybean soapstock, which appeared in the **Federal Register** of April 25, 1980 (45 FR 27984).

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7025).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 25, 1980 (45 FR 27984) that FMC Corp., 2000 Market St., Philadelphia, PA 19103 had submitted a feed additive petition proposing that 21 CFR Part 561 be amended by establishing a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate) and its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benxofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofurandiol in free fatty acids derived from the animal feed soybean soapstock at 6 ppm.

In the 3rd paragraph, 3rd line the petition number appeared in correctly as

"FAP OH5241", the number is corrected to read "FAP OH5297."

Dated: May 13, 1981.

Douglas D. Campt.

Director, Registration Division, Office of Pesticide Program.

[FR Doc. 81-15362 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-8-FRL 1831-7]

General National Pollutant Discharge Elimination System; Permit for Confined Animal Feeding Operations in South Dakota

AGENCY: Environmental Protection Agency (EPA), Region VIII.

ACTION: Notice of intent.

SUMMARY: Region VIII of the EPA is hereby giving notice of its tentative determination to issue a general National Pollutant Discharge Elimination System (NPDES) permit for certain confined animal feeding operations (feedlots) in the State of South Dakota. The general permit will establish effluent requirements, prohibitions, Best Management Practices (BMPs), and other conditions for wastewaters generated from these feedlots. The general feedlot permit will eventually replace essentially all individually-issued NPDES feedlot permits in the State of South Dakota.

DATE: Public comment on this proposal must be on or before June 22, 1981.

ADDRESS: Public comments should be sent to: Mr. Roger E. Frenette (8E-WE), Chief, Water and Hazardous Waste Enforcement Branch, Enforcement Division, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall Fischer, Region VIII, at the above-listed address or telephone (303) 837-4901 or FTS 327-4901. Copies of the proposed permit and Statement of Basis will be provided upon request.

SUPPLEMENTARY INFORMATION:

A. Background

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. Under EPA's regulations (40 CFR 122.59), EPA may issue a single, general permit to a category of point sources within the same geographic area if the regulated sources:

(1) Are involved in the same or substantially similar operation;

(2) Generate and discharge the same types of waste;

(3) Require the same permit effluent limitations and/or operating conditions;

(4) Require similar monitoring requirements; and,

(5) In the opinion of the Director of the NPDES permit program, are more appropriately controlled under a general permit than an individual permit.

As in the case of any individual permits issued under the NPDES program, violations of any condition of a general permit constitutes a violation of the CWA enforceable under Section 309 of the CWA.

Any owner or operator authorized by the general permit may be excluded from the general permit by applying for an individual permit. Criteria and procedures for such exclusion are published under 40 CFR 122.59(b) of the regulations and, therefore, need not be printed here.

B. South Dakota Feedlots

South Dakota is a non-NPDES State which means that EPA is the NPDES permit-issuing authority. EPA currently has approximately 85 individual feedlot NPDES permits issued within the State. Each of these permits currently contain (or would upon reissuance) the same prohibition against any discharge of process-generated water (including contaminated storm runoff) except in the event of a 25-year, 24-hour storm. The 25-year, 24-hour precipitation event is the U.S. Department of Agriculture, Soil Conservation Service's storm retention design criteria for BMPs for feedlots and is Regional Best Conventional Pollutant Control Technology (BCT).

The general permit's conditions are, therefore, no more restrictive than the individual permits it will replace. The general permit may be applicable to more facilities than had previously been covered under individual permits. However, since these newly-covered facilities are subject to statutory requirements, their coverage under the general permit does not subject them to any further responsibility under the CWA, but rather clarifies such responsibilities.

C. Economic Impact

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be *major* under that order. The proposed permit will:

(1) Result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.

(2) Clarify existing requirements which are currently in effect and support other existing State and Federal agency management requirements.

(3) Provide for a shift of Federal, State, and local agency resources from administrative activities to surveillance/assistance activities for the regulated sources.

Roger L. Williams,

Regional Administrator, Region VIII.

Subject: Environmental Protection Agency General National Pollutant Discharge Elimination System Permit for Confined Animal Feeding Operations in South Dakota

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the proposed general permit, when issued, will not have a significant impact on a substantial number of small entities. This action imposes no new requirements and streamlines the existing administrative burden on regulated sources.

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15369 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-00024; TSH-FRL-1834-8]

Interagency Toxic Substances Data Committee; Rescheduling of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The June 2, 1981 meeting of the Interagency Toxic Substances Data Committee has been rescheduled to a later date.

DATE: The meeting will be held on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Nan Fremont (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-755-8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public. The meetings are held in: Rm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., N.W., Washington, DC 20006.

The June meeting has been rescheduled to June 16, 1981. The next meeting of the Interagency Toxic Substances Data Committee will take place on August 4, 1981.

Dated: May 15, 1981.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 81-15361 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-31-M

[A-10-FRL-1835-1]

Longview Fibre Co.; Issuance of PSD Permit

Notice is hereby given that on April 27, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Longview Fibre Company for approval to modify the pulp and paper mill facilities at Longview, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations.

Under section 307(b)(1) of the Clean Air Act, judical review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

Dated: May 12, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-15372 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

[PP 8G2121/T297; PH-FRL-1833-5]

N-(2,6-Dimethylphenyl)-N-(Methoxacetyl) Alanine Methyl Ester; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been renewed for residues of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester in or on the raw agricultural commodity potatoes at 0.05 part per million (ppm).

DATE: This temporary tolerance expires January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 15, 1979 (44 FR 34692), that a temporary tolerance had been established for residues of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester in or on the raw agricultural commodity potatoes at 0.05 ppm. This tolerance was requested (PP 8G2121) by Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409.

Ciba-Geigy Corp. has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultrual commodity when treated in accordance with the experimental use permit (100-EUP-1) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance will be renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Ciba-Geigy Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on sefety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 20, 1983. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15369 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL-1835-8]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), EPA.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of May 11, 1981 to May 15, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 22, 1981 and will end on July 6, 1981. The 30-day review period for Final EISs' as calculated from May 22, 1981 will end on June 22, 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 EISs' 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: May 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Richland Creek Wilderness Study Area Designation, Ozark NF, Newton and Searcy Counties, Arkansas; the review period for this EIS has been extended until July 20, 1981 (EIS Order #810370)

FS: Revised Draft—Cheyenne Stage II Water Diversion Project, Medicine Bow NF, Albany and Carbon Counties, Wyoming; the review period for this EIS has been extended until July 10, 1981 (EIS Order #810372)

Army Corps of Engineers

Report—Mad Creek Local Flood Protection Project, Muscatine County, Iowa (EIS Order #810367)

Draft—Pinole Shoal and Mare Island Strait Deepening, Solano County, California (EIS Order #810371)

Draft—Geneve-On-The-Lake Small Boat Harbor, Ashtabula County, Ohio; the review period for this EIS has been extended until July 15, 1981 (EIS Order #810378)

Draft—State Road Coulee Flood Control Plan, LaCrosse County, Wisconsin (EIS Order #810380)

Final—Kikiaola Harbor Navigation Improvement, Kauai, Hawaii (EIS Order #810368)

Final—Aquatic Plant Control Program, South Carolina (EIS Order #810373)

Final—Westerly Creek Flood Protection, Denver and Arapahoe Counties, Colorado (EIS Order #810375)

Final—Mobile Harbor, Navigation Channel Enlargement, Mobile County, Alabama (EIS Order #810377)

Final—Yakima/Union Gap Flood Damage Reduction, Yakima County, Washington (EIS Order #810382)

Final—Maryland Coast and Assateague Island Beach Erosion, Maryland and Virginia (EIS Order #810383)

Department of Transportation

FHWA: Draft Supplement—I-15, Magnolia Avenue to CA-60, San Bernardino and Riverside Counties, California (EIS Order #810374)

Environmental Protection Agency

EPA1: Draft—Arlington Wastewater Treatment Facilities, Grant, Bennington County, Vermont (EIS Order #810381)

Department of Housing and Urban Development

104H: Draft—Greater Parlier Redevelopment Project, UDAG, Fresno County, California (EIS Order #810369)

Draft—Colorado Springs Metropolitan Areawide Study, El Paso County, Colorado (EIS Order #810379)

Nuclear Regulatory Commission

Final—San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California (EIS Order #810376)

[FR Doc. 81-15442 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1836-1]

Design and Construction of Wastewater Treatment Facilities, Town of Kingston, Plymouth County, Mass.; Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Impact Office, Region I, EPA.

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 indentified a need to prepare an EIS, and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Wood, Environmental Impact Office, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Room 2203, Boston, MA 02203; Telephone: (Commerical) 617-223-3190, (FTS) 8-223-3190.

SUMMARY:

1. Description of Proposed Action

The EPA action would be approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act (Pub. L. 95-217) for the design and construction of wastewater treatment facilities for the Town of Kingston, Plymouth County, Massachusetts. The EIS will be prepared concurrently with the facilities plan update, and all practicable alternatives will be considered.

2. Public and Private Participation in the EIS Process

A full-scale public participation program will be developed which will encourage participation by all interested Federal, State and local Agencies as well as interested private citizens and organizations.

3. Scoping

For the purpose of determining the concerns and interest of both private parties and public agencies, scoping meetings will be held, first for local interests, in Kingston, on Wednesday, May 27, 8:00 p.m. at the Faunce School. A second meeting, for State and Federal agencies, will be on May 28 at 2:00 p.m., in Room 307 at the JFK Federal Building, Boston. This process will assure that all signficant issues are addressed in either the Facility Plan or the EIS.

4. Timing

It is expected that the Draft EIS will be distributed for public review and comment in the Summer of 1982.

5. Requests for Copies of the Draft EIS

For inclusion on the distribution list for the Draft EIS and other related public notices, all parties may indicate their interest by submitting names and addresses to the project officer (above) or the Public Participation Coordinator at Kingston Town Hall.

Dated: May 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

[FR Doc. 81-15441 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

Procedures and Practices of Mobile Services Division; Public Meeting

May 13, 1981.

The Mobile Services Division (MSD), Common Carrier Bureau will hold a public meeting on Monday, June 22, 1981, in Room 856, 1919 M Street, NW, Washington, DC 20554, starting at 10:00 A.M. The purpose of the meeting is to afford members of the mobile services community an opportunity to discuss with Commission staff the Division's procedures and practices, particularly focusing on changes that have occurred during the past year.

The agenda for the meeting is outlined below.

I. Review of Changes During Preceding Year. Some examples are:
- —return of defective applications
- —limited basis for Special Temporary Authority
- —height/power waiver requests
- —requirement for traffic load studies

It should be kept in mind that some issues may not be open for discussion because the matter is restricted by the Commission's *Ex Parte* rules.

II. Status of Pending Rulemakings. Some examples are:
- —900 MHz paging, General Docket 80-183
- —35 MHz paging, CC 80-189
- —Review of Part 22 Rules, CC 80-57
- —Cellular, CC 79-318
- —Regulatory Policy and Procedures, CC 20870

III. Internal Procedures of the MSD

IV. Industry Recommendations for Elimination of Rules

V. Current Issues and Miscellaneous Items

VI. Further Periodic Meetings

We do not propose that other matters of substance be excluded from discussion. If members of the public intend to raise other matters, advance notice to John Buscemi would be appreciated. This will assist the staff in preparing in advance a complete answer to any questions. If there are further

questions, please call John Buscemi, (202) 632–6450.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-15313 Filed 5-21-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, June 4, 1981
Thursday, June 18, 1981
Thursday, June 25, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202–632–9710).

May 13, 1981.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 81-15315 Filed 5-21-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 639-DR]

Alabama; 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 State of Alabama (FEMA–639–DR), dated May 14, 1981, and related determinations.

DATED: May 14, 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 May 14, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms and flooding during May 5–6, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Alabama.

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 Pub. L. 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.

I expect State and local governments to undertake effective hazard mitigation activities with respect to this major disaster. Federal agencies will cooperate to the maximum extent possible by providing technical assistance.

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. Thomas P. Credle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Alabama to have been affected adversely by this declared major disaster:

Mobile County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance.)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-15337 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5

U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

June 23: 9:30 a.m.—Open
Conference Room 703A, Hubert H. Humphrey Building
200 Independence Avenue, SW., Washington, D.C. 20201
Contact: Mr. Lee Towle, Room 16C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2593

Purpose. The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) Evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate the efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda. The meeting will consist of a discussion of working group activities, Interagency Committee operations, and reports on agency activities.

Substantive program information may be obtained from the contact person listed above, Mr. Towle, who will also furnish, upon request, summaries of the meeting and a roster of Committee members.

Dated: May 19, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-15378 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Radiological Health and Safety Advisory Committee; Request for Nominations of Voting Members

AGENCY: The Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Technical Electronic Product Radiation Safety Committee (TEPRSSC). One vacancy will exist on September 1, 1981, and five additional vacancies will occur on December 31, 1981.

DATE: Nominations must be received by July 21, 1981.

ADDRESS: Nomination must be submitted to the Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Zory R. Glaser, Executive Secretary, TEPRSSC, at the address shown above, 301-443-3429.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services, and by delegation, the Commissioner of Food and Drugs, and the Director of the Bureau of Radiological Health, are charged with the administration of those portions of the Public Health Service Act that are designed to protect the public health from hazardous radiation emissions from electronic products.

The Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), established by the Secretary under section 358(f)(1)(A) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f (f)(1)(A)), which amended the Public Health Service Act, must be consulted before the Secretary prescribes any performance standard for electronic product radiation safety.

Nominations, Due Date, and Accompanying Information

All interested persons are invited to nominate qualified candidates for consideration as members of this Committee. Nominations must be received by July 21, 1981, and be accompanied by a curriculum vitae that states where the nominee may be contacted and provide detailed evidence of the nominee's qualifications, including current employment and professional affiliations. Nominations must also state that the person nominated is aware of the nomination, is interested in becoming involved in the effort, and appears to have no conflict of interest. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning financial holdings, consultancies, and research grants, or contracts, to permit evaluation of possible sources of conflict of interest.

FDA has a special interest in ensuring that women, minority groups, and the handicapped are adequately represented on advisory committees, and therefore extends particular encouragement for the nominations of appropriately qualified female, minority, and handicapped candidates. FDA also welcomes the nomination of technically qualified individuals to represent the consumer perspective on issues before the Committee.

Further information on requirements of eligibility for membership on the Committee is provided below, under the Committee description.

In a notice published in the **Federal Register** of February 27, 1979 (44 FR 11123), the Commissioner requested nominations of qualified persons to replace members of TEPRSSC whose terms expired in 1979. There were no vacancies in 1980. Eligible individuals nominated in response to that earlier **Federal Register** publication who did not receive committee appointments will be reconsidered for a period of 2 years after nomination, along with those newly nominated for the vacancies. The following are names and affiliations of the members of TEPRSSC, including those appointed as a result of the February 27, 1979, request for nominations.

Present members of TEPRSSC are (dates shown are December 31 of the year in which their appointments expire):

1. Public sector: Dr. Wende W. Logan (1983), Consultant in Radiology, Rochester, NY; Ms. Mary E. Moore (1983), Associate Radiological Physicist, Cooper Medical Center, Camden, NJ; Dr. Valerie A. Brookeman (1982), Professor, Radiology Department, University of Florida College of Medicine, Gainesville, FL; Dr. Edwin L. Carstensen (1981), Professor, Department of Electrical Engineering, University of Rochester, NY; and Mr. Kenneth R. Edwards (1981), Director, Skill Improvement Training, International Brotherhood of Electrical Workers, Washington, DC.

2. Industrial sector: Mr. Cazamer L. Crouch (1983), Director of Research, Illuminating Engineering Research Institute, New York, NY; Dr. William R. Ingles (1983), Director of Radiological Services, American Medical International, Inc., Beverly Hills CA; Mr. Howard W. Johnson (1982), Staff Vice President, Product Safety, RCA Corp., Cherry Hill, NJ; Mr. Gerald A. Richardson (1982), Technical Director, Irex Medical Systems Corp., Upper Saddle River, NJ; and Mr. Stanley D. Savic (1981), Director, Product Evaluation and Compliance, Zenith Radio Corp., Glenview, IL.

3. Government: Ms. Goldie B. Watkins (1983), Deputy Commissioner for Prevention and Special Health Programs, New York State Health Department, New York, NY; Mr. Charles M. Hardin (Chairperson), (1981), Executive Secretary, The Conference of Radiation Control Program Directors; Mr. Elmer H. Eisenhower (1981), Chief, Office of Radiation Measurement, Center for Radiation Research, National Bureau of Standards, Washington, DC; Mr. Gerald S. Parker (1982), Assistant

Commissioner, Department of Public Health, State of Massachusetts, Boston; and Colonel Thomas L. Pitchford, M.S.C., U.S.A., (1982), Radiological Hygiene Consultant, U.S. Army Health Services Command, Fort Sam Houston, San Antonio, TX.

Since its inception in 1969, TEPRSSC has provided valuable technical and scientific advice to the Bureau of Radiological Health, FDA, on the development of electronic product radiation safety performance standards. Thus far, regulatory performance standards have been issued under 21 CFR Chapter I, Subchapter J, for television receivers, cold cathode gas discharge tubes, microwave ovens, diagnostic x-ray systems and their major components, cabinet x-ray equipment (including x-ray baggage inspection devices for use at airports and similar facilities), laser products, sunlamp products (for skin-tanning purposes), high-intensity mercury vapor discharge lamps, and ultrasound therapy equipment. The Committee meets approximately once each year and occasionally also reviews documents transmitted by mail.

Under section 358(f) of the Radiation Control for Health and Safety Act of 1968, members will be appointed by the Commissioner after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety. Each member shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. As required by that act, the Committee is composed of 15 members selected as follows:

1. Five from governmental agencies, including State and Federal governments;

2. Five from the affected industry, after consultation with industry representatives; and

3. Five from the general public, one of which shall be a representative of organized labor. The representative of organized labor also must be technically qualified by education or experience in one or more fields of electronic product radiation safety.

Effective December 31, 1981, two members from industry, two members from the public sector, and one member from the governmental sector will complete their terms. In addition, one member from the governmental sector is planning to retire from the military, and will assume a position at a university. This individual also will be replaced.

Nominations are solicited of individuals qualified in electronic product radiation safety to fill these vacancies for a 4-year term. Nominations are invited from labor, industry, public, consumer, government, trade, and professional organizations, and should be submitted with accompanying curriculum vitae and other pertinent information.

Dated: May 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-15002 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Medicare Program; Ambulatory Surgical Centers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice and request for comment.

SUMMARY: HCFA is seeking specific information and suggestions for coverage and reimbursement under Medicare of certain surgical procedures that may be performed in ambulatory surgical centers. The information is needed to assist in the development of policies necessary to implement section 934 of the Omnibus Reconciliation Act (Pub. L. 96-499, December 5, 1980). That section, in part, provides new authority for payment under Medicare for procedures performed in these centers.

DATE: To assure consideration, comments should be received by June 22, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland, 21235.

In commenting, please refer to BPP-135-GN. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Donald Young, M.D. (Coverage) 301-594-9690;

Bernard Truffer (Reimbursement) 301-597-1369.

SUPPLEMENTARY INFORMATION:

Background

When reimbursement is made for surgical procedures performed in a hospital setting, whether furnished on an inpatient or outpatient basis, Medicare law currently permits hospital facility costs to be paid for in accordance with Medicare reasonable cost principles. The physician's professional services are reimbursed at 80 percent of the reasonable charge. However, Medicare law limits reimbursement for surgical procedures performed outside the hospital setting; that is, those performed in ambulatory surgical centers (ASCs) not affiliated with a hospital, or in physicians' offices. Coverage and reimbursement for services provided by the facility or the additional costs a physician incurs in staffing and maintaining an area appropriate for surgical procedures has not been permitted. Medicare, of course, pays 80 percent of the reasonable charge for physicians' services in these settings.

This limited reimbursement sometimes has resulted in patients being admitted to hospitals for surgery which may have been performed safely and less expensively in these other settings. A demonstration project conducted by HCFA indicated that (based on a proportional mix of surgical procedures performed in both ASCs and hospitals) the costs for surgical procedures performed in an ambulatory surgical setting were 55.3 percent less than when the procedures were performed on an inpatient basis and 18 percent less than when performed in a hospital outpatient setting.

Section 934 of the Omnibus Reconciliation Act (Pub. L. 96-499) amends Medicare law by authorizing reimbrusement for services provided by ASCs when a particular procedure is performed and by increasing reimbursement for physicians' professional services in some cases. The legislation also provides reimbursement for staffing and other costs for surgical procedures performed in physicians' offices; however, this notice does not address that part of the provision. We will consider that portion separately at a later date.

Legislation

Coverage. Section 934 amended section 1832(a)(2) of the Social Security Act to authorize Medicare coverage for facility services furnished in connection with certain surgical procedures performed in an ASC. The Secretary of

Health and Human Services must develop, in consultation with the National Professional Standards Review Council and national medical organizations, a list of those procedures that may be covered under this provision. The procedures on the list would be only those which are often performed on an inpatient basis but which can, consistent with accepted medical practice, be done on an outpatient basis in an ambulatory surgical facility. (We recognize, of course, that for individuals with certain medical conditions a procedure on the list may be safely performed only on an inpatient basis. In those cases we will pay for the surgery on an inpatient basis in the usual way.)

However, the list would not include procedures that have customarily been performed on an outpatient basis in locations that have less elaborate surgical facilities than those found in ambulatory surgical centers; for example, physicians' offices. Congress emphasized that services covered under this provision should be furnished where they can be done appropriately, safely, and less expensively.

Reimbursement. Section 934 of Pub. L. 96–499 distinguishes between payment for facility services furnished by an ASC and payment for physicians' professional services. For facility services furnished by an ASC in connection with a covered surgical procedure, Medicare will pay a prospectively determined overhead rate for each procedure that takes into account the costs incurred by ASCs generally in providing such services, and assure that the payment is substantially less than would have been paid had the procedure been performed on an inpatient basis in a hospital. The overhead amount may be adjusted by the secretary to take account of varying conditions such as geographic locality. The ASC must accept assignment of all Medicare claims; that is, accept Medicare's reimbursement as payment in full for services, as a condition of payment under this provision. Medicare payment will then be made at 100 percent of the overhead rate per procedure. For physicians' professional services, Medicare will pay 100 percent of the reasonable charge for a surgical procedure if the physician performing the procedure accepts assignment of the claim. If assignment is not accepted, the usual rules governing Medicare payments to the physician would prevail.

Request for Information

As indicated by the discussion above, this provision of the legislation grants the Secretary considerable flexibility regarding the types of surgical procedures that may be covered when performed in ASCs, and the rates that may be paid to ASCs for providing services in connection with those procedures. Because of this flexibility, we are requesting information and suggestions from interested persons or groups, professional organizations, specialty societies and surgical facilities to assist us in formulating appropriate policy that is both consistent with the intent of Congress and responsive to the concerns of the public and the health care facilities and practitioners involved.

With respect to the development of lists of covered surgical procedures, we would appreciate information and suggestions on the following:

1. Broad, generally accepted criteria for determining what surgical procedures, now done on an inpatient basis, may be safely performed in ambulatory surgical facilities.

2. Broad, generally accepted criteria for distinguishing those surgical procedures which may be performed in ASCs from those which may be performed in less elaborate surgical facilities.

3. Facility characteristics or capabilities necessary to perform such surgical procedures safely in an ambulatory surgical center (for example, full-scale operating room, recovery room, infection control).

4. Professional services necessary to perform such procedures safely in ambulatory surgical facilities (for example, anesthesia services, nursing services).

5. Specific surgical procedures now done on an inpatient basis which can safely be done in an ambulatory surgical facility.

In developing rates of payment to ASCs for covered surgical procedures, we would appreciate information and suggestions on the following:

1. Services that are included in an ASC's usual charge for a particular procedure. What services, if any, are billed at additional charges?

2. The most feasible mechanism to relate costs incurred by a facility to a particular procedure. Would operating room time, facility charges, or some other mechanism be appropriate for this purpose?

3. Provisions that are made for anesthesia. Is anesthesia provided by facility staff (anesthesiologist or nonphysician anesthetists) or under arrangements? How are such services billed? Are payments made by the facility to an anesthesiologist for "stand-by" coverage?

4. The manner in which third-party payors reimburse the ASC for facility services.

We also encourage ambulatory surgical facilities to submit copies of charge schedules and cost information (income and expense statements, tax returns or other documentation). We would like to use this information as background data in developing reimbursement rates because this provision of the legislation does not explicitly require an ongoing audit of individual financial records. In fact, the legislation amended section 1833 of the Social Security Act to provide that reimbursement should be on the basis of the Secretary's estimate of a fair fee which takes into account the costs incurred by such centers generally. Therefore, in considering how to estimate a fair cost-related fee for surgical overhead costs, we are seeking reliable cost information from potential participants.

We are allowing 30 days for response and will consider all comments in formulating our policy. We plan to issue regulations for implementing section 934 of the legislation as promptly as possible.

Dated: May 18, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-15336 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-35-M

National Institutes of Health

Advisory Committee to the Director, National Institutes of Health; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on June 8–9, 1981, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 8:30 a.m. to 5:30 p.m. on June 8, and from 8:30 a.m. to 12:30 p.m. on June 9, in Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public.

The meeting will be devoted to an examination of (1) costs of biomedical research, and (2) cooperative research relationships among Government, industry, and universities. The Committee has been examining these issues in meetings held over the past several months. Two working groups under the aegis of the Advisory Committee have been established to assist the Committee. In the area of biomedical research costs, presentations will be made on Federal procurement

and assistance concepts, the Federal Grants and Cooperative Agreement Act of 1977, and university profiles on indirect cost allocations. Presentations will also include an examination of various alternatives to the present system of allocating direct and indirect costs for research grants. The second part of the meeting will be devoted to Government-industry relationships with discussion of Federal agency patent policies and the policy issues for the NIH grants and contracts system posed by the implementation of the Patent and Trademark Law Amendments (Pub. L. 96-517).

The second day will focus on a case model of a biomedical research invention—hybridomas—and relevant policy issues pertaining to the allocation and use of patent rights in university settings and the impact of commingling Government and industry funds in university-based laboratories.

The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301-496-3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15294 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee on June 10-11, 1981, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on June 11, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on June 12 from 9:00 a.m. to approximately 12:00 noon in the 5th floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on June 10 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: June 10 from 11:00 a.m. to 5:00 p.m., June 11 from 8:30 a.m. to adjournment; and June 12 for the subcommittee meeting from 9:00 a.m. to 12:00 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301-496-4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15295 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, June 11-12, 1981, in the Lobby Room, the Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland. This meeting will be open to the public on June 11, 1981, from 8:30 a.m. until 4:00 p.m., and again on June 12, 1981, from 8:30 a.m. until adjournment, to review program plans, contract recompetitions and budget for the DCT program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 11, 1981, from 4:00 p.m. to 5:30 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A-06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Saul A. Schepartz, Acting Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20205 (301-496-4291) will furnish substantive program information.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15296 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, National Eye Institute; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 8 and 9, 1981, Building 31, Room 6A-35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 8 from 8:30 a.m. until approximately 2:30 p.m. for general remarks by the Institute's Scientific Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 8 from approximately 2:30 p.m. until adjournment and the entire day on June 9 for review, discussion, and evaluation of individual projects conducted by the Clinical Branch, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this

meeting is concerned with matters except from mandatory disclosure.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Substantive program information may be obtained from Dr. Jin Kinoshita, Scientific Director, National Eye Institute, Building 6, Room 222–A, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–3552).

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15297 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, National Institute of Child Health and Human Development; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, June 24, 1981, in Building 31, Room 2A–52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on June 24 for the review of the Child and Family Research Branch of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 3:00 p.m. to adjournment on June 24 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–2133, will furnish substantive program information.

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15298 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, June 22–23, 1981, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on June 22, from 8:30 a.m. to 11:00 a.m., to review administrative details and for a Mini-symposium on "The Role of Surgical Oncology in Cooperative Clinical Studies." Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 22, from 11:00 a.m. to 5:00 p.m., and on June 23 from 8:30 a.m. to adjourment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301–496–7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15299 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, July 13–14, 1981, Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on July 13, from 9 a.m. to 10 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 13, from 10 a.m. to 5 p.m., and on July 14, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. William R. Sanslone, Executive Secretary, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland (301/496–7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15300 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Clinical Cancer Education Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Education Committee, National Cancer Institute, June 10, 1981, Blair Building, Conference Room 1, 8300 Colesville Road, Silver Spring, Maryland 20910. This meeting will be open to the public on June 10, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the pubic will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 10, 1981, from 9:30 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Margaret H. Edwards, Executive Secretary, National Cancer Institute, Blair Building, Room 722, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8855) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15301 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clincial Trials Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 21–22, 1981, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008.

This meeting will be open to the public from 8:00 p.m. to 8:30 p.m. on June 21, 1981 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendence by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 p.m. to adjournment on June 21, 1981, and from 8:30 a.m. to adjournment on June 22, 1981 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15302 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Endocrinology Study Section and Microbial Physiology Study Section; Amended Notice of Meetings

Notice is hereby given of a change in the meeting location of the following National Institutes of Health Study Sections which were published in the **Federal Register** on May 1, 1981 (46 FR 24712).

The Endocrinology Study Section was to have met at the Linden Hill Hotel, Bethesda, MD, but will meet at the Holiday Inn, Chevy Chase, MD, on the same dates and times for which it was originally scheduled. The opening session will convene at 3:00 p.m., June 14, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 15, 1981, and June 16, 1981.

The Microbial Physiology Study Section was to have met at the Linden Hill Hotel, Bethesda, MD, but will meet at the Sheraton Potomac, Rockville, MD, on the same dates and times for which it was originally scheduled. The opening session will convene at 8:30 a.m., June 11, 1981. The subsequent scheduled meeting will be held at 8:30 a.m., on June 12, 1981.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15303 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, June 25–26, 1981 at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on June 25, 1981, to discuss policy matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on June 26 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of the meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary

of the General Research Support Review Committee, Building 31, Room 5B29, Bethesda, Maryland 20205, telephone (301) 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15304 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on June 23–24, 1981, in the Landow Building, Conference Room A, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 23, from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 23 from 10:30 a.m. to adjournment on June 24 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 6C03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15305 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on June 25–26, 1981, in Conference Room A Landow Building, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 25 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25 from 11:00 a.m. to adjournment on June 26 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 6C–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15306 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Eye Council and the Vision Research Program Planning Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, June 1, 2, and 3, 1981, Bethesda, Maryland.

The National Advisory Eye Council's standing subcommittee, the Vision Research Program Planning Subcommittee, will meet at 7:00 p.m., Sunday, May 31, 1981, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland, for a final review of the reports of the five program planning panels, to review the priorities recommended by those panels, and to discuss Volume I of the program planning document, which is the overview and summary report. Attendance by the public will be limited to space available.

The full National Advisory Eye Council will meet June 1, 2, and 3, 1981, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. until approximately 3:00 p.m. on Monday, June 1, for opening remarks by the Director, National Eye Institute, for discussions of the final drafts of the reports of the Council's five program planning panels, and for discussions of procedural matters and presentations by the extramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 3:00 p.m. for the

remainder of the day on Monday, June 1, and all day on Tuesday and Wednesday, June 2 and 3, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidentail trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15307 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Research Resources Council; Amended Meeting

Notice is hereby given of a change in the agenda of the meeting of the National Advisory Research Resources Council, May 28–29, 1981, Conference Room 10, Building 31, National Institutes of Health, Bethesda, MD 20205, and published in the **Federal Register** on May 8, 1981, 46 FR 25701.

An address to the Council by the Director, National Institutes of Health, has been added to the open portion of the meeting, at 10:00 a.m. on May 28.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clincial Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Support; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15308 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Sciences Study Section; Amended Meeting

Notice is hereby given of a change in the meeting date and location of the following National Institutes of Health Study Sections which was published in the **Federal Register** on May 1, 1981 (46 FR 24712).

The Neurological Sciences Study Section was to have met at the National Institutes of Health, Building 31C, Conference Room 9 on June 11–13, 1981. It will now meet June 17–20, 1981 at the Holiday Inn-Wellington, Washington, D.C. The opening session will convene at 8:30 a.m., June 17, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 18, 19, 20, 1981.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15309 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Population Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on June 25–26, 1981 in Building 31, Wing A, Conference Room 4, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public on June 25 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25 from 10:30 a.m. to adjournment on June 26 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C–03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish other information.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15310 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Sickle Cell Disease Advisory Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Sickle Cell Disease Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, which was published in the **Federal Register** on April 17, 1981, 46 FR 22465.

This meeting was to have convened at 9:00 a.m. on June 1–2, 1981, but has been changed to a one-day meeting to be convened at 9:00 a.m. on June 2, 1981, only in the Federal Building, 7550 Wisconsin Avenue, Conference Room B–119, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, Phone: (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15311 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Vision Research Program Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, June 25, 1981, Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on Thursday, June 25, from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on June 25 until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15312 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–51]

Planned Development for Butterfield, Kane, and Du Page Counties, Ill., Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Planned Development for Butterfield, Kane and Du Page Counties, Illinois. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix below.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 12, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Butterfield, Cities of Warrenville and Aurora, Counties of Kane and Du Page, Illinois

The U.S. Department of Housing and Urban Development (HUD) Area Office in Chicago, Illinois intends to prepare an Environmental Impact Statement on the project described below and solicits information and comments for consideration in the EIS.

Description: Butterfield consists of approximately 1,400 contiguous acres located in an area bounded generally by Butterfield Road on north, Molitor Road on the south, the Illinois Prairie Path on the west, and Route 59 on the east. The overall planned development district involves several developers and, as presented to the City of Aurora, will be developed over a twenty year period. The overall development will include 10,400 units expected to generate an additional population of 28,000 as well as business and industrial land uses. Construction has begun and is continuing on the project using private funds. A portion of Butterfield being developed by Horizon Development corporation has been approved by the Veterans Administration (Master Panel #3359). The proposed federal action is to make available FHA mortgage insurance for individual home buyers under Sections 203(b), 234(c), and 245 of the National Housing Act of 1934.

Need: An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (1,200 for Du Page County and 800 for Kane County) and its Departmental Procedure for Protection and Enhancement of Environmental Quality (24 CFR Part 50). The plan description is based on the Butterfield Planned Development District documents on file with the city of Aurora. The draft EIS is expected to be completed and distributed in the Summer of 1982. HUD will review any requests for an "early start" which would enable FHA participation in the development prior to completion of the EIS under the procedure outlined in 24 CFR 50.21(h). Such participation would be limited to under 200 units total.

Alternatives Perceived: Alternatives that will be studied for this particular site include: (1) No federal action, (2) open space, (3) project as proposed, (4) less intense zoning.

Scoping: Response to this notice will assist in identifying data sources and Significant environmental issues which the EIS should address.

Comments: Comments should be sent on or before June 12, 1981, to the Environmental Office, HUD, 1 North Dearborn Street, Chicago, Illinois 60602.

[FR Doc. 81-15378 Filed 5-21-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-52]

West Marion C. D. Project, Marion, N.C.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: West Marion C. D. Project, Marion, North Carolina. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 11, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Notice of Intent to File Environmental Impact Statement

West Marion C. D. Project, Marion, North Carolina

The Community Development Department in Marion, North Carolina, intends to prepare an Environmental Impact Statement on a Single Purpose Community Development Block Grant Project described below, and requests information and comments for consideration in the Environmental Impact Statement.

Description: The West Marion Community Development Project, funded by a Small Cities Block Grant from HUD, is designed to address the neighborhood revitalization needs of a designated target area located in E. D. 111-11. The purpose of this project is to remove the blighted conditions in the neighborhood which also include specific public facilities improvements. Existing plans projects the rehabilitation of 45 single family dwellings; the installation of 3,350 linear feet of twelve-inch water line and 5,125 linear feet of six-inch water line; improvements to approximately 2,900 linear feet of existing and proposed streets; the demolition of 8 dilapidated structures; the acquisition of necessary right-of-way; and limited relocation activities. The City has projected that these activities should be completed by the first quarter of 1982.

Need: An Environmental Impact Statement is proposed due to HUD threshold requirements for waterline projects cited in the environmental regulations, 24 CFR 58.25 (a)(1) and (c). The EIS will also address the impact on community services, water resources and potential growth that may occur as a result of this project.

Alternatives: At this time, the City alternatives include: no project; accept project as proposed; accept project with conditions; or modifications of the project.

Scoping: This notice is part of the process used for scoping the West Marion Community Development Block Grant Project Environmental Impact Statement. Responses will help determine significant environmental issues and identify data which the EIS should address, and will help identify cooperating agencies. The date for the scoping meeting has not been set. Interested parties should contact the agency below to be notified of the scoping meeting date.

Comments: Comments should be forwarded on or before June 12, 1981, to Richard N. Hicks; Community Development Director; City of Marion, P. O. Drawer 700; Marion, North Carolina 28752 (or call (704) 652-5823).

[FR Doc. 81-15379 Filed 5-21-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Application

Applicant: Commander Naval Forces, Caribbean

The applicant requests a permit to take hawksbill *(Eretmochelys imbricata)*, leatherback *(Dermochelys coriacea)*, green *(Chelonia mydas)* and loggerhead *(Caretta caretta)* sea turtles in Puerto Rico for the purpose of enhancement of survival. The project includes beach surveys and protection of hatchlings.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7837. Interested persons may comment on this application on or before June 22, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 15, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-15420 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct various activities with Endangered Species:

Applicant: Richard L. Thompson, U.S. Fish and Wildlife Service, Tallahassee, FL, PRT 2-7883

The applicant requests a permit to capture, handle, band, tag, mark, and release red-cockaded woodpeckers *(Picoides borealis)* in Florida and Georgia for scientific purposes.

Applicant: Steven Colyer Foster, Karnes City, TX, PRT 2-7949

The applicant requests a permit to capture and release for scientific purposes the following species in southern Texas: black-footed ferret *(Mustela nigripes)*, jaguarundi *(Felis yagouaroundi cacomitii)*, Margay *(F. wiedii)* and ocelot *(F. pardalis)*.

Applicant: Andies Critters & Varmints, Modesto, CA

The applicant requests an amendment to PRT 2-7878 to include authorization to purchase in interstate commerce for enhancement or propagation two more cheetahs *(Acinonyx jubatus)*. The total number of cheetahs to be purchased is five.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before June 22, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: May 14, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-15421 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

California; Willow Creek Grazing Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meetings

Department of the Interior, Bureau of Land Management, Susanville District, California, will prepare an Environmental Impact Statement on alternative grazing management plans for 297,079 acres of public land in the Willow Creek Planning Unit in Lassen County, California. The statement will analyze anticipated environmental consequences which would result from the implementation of the alternative grazing plans proposed by the Eagle Lake Area Manager. These alternative plans will incorporate variations in location, seasonal use, and intensity of livestock grazing and amount of range improvements. The final statement is scheduled for completion by September 30, 1982.

Two public meetings will be held to review the alternative grazing plans and the manner in which they were developed, and to scope resulting anticipated environmental consequences and related public concerns. The meetings will be held Wednesday, June 24, 1981, at 10:00 a.m. and 7:00 p.m. at the U.S. Forest Service Engineering Services Building Conference Room, 1800 Main Street, Susanville, California.

Further information on the Willow Creek Grazing Environmental Impact Statement may be obtained from Mark Morse, Eagle Lake Area Manager, Bureau of Land Management, 705 Hall Street, Susanville, California 96130, telephone 916-257-5381.

Dated: April 20, 1981.

James B. Ruch,

State Director.

[FR Doc. 81-15323 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 1180]

New Mexico; Proposed Withdrawal Continuation; Correction

May 11, 1981.

Notice of Proposed Withdrawal Continuation under serial No. NM 1180 appearing as FR Doc. 81-11377 (filed 4-14-81), April 15, 1981 issue of the **Federal Register** at pages 22042-22043, line 18 is modified to include "for a period of 50 years" following the word "entirety." Line 50 is corrected to read Sec. 17, Tracts A and B HES 414 instead of Sec. 17, Tracts A and B HES 44.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15375 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf; Notice of Availability of Final Environmental Impact Statement Regarding Proposed Oil and Gas Lease Sale Offshore the Mid-Atlantic States

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has preared a Final Environmental Impact Statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 253 tracts consisting of 582,912 hectares (1,440,376 acres) of submerged lands off the coast of the Mid-Atlantic States, OCS Sale No. 59.

Single copies of the Final Environmental Impact Statement can be obtained from the Office of the Manager, New York, OCS Office, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the Final Environmental Impact Statement will also be made available for inspection in the following public libraries: Providence Public Library, 150 Empire Street, Providence, RI 02903; Public Library, 105 45th Street, Sea Isle City, NJ 08243; Newport Public Library, Aquidneck Park, Newport, RI 02117; Monmouth County Library, 25 Broad Street, Freehold, NJ 07728; Boston Public Library, Copley Square, Boston, MA 02117; Atlantic County Library, Surrogate Building, Mays Landing, NJ 08330; Christian Science Monitor, 1 Norway Street, Boston, MA 02115; East Brunswick Public Library, 2 Jean Walling Civic Center, East Brunswick, NJ 08625; New York Public Library, 5th Avenue and 42nd Street, New York, NY 10018; New Jersey State Library, P.O. Box 1898, Trenton, NJ 08625; Nassau Library System, Reference Division, 900 Jerusalem Avenue, Uniondale, NY 11553; Free Library of Philadelphia, Logan Circle, Philadelphia, PA 19141; Suffolk Cooperative Library System, 627 North Sunrise Service Road, P.O. Box 1872, Bellport, NY 11713; Rehoboth Beach Public Library, Municipal Center, Rehoboth Avenue, Rehoboth Beach, DE 19971; Trenton Free Public Library, 120 Academy Street, Trenton, NJ 08608; Wilmington Institute Free Library and Newcastle County Free Library, 10th & Market Streets, Wilmington, DE 19801; Atlantic City Free Public Library, Illinois and Pacific Avenues, Atlantic City, NJ 08401; Eastern Shore Area Library, 122-126 South Division, Salisbury, MD 21801; Public Library, 639 Washington Street, Cape May, NJ 08204; Enoch Pratt Free Library, 400 Catherdral Street, Baltimore, MD 21201; Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753; Norfolk Public Library System, 301 South City Hall Avenue, Norfolk, VA 23510.

George D. Lea,

Acting Associate Director, Bureau of Land Management

Approved:

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 15299 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[No. AB-6 (Sub-No. 90)]

Burlington Northern Inc.—Abandonment—Between Cooper Spur and Shubert, NE; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision entered May 14, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 2, that the public convenience and necessity permit the abandonment by Burlington Northern Inc. (BN), of its rail line between Cooper Spur (milepost 26.52) and Shubert (milepost 11.32), a distance of 9.3 miles in Richardson and Nemaha Counties, NE, subject to the

conditions for the protection of employees developed in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to BN based on the noted finding of abandonment, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice; and

(2) it is likely that such proferred assistance would (a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer has been made. If no agreement is reached within 30 days of an offer, and no request is made to the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. upon notification to the Commission of the execution of an assistance or acquisition agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15425 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 92)]

Burlington, Northern, Inc.—Abandonment—Between Hill City and Keystone, in Pennington County, SD; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903, that by an administratively final certificate and decision decided by the Commission, Review Board Number 1 on May 14, 1981, finding that public convenience and necessity permit Burlington Northern, Inc. (BN), to abandon 8.85 miles of railroad between Hill City and Keystone, in Pennington County, SD. The abandonment is subject to the following conditions: (1) the employee protective conditions in *Oregon Short Line R. Co. Abandonment—Goshen*, 360 I.C.C. 91 (1979), and (2) the condition that BN keep intact all of the right of way underlying the track, including all the bridges and culverts, for a period of 120 days from the decided date of this certificate and decision to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right of way. The certificate and decision authorizing abandonment is being served on BN concurrently with publication of this notice, and will become effective 30 days thereafter, unless the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable rail service to be continued. The offer must be filed with the Commission and served concurrently on applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice and;

(2) It is likely that such proffered assistance would:

(a) cover the difference between revenues which are attributable to the line of railroad and the avoidable cost of providing rail service on the line, together with a reasonable return on the value of the line, or (b) cover the acquisition cost of all or any portion of the line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer and no request is made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. When the Commission is notified that an assistance or acquisition or operating agreement is executed, it will postpone the issuance of the certificate for the period of time the agreement (including any extensions or modifications) is in effect.

Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained in the statute as well as the instructions contained in the Commission's decision in this proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15390 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 81)F]

Chicago and North Western Transportation Company—Abandonment—Between Mallard and Terril, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided April 28, 1981, a finding was made by the Commission, Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a segment of its line from milepost 182.5 near Terril, IA to milepost 197.0 near Spencer, IA, and from milepost 210.2 near Ruthven, IA to milepost 227.9 near Mallard, IA; and abandonment of operations over the tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad from milepost 204.1 near Spencer to milepost 216.5 near Ruthven, a total distance of 44.6 miles in Palo Alto, Clay and Dickinson Counties, IA subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity (served with the decision) will be issued to the Chicago and North Western Transportation Company based on the above described finding of abandonment 30 days after publication of this notice. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from

the date of publication the Commission further finds that:

(a) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from the publication of this Notice; and

(b) It is likely that such proffered assistance would:

(i) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) Cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448 effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15389 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29570]

Detroit, Toledo and Ironton Railroad—Trackage Rights—Between Washington Court House and Greggs, OH—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: On January 30, 1981, the Detroit, Toledo and Ironton Railroad Company (DT&I) filed a petition under 49 U.S.C. 10505 seeking exemption of a proposed trackage rights agreement from the requirements of 49 U.S.C. 11343–11347. The agreement grants trackage rights to DT&I over lines of the Baltimore and Ohio Railroad Company (B&O) and the Chesapeake and Ohio Railway Company (C&O). We conclude that the proposal involves a relocation of a railroad line without disruption of service to shippers, a transaction which has already been exempted from our regulation under 49 CFR 1111.5(c)(5).

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, or Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTAL INFORMATION: DT&I owns and operates a rail line between Springfield and Ironton, OH. A portion of this line extends between Washington Court House and Greggs, OH, via Trifton, Waverly, and Summit Hill, OH. Between Thrifton and Waverly (M.P. 249.2 and M.P. 282), DT&I has only one public siding, located at Bainbridge. The only activity at Bainbridge is to load company ties. No industries are located in this territory. The line north of Summit Hill between M.P. 264 and M.P. 271 curves up to 16 degrees and has grades as high as 2.1 percent. The line south of Sumit Hill between M.P. 271 and M.P. 282 drops 510 feet in 11 miles. DT&I has experienced serius operating difficulties and incurred significant expense because of the severe grades and curves on this line.

B&O and C&O, subsidiaries of CSX Corporation (CSX) maintain a line between Washington Court House and Greggs via Chillicothe, OH, which roughly parallels the DT&I line between these points. The CSX line is essentially a flat water level route which allows for a far more efficient and economical rail operation than that provided by the present DT&I route.

DT&I seeks to relocate its operations between Washington Court House and Greggs to the CSX line under a trackage rights agreement negotiated in accordance with our decision in Finance Docket No. 28905 (Sub-No. 1), *CSX Corporation-Control-Chessie System and Seaboard Coast Line* 363 I.C.C. 518 (1980). The agreement authorizes DT&I operations over approximately 60 miles of CSX track. Use of the CSX line will eliminate any need for DT&I to continue its operations between Thrifton and Waverly, and DT&I contemplates abandoning this 33.2 mile segment of line.

Discussion

In Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures*, 363 I.C.C. 363, 45 FR 62991 (September 23, 1980), we exempted certain classes of rail consolidation transactions from our regulation, 49 CFR 1111.5(c). We found that our prior review and approval of these classes of transactions (1) is not necessary to carry out the national 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] Enumerated among these exempt transactions is item (5), "joint projects involving the relocation of a line of railroad which does not disrupt service to shippers."

From the facts presented it is apparent that DT&I is seeking, by means of the proposed trackage rights agreement with CSX, to relocate its line between Washington Court House and Greggs, and that this joint-project will not disrupt service to shippers. The relocation contemplated accords with the express language of section 1111.5(c)(5) of our regulations, and is consistent with the reasoning, purpose, and intent of the exemption.

We conclude that the proposed transaction falls within the exemption of section 1111.5(c)(5). See *Southern Pac. Transp. Co. and St. L. SW. Ry. Co.—Exemption*, 363 I.C.C. 848 (1981). This finding may broaden, for purposes of section 1111.5(c)(5), the traditional meaning of a "rail relocation" because it involves the substitution of trackage rights for a perpetual right to operate over a line held in fee simple. *Compare Southern Pac. Transp. Co., supra* at 851. In contrast to most trackage rights agreements, however, the trackage rights involved here are not terminable at the owner's option, and run for a term of 30 years (renewable for 30 years) thus providing some assurance of DT&I's ability to continue service. Moreover, a broadening of the applicability of the section 1111.5(c)(5) exemption comports with the Congressional policy underlying the recent amendment of 49 U.S.C. 11344 by the Staggers Rail Act of

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[1] The basis for the promulgation of this rule lies in our exemption authority at 49 U.S.C. 10505. Section 10505, as since amended by the Staggers Rail Act of 1980 [Pub. L. No. 96-448, 94 Stat. 1895 (1980)], provides for us to use this exemption authority when we find that (1) our regulation 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) our regulation is not needed to protect shippers from the abuse of market power.

1980 (Pub. L. No. 96–448, 94 Stat. 1895).[2] In the future, railroads involved in transactions of this type need only comply with the notice requirements contained in 49 CFR 1111.4(g).

On February 13, 1981, DT&I filed a motion in this proceeding for expedited action and waiver of 30 day notice period. Included in th emotion was a request that the proposed abandonment between Thrifton and Waverly be included within the proposed exemption authorization. The facts presently available are insufficient to allow for an exemption determination in this notice with regard to the proposed abandonment. In particular, no information has been provided as to the effect which the abandonment proposal will have on operations and service over the retained portion of the line between Thrifton and Washington Court House.

In granting an exemption, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2) as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, October 14, 1980). Although DT&I has agreed to assume the responsibilities for the protection of employees required in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the proper labor protection conditions to impose in trackage rights transactions are those contained in *Norfolk and Western Ry. Co.—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). Accordingly, the latter employee protective provisions will be imposed here as a condition to the 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 effect 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.

It is ordered:

(1) The petition for exemption 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.

(3) This decision shall be effective upon the date of publication.

Decided: May 12, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurred.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15393 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

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[2] Section 11344(d) now provides, that we "shall" approve any transaction "which does not involve the merger or control of at least two class I railroads . . . unless [we find]—

(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, we are required to approve a proposed trackage rights agreement whenever the agreement would not likely have a significant adverse competitive impact.

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directely related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11244 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14622, filed April 24, 1981. OTTUMWA TRANSIT LINES, INC. (Ottumwa) (1414 W. Second Street, Ottumwa, IA 52501)—purchase (portion)—AMERICAN BUSLINES, INC., d.b.a. AMERICAN TRAILWAYS (American) (1500 Jackson Street, Dallas, TX 75201). Representative: Lawrence E. Lindeman, 425 13th Street, NW, Suite 1032, Washington, DC 20004. Ottumwa seeks authority to purchase a portion of the interstate operating rights and property of American. Kenneth Lenz, Floyd Palmer, and Richard Twait are the majority stockholders of Ottumwa.

Floyd Palmer joins in this application as a party in control of Ottumwa and seeks authority to acquire control of said rights and property through the transaction. As a condition to the approval and authorization of this transaction, Kenneth Lenz and Richard Twait must also join in this application as persons in control of Ottumwa. Ottumwa is purchasing that portion of American's Certificate No. MC-2890 (Sub-No. 18) which authorizes the transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Knoxville, IA, and Peoria, IL: from Knoxville over IA Hwy 5 to junction U.S. Hwy 34, then over US Hwy 34 to Galesburg, IL, then over IL Hwy 97 to junction IL Hwy 8, then over IL Hwy 8 to Peoria (also from junction IL Hwys 8 and 78 over IL Hwy 78 to junction IL Hwy 116, then over IL Hwy 116 to Peoria) and return over the same route, serving all intermediate points, restricted against service in the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers originating at or received through interchange at Galesburg, IL, and destined to either Keokuk, IA, or Quincy IL, and originating at or receive through interchange at either Keokuk or Quincy and destined to Galesburg; and Deviation No. 83, which authorizes the transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Galesburg, IL and Peoria, IL, over Interstate Hwy 74. Ottumwa is authorized to operate as a motor common carrier under MC-145632 and sub-numbers thereunder.

Note 1.—American is selling Route Nos. 9 and 13 and a portion of Route No. 2 from its Sub-No. 18. Route No. 2 authorizes service between Chicago, IL, and Denver, CO. American is selling that portion of Route 2 between Galesburg, IL, and Albia, IA, over US Hwy 34. American is retaining that portion of Route 2:(a) between Chicago, IL, and Galesburg, IL, and (b) between Albia, IA, and Denver, CO.

Note 2.—In conjunction with this application, Ottumwa filed an extension application, Docket No. MC-145632 (Sub-No. 4), published in this same **Federal Register** issue.

Note. 3.—Application for TA has been filed.

Condition: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by Kenneth Lenz and Richard Twait, stating that they are persons in control of Ottumwa through stock ownership, and they join in this application as persons in control.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that 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 properly 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 specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Dated: May 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 145632 (Sub-4), filed May 7, 1981. Applicant: OTTUMWA TRANSIT LINES, INC.—extension, 1414 W. Second Street, Ottumwa, IA 52501. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, DC 20004. Transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Knoxville and Des Moines, IA: from Knoxville over IA Hwy 92 to junction IA Hwy 5, then over IA Hwy 5 to junction IA Hwy 46, then over IA Hwy 46 to Des Moines, and return over the same route.

Note.—The purpose of this extension application is to enable applicant to provide service between Des Moines and Peoria. The application was filed in conjunction with MC-F-14622, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15388 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the

applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–138

Decided: May 18, 1981.

By The Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 61016 (Sub-52), filed July 3, 1979, and published in the **Federal Register** issue of May 6, 1981. The purpose of this notice is to properly reflect the Applicant's Representative. Applicant's representative in the above entitled proceeding is: Robert J. Brooks, 1828 "L" St. NW, Suite 1115, Washington, D.C. 20036. (202) 466–3892. Otherwise the notice of May 6, 1981 is correct. The date for filing protests remains June 5, 1981.

MC 150026 (Sub-1), filed May 8, 1981. Applicant: MCKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant), (801) 268–4474. Transporting *scrap metals*, between points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MT, ND, NM, NV, NE, OK, OR, SD, TX, UT, WA and WY.

MC 151566 (Sub-2), filed May 8, 1981. Applicant: PERRY TRANSPORT, INC., 14375 172nd, Grand Haven, MI 49417. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with L. Perrigo Company of Allegan, MI.

MC 151826 (Sub-4), filed May 8, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 152246 (Sub-3), filed May 8, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products*, between points in WI, on the one hand, and, on the other, points in Jefferson County, AL, Knox County, IL, Jackson County, MO, Scotland County, NC and Madison County, NE.

MC 155596, filed April 28, 1981. Applicant: AHI, INC., d.b.a. AMERICAN HOST TOURS, 1200 N. Main St., Suite 530, Santa Ana, CA 92701. Representative: Roger Curtis McKee, 110 W. "C" St., Suite 1803, San Diego, CA 92101, (714) 238–0085. To engage in operations, in interstate or foreign commerce as a broker, at Santa Ana, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, beginning and ending at Phoenix, AZ, New York, NY, and points in Orange and Los Angeles Counties, CA, and extending to points in the U.S.

Volume No. OPY–4–139

Decided: May 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 70557 (Sub-52), filed May 7, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60603. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in Houston County, GA, on the one hand, and, on the other, points in and east of MN, MO, IA, AR, OK and TX.

MC 121447 (Sub-3), filed May 5, 1981. Applicant: ANNISTON MOTOR EXPRESS, INC., P.O. Box 2123, Anniston, AL 36201. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Birmingham, AL and Atlanta, GA, over U.S. Hwy 78, serving all intermediate points and all points in Jefferson, Calhoun, Etowah, and Talladega Counties, AL, and Fulton, Cobb, Clayton, DeKalb, and Gwinnett Counties, GA, as off-route points.

MC 144757 (Sub-7), filed May 6, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W. Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *Mercer commodities*, between points in the U.S.

MC 148107 (Sub-6), filed May 7, 1981. Applicant: JESSE J. MESA, d.b.a. J.J. MESA TRUCKING COMPANY, 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mecier (same address as applicant), (512) 223–1859. Transporting *food and related products*, between points in TX, NM, CO, UT, ID, WA, OR, CA, NV and AZ.

MC 148707 (Sub-3), filed May 7, 1981. Applicant: SELLAND LIVESTOCK, INC., R.R. 1, Box 73, Letcher, SD 57359. Representative: A. J. Swanson, P.O. Box 1103, 226 No. Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *general commodities* (except classes A and B explosives), between points in Lac qui Parle County, MN and points in SD, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15391 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1–149]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 18, 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.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 152521, filed May 4, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 534–5649. 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 155871, filed May 8, 1981. Applicant: A. E. NAMMARK, INC., d.b.a. NORMA'S EXPRESS, 443 Delaware Ave., Suite 208, Buffalo, NY 14205. Representative: Norma Kamp (same address as applicant), (716) 854–8886. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultrual limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155881, filed May 12, 1981. Applicant: ALBERT E. KATHAN, d.b.a. ED KATHAN, 3013 Third Ave., South, Great Falls, MT 59405. Representative: James H. Kathan, P.O. Box 1129, Helena, MT 59624, (406) 442–1964. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–15302 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Campbell Taggart, Inc., 6211 Lemmon Ave., Dallas TX 75209.

2. Wholly-owned subsidiary which will participate in the operations, and address of its principal office: Merico, Inc., P.O. Box D, Carrolloton, TX 75006.

Note: The entire list of subsidiaries for Campbell Taggart, Inc., was published on May 15, 1981 (46 FR 26929). Merico, Inc., was inadvertently omitted from that list.

1. Parent Corporation: GBP Industries, Inc., 302 Grote Street, Buffalo, New York 14207.

2. Wholly-Owned Subsidiaries and State of Incorporation:

Greater Buffalo Press, Inc., New York
Great Lakes Color Printing Corporation, New York
Southwest Color Printing Corporation, Texas
Dixie Color Printing Corporation, Alabama
Kemore Colorplate Corporation, New York
Mid-Atlantic Color Printing Corporation, New York
Greater Canada Colour Printing Limited, New York
Mid-West Color Printing Corporation, Iowa
Medina Sandstone Quarry, Inc., New York Lakeview Leasing Corporation, New York
Southeastern Commercial Printing Corporation, Alabama
Buffalo Polycolor Corporation, New York
Web Press Services Corporation, Connecticut

1. The parent corporation is: James River Corporation, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217.

2. The wholly-owned subsidiaries which will participate in the operations are as follows:

Riverside Trucking Company, 1900 East Belt Boulevard, Richmond, Virginia 21224.
James River Paper Company, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217

James River-Rochester, Inc., Adams Division, 115 Howland Avenue, Adams, Massachusetts 01220
James River-Rochester, Inc.,[1] Rochester Division, 340 Mill Street, Rochester, Michigan 48663
Riegel Products Corporation,[1] Frenchtown Road, Milford, New Jersey 08848
Curtis Paper Company,[1] Paper Mill Road, Newark, Delaware 19711
Peninsular Paper Company, 100 North Huron Street, Ypsilanti, Michigan 48197
James River-Fitchburg, Inc., Old Princeton Road, Fitchburg, Massachusetts 012220
James River-Massachusetts, Inc.,[1] 701 Westminster Street, Fitchburg, Massachusetts 01420
James River-Graphics, Inc.,[1] 28 Gaylord Street, South Hadley, Massachusets 01075
James River-Otis, Inc., P.O. Box 10, Jay Maine 04239
James River-KVP, Inc., Island Avenue, Parchment, Michigan 49008
James River-Patapar, Inc., 7900 N. Radcliff St., P.O. Box 230, Bristol, Pennsylvania 19007
James River Board and Carton Company,[1] 243 East Paterson Street, Kalamazoo, Michigan 49007
James River-Berlin/Gorham, Inc., 650 Main Street, Berlin, New Hampshire 03570
James River-New Hampshire Electric, Inc., 650 Main Street, Berlin, New Hampshire 03570
Paterson Services Company, 243 East Paterson Street, Kalamazoo, Michigan 47007
Industrial Leaseholds, Inc., 243 East Paterson Street, Kalamazoo, Michigan 47007
James River-Gilco, Inc., 28740 Glenwood Avenue, Perrysburg, Ohio 43551

1. Parent corporation and address of principal office: Liggett Group Inc., 100 Paragon Drive, Montvale, New Jersey 07645.

Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Diversified Products Corporation of Delaware, Delaware
(ii) Diversified Trucking Corp., Alabama
(iii) Dry Milks, Inc. (dba. DMI and DMI, Inc.), Kentucky
(iv) Gary Tobacco Company, New Jersey
(v) Liggett & Myers Tobacco Company, Inc., Delaware
(vi) The Paddington Corporation, Delaware
(vii) The Pinkerton Tobacco Company, Delaware
(viii) Allen Products Company, Inc., Pennsylvania
(ix) Liv-A-Snaps, Incorporated, Delaware
(x) Carillon Importers Ltd., New York
(xi) Atlantic Soft Drink Company, Delaware
(xii) Atlantic Bottling Corporation, South Carolina
(xiii) Atlantic Packaging, Inc., South Carolina
(xiv) Liggett Bottling Company, Delaware

1. Parent corporation and address of principal office: Southern Furniture Company of Conover, Inc., P.O. Box 307, Conover, NC 28613.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: (a) Bracewell Furniture Company, Inc., P.O. Box 867, Conover, North Carolina 28613.

Note.—Southern Furniture Company of Conover, Inc., was incorrectly published on March 20, 1981, as *South* Furniture Company of Conover, Inc. (46 FR 17895). This republication is to correct that error.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15428 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Has own truck fleets; operations will be performed by and between subsidiaries of James River Corporation.

[AB 3 (SDM)]*

Missouri Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Missouri Pacific Railroad Company and its subsidiaries, has file with the Commission its amended color-coded system diagram map in docket No. AB 3 (SDM). The Commission on May 6, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 3 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15427 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

* AB 3 (SDM) includes all Missouri Pacific Railroad Co. subsidiaries: Chicago Heights Terminal Transfer Company, Doniphan, Kensett and Searcy Railway, AB 25, Weatherford Mineral Wells & Northwestern.

[Volume No. OPY-3-073]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 15, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each

applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC-F-14628, filed April 30, 1981. B. HAROLD WILLIAMSON (1107 Brookside Dr., Wilson, NC, 27893), BOBBY R. WILLIAMSON (Route 2, Wilson, NC, 27893), and WILLIAM R. WILLIAMSON (1001 Wolf Trap Rd., Wilson, NC, 27893) (WWW)—continuance in control—WILLIAMSON DISTRIBUTORS, INC. (WD)—initial common carrier (Corner Thorne & Raston Sts., P.O. Box 3489, Wilson, NC, 27893). Representative: Peter A. Greene 1920 N St., N.W., Suite 700, Washington, DC, 20036) (202) 331-8800. WWW, a non-carrier, seeks authority to continue in control of WD, upon the institution of operations, in interstate or foreign commerce. WWW, sole shareholder of WD, seeks authority to acquire control of said rights and property through the transaction. WWW also controls Williamson Truck Lines, Inc., (WTL). WTL holds motor common authority in Docket MC-124896 and various sub numbers thereunder to transport (1) food and related products; (2) fertilizer and fertilizer materials; (3) glass jars; (4) petroleum products in containers; (5) commodities dealt in by lawn and garden centers; (6) paper, paper articles and polyethylene articles; (7) baskets and hampers; (8) plastic and rubber ariticles; and (9) tires and tubes between various points in the U.S. Conditions: (1) Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by B. Harold Williamson, Bobby R. Williamson and William R. Williamson stating that they are the persons in control of transferree and that they join in this application. (2) In order to eliminate the holding of duplicating authority by commonly controlled carriers, approval and authorization of this transaction is conditioned upon the prior cancellation of MC-124896 Sub 55 and Sub 98.

Note.—WD has filed as a directly related application its initial common carrier application. This application, docket No. MC-153214 is published in the same Federal Register issue.

[FR Doc. 81-15430 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-074]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 15, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that 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 properly 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 specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC 153214, filed April 30, 1981. Applicant: WILLIAMSON DISTRIBUTORS, INC., Corner Thorne and Ralston Sts., P.O. Box 3489, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, D.C. 20036, (202) 331-8000. Transporting (1) *lumber and wood products;* (2) *pulp, paper, and related products;* and (3) *metal products,* between those points in the U.S. in and

east of LA, AR, MO, IA and MN, and ports of entry on the International Boundary Line between the U.S. and Canada at Buffalo and Champlain, NY. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by the motor carriers listed in MC–F–14628, which is published concurrently herewith.

Note.—This application is directly related to MC–F–14628, published in the same Federal Register issue.

[FR Doc. 81–15431 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY5–66]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 15, 1981.

The following applications, filed on or after Frebruary 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.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 14878 (Sub-4), filed May 5, 1981. Applicant: WANDELL & LOWE TRANSFER & STORAGE COMPANY, d.b.a. AMERICAN-WANDELL MOVING SERVICE, INC., 4225 Sinton Rd., P.O. Box 7206, Colorado Springs, CO 80933. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202–463–6044. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 136899 (Sub-55), filed May 8, 1981. Applicant: HIGGINS TRANSPORTATION, LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. 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 139018 (Sub-1), filed April 3, 1981. Applicant: GUNTE BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. 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 143059 (Sub-177), filed May 8, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore, (same address as applicant), 502–584–2301. Transportating *general commodities* between Cameron City, KS, Drew, Rome, Doddsville, Blaine, and Isola, MS, Paris and Paris Crossing, IN, Chilesburg and Barlow, KY, Curtis and Murdock, FL, Ursa, IL, Grandfield, OK, and Burkburnett, Crandall, Poynor, Gallatin, Reklaw, and Cushing, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 155368, filed March 2, 1981. Applicant: MICHAEL J. KISZKIEL, d.b.a. KISZKIEL TRUCKING CO., 14307 Still Meadow, Houston, TX 77079. Representative: Michael J. Kiszkiel, (same address as applicant), 713–497–2547. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155569, filed May 4, 1981. Applicant: KENNETH HUBKA, d.b.a. HUBKA TRUCKING, R. R. No. 2, Cresco, IA 52136. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155739, filed May 4, 1981. Applicant: FRED E. KUHAGEN AND MARCIA G. KUHAGEN, d.b.a. FRED E. KUHAGEN TRUCKING, 6871 Flintwood Way, Sacramento, CA 95831. Representative: Lawrence Marquette, P.O. Box 711, Pebble Beach, CA 93953, 408–373–1510. Transporting *food and other edible products and byproducts intended for human consumption*

(except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155839, filed May 8, 1981. Applicant: SEA-ROAD TRANSPORTATION SERVICE, INC., P.O. Box 18433, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301–739–4860. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–15432 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority 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. OP1–150,

Decided: May 18, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 33970 (Sub-27), filed May 11, 1981. Applicant: GEORGE HILDEBRANDT, INC., Route 4, Hudson, NY 12534. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of paper and paper products, between points in the U.S., under continuing contract(s) with The Columbia Corporation of New York, NY, and Byron Weston Company, of Dalton, MA.

MC 67841 (Sub-3), filed May 11, 1981. Applicant: MORGANTOWN-INDIANAPOLIS FREIGHT LINE, INC., P.O. Box 251, Morgantown, IN 46160. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *general commodities* (except classes A and B explosives), between points in Bartholomew, Brown, Greene, Hendricks, Johnson, Marion, Monroe, Morgan and Owen Counties, IN. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation at applicant's written request, of its Certificate of Registration in MC–67841 Sub-2.

MC 75840 (Sub-163), filed May 11, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222, (205) 323–6721. Transporting *metal products*, between points in Pittsylvania County, VA, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 87820 (Sub-2), filed May 11, 1981. Applicant: THEDE BROS. INC., 316 So. Plum, Havana, IL 61644. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Havana Pepsi Cola Bottling Co., Inc. of Havana, IL.

MC 88300 (Sub-38), filed May 11, 1981. Applicant: DIXIE AUTO TRANSPORT COMPANY, a corporation, 1600 Talleyrand Ave., Jacksonville, FL 32206. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *transportation equipment*, between points in the U.S.

MC 94201 (Sub-201), filed May 1, 1981. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 111310 (Sub-67), filed May 8, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S.

MC 121600 (Sub-15), filed May 11, 1981. Applicant: AVERITT EXPRESS, INC., P.O. Box 273, Livingston, TN 38570. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), between points in Pickett County, TN, on the one hand, and, on the other, points in the U.S.

MC 135410 (Sub-125), filed May 11, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235.

Transporting (1) *rubber and plastic products*, (a) between points in Beaver County, PA, on the one hand, and, on the other, points in Kane County, IL, Hart County, KY, and Ingham County, MI, and (b) between points in Kane County, IL, Hart County, KY, and Ingham County, MI, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WV, and WI, and (2) *food and related products*, between points in Warren County, IL, on the one hand, and, on the other, points in the U.S.

MC 141620 (Sub-4), filed May 8, 1981. Applicant: VAN BUS DELIVERY COMPANY, d.b.a. UNITED VAN BUS DELIVERY 2601 32nd Ave., South Minneapolis, MN 55405 Representative: Warren A. Goff, 2008 Clark Tower 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc.

MC 142920 (Sub-22), filed May 12, 1981. Applicant: OLIVER TRUCKING CORP., 620 So. Belmont Ave., Indianapolis, IN 46221. Representative: Morton E. Kiel Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lieberman Enterprises, of South Minneapolis, MN, and Integrity Entertainment Co., of Gardena, CA.

MC 143280 (Sub-27), filed May 11, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *machinery*, between Chicago, IL, and points in Jefferson County, KY, Monroe County, IN, Maury County, TN, Morgan County, AL, and Milwaukee County, WI, on the one hand, and, on the other, points in KY, KS, MO, IL, MI, MN, WI, ND, SD, IA, NE, TN, AL, and IN.

MC 145150 (Sub-21), filed May 11, 1981. Applicant: HAYNES TRANSPORT CO., INC., R.R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *chemicals and related products*, between points in Reno and McPherson Counties, KS, on the one hand, and, on the other, points in OK.

MC 145830 (Sub-1), filed May 11, 1981. Applicant: ATCO, INCORPORATED, P.O. Box 7111, Pine Bluff, AR 71611. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375-9151. Transporting *metal products*, between points in Sebastian County, AR, on the one hand, and, on the other, points in IL, IA, KS, KY, LA, MS, NE, OK, TN, TX, and MO.

MC 150960 (Sub-2), filed May 11, 1981. Applicant: DAVE STRICKLER, INC., 97 Anita Pl., Mableton GA 30059. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with South Cobb Sales Co., of Marietta, GA.

MC 155851, filed May 8, 1981. Applicant: JOHN ROSE, d.b.a. 777 TRUCKING, 14513 Three Lakes Road, Snohomish, WA 98290. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *building materials, pallets, bins, skids, nursery and horticultural supplies*, between points in OR, WA, ID, MT and CA.

Volume No. OPY5-65

Decided: May 15, 1981

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 44538 (Sub-5), filed April 28, 1981. Applicant: NEW BREED MOVING CORP., 2 Lucon Drive, Deer Park, NY 11729. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374, 212-275-1000. Transporting *transportation equipment* between points in the U.S. under continuing contract(s) with Grumman Aerospace Corporation of Bethpage, NY.

MC 50069 (Sub-566), filed May 5, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216-566-5639. Transporting *commodities in bulk*, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 61619 (Sub-16), filed May 5, 1981. Applicant: L & H TRUCKING COMPANY, INC., Rd3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *pulp, paper, and paper products*, between points in U.S., under continuing contract(s) with P H Glatfelter Co., of Spring Grove, PA.

MC 81779 (Sub-3), filed May 6, 1981. Applicant: PAUL JOHNSON, INC., 340 West Adams, Waterman, IL 60556. Representative: E. Stephen Heisley, 805 McLachlem Bank Bldg., 666 Eleventh Street NW., Washington, DC 2001, (202) 628-9243. Transporting *metal products*, between points in Putnam County, IL, on the one hand, and, on the other, points in IA, MO, MI, and IN.

MC 81908 (Sub-18), filed May 4, 1981. Applicant: GARDNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 45212, 614-481-8821. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Classic Chemical, Inc., and their subsidiaries; Nationwide Industries, Inc. and Konalrad Products, Inc. at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 96328 (Sub-8), filed May 4, 1981. Applicant: J. AND W. CORPORATION, 3525 S. Leavitt St., Chicago, IL 60609. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507, 813-758-4153. Transporting *general commodities* (except classess A and B explosives), between points in IL, IN, IA, MI, MO, OH and WI.

MC 108419 (Sub-1), filed May 5, 1981. Applicant: VINCE ANDERSON TRUCKING, INC., P.O. Box 297, Walnut Grove, MN 56180. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612-542-1121. Transporting *chemicals and related products* (a) between points in Dakota County, MN, on the one hand, and, on the other, points in IA and WI, (b) between points in Pope County, MN, on the one hand, and, on the other, points in ND and SD, and (c) between points in Grand Forks County, ND, and Clay, Hancock, and Kossuth Counties, IA, on the one hand, and, on the other, points in MN.

MC 109448 (Sub-31), filed May 4, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *such commodities as are dealt in or used by distributors and manufacturers of heating and air conditioning units or plants*, between points in Butler County, AL, Sebastian County, AR, and Baldwin County, GA, on the one hand, and, on

the other, points in AZ and CA, and points in the U.S. in and east of WI, IA, MO, OK, and TX.

MC 109449 (Sub-61), filed May 6, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Cisewski (same address as applicant) (507) 452–1032. Transporting *general commodities* (except classes A and B explosives) between points in Champaign and Montgomery Counties, OH, Simpson County, KY, and Davidson County, TN, on the one hand, and, on the other, points in IL, KS, MO, MN, and TX.

MC 112989 (Sub-143), filed May 4, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant) (503) 747–1283. Transporting *general commodities* (except classes A and B explosives) between points in Davis County, UT and Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 118318 (Sub-59), filed May 4, 1981. Applicant: IDA–CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, ID, MT, WY, CA, NV, UT, CO, AZ, and NM. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 119639 (Sub-26), filed May 5, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting (1) *tobacco products*, (2) *food and related products*, and (3) *chemicals and related products*, between points in OR, CA, WA, AZ, and NV.

MC 119968 (Sub-25), filed April 20, 1981. Applicant: A. J. WEIGAND, INC., P.O. Box 130, Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215 (614) 228–8575. Transporting *commodities in bulk*, between points in CT, NJ, DE, OH, WV, DC, VA, MD, NY, RI, MA and PA, on the one hand, and, on the other, points in KY, IL, IN, MI, WI, MN, IA, MO, TN, WV, OH, ND, SD, KS, NE, OK, TX, AR, and LA.

MC 124679 (Sub-138), filed May 8, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (Same address as applicant) 801–972–2712. Transporting *food and related products*, between points in OR and WA on the one hand, and, on the other, points in IL, IN, KS, MN, IA, MO, NE, ND, SD, TX and WI.

MC 138069 (Sub-15), filed May 8, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: James P. Beck, 717—17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in the U.S.

MC 139009 (Sub-6), filed May 7, 1981. Applicant: R & W EXPRESS, INC., 6861 Main St., Lithonia, GA 30058. Representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349, 404–482–8889. Transporting *machinery*, between points in Hamilton County, TN on the one hand, and, on the other, points in the U.S.

MC 139659 (Sub-2), filed April 14, 1981. Applicant: BRIGHT TRUCKING, INC., 1st Ave. and 16th St. So., St. Cloud, MN 56301. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fingerhut Corporation, of St. Cloud, MN.

MC 140709 (Sub-19), filed May 1, 1981. Applicant: FANKHAUSER BROS., INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting (1) *chemicals and related products* and (2) *food and related products*, between points in KS, TX, OK, NE, IA, MO, AR, and CO.

MC 142559 (Sub-168), filed May 4, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities*, (except classes A and B explosives) between those points in the U.S. in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 144858 (Sub-44), filed May 4, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, 402–348–4911. Transporting *clay, concrete, glass or stone products*, between points in Knox County, OH, on the one hand, and, on the other, points in NY.

MC 155038 (Sub–1), filed May 4, 1981. Applicant: IDEAL WAY MOVERS INCORPORATED, Building No. 3 Boundary Rd., Marlboro, NJ 07746. Representative: James F. McColley, Jr. (Same address as applicant) 201–780–4400. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. under continuing contract(s) with F.W. Woolworth Company of Philadelphia, PA.

Volume No. OPY5–65

Decided May 15, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 144958 (Sub-2), filed May 5, 1981. Applicant: TRANSPORT COMMODITIES, INC., P.O. Drawer NN, Pharr, TX 78577. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *machinery* between points in Hidalgo County, TX, on the one hand, and, on the other, points in the U.S.

MC 147449 (Sub-1), filed May 5, 1981. Applicant: KNEZ BUILDING MATERIALS CO., INC., 8185 S. W. Hunziker Rd., Tigard, OR 97223. Representative: John S. Knez, Jr. (same address as applicant) (503) 620–6142. Transporting *lumber and wood products*, between points in Cowlitz and Clark Counties, WA, OR, on the one hand, and, on the other, points in CA.

MC 150248 (Sub-3), filed May 4, 1981. Applicant: BERNIE BERGER d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, 612–340–0808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Rugby Manufacturing Co., Inc., of Rugby, ND.

MC 150568 (Sub-3), filed April 16, 1981. Applicant: CASE CARRIAGE CO., 715 South Sugar St., Celina, OH 45822. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215, 614–464–4103. Transporting *general commodities* (except classes A and B explosives), between Milwaukee, WI, and Houston, TX, and points in Van Wert, Allen, and Mercer Counties, OH, Anderson County, TX, Kay County, OK, and Los Angeles County, CA, on the one

hand, and, on the other, points in the U.S.

MC 150879 (Sub-1), filed May 8, 1981. Applicant: MARVIN McINTOSH, 2614 South 35th St., Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104 (712) 255-3127. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Omaha Porkers, Inc., John Roth & Son, Inc. and Motor Cycle Plaza, Inc. all of Omaha, NE and Paul's Motor Cycle Service, of Council Bluffs, IA.

MC 150939 (Sub-15), filed May 7, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ashland Petroleum Co., division of Ashland Oil, Inc., of Ashland, KY.

MC 150939 (Sub-16), filed May 7, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *general commodities* (except classes A and B explosives), between points in the U. S., under continuing contract(s) with Service Merchandise Co., of Nashville, TN.

MC 151078 (Sub-4), filed 7, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07303. Representative: Owen B. Katzman, 1828 L St., NW, Washington, D. C. 20036, (202) 296-2728. Transporting *textile mill products,* between points in the U. S., under continuing contract(s) with Furtex Corporation, of Jacksboro, TN.

MC 151238 (Sub-3), filed May 8, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. Transporting *chemicals and related products,* in foreign commerce only, between Points in TX, on the one hand, and on the other, points in AL, AR, TN, MS, LA, KS, OK, and TX.

MC 152128 (Sub-5), filed May 8, 1981. Applicant: STATE TRANSPORT SERVICE, INC., 13029 Market St., Houston, TX 77015. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688-6110. Transporting *buildings materials,* between points in TX, on the one hand, and on the other, points in AR, CO, LA, MS, NM, OK, and TX.

MC 152418 (Sub-2), filed May 8, 1981. Applicant: FLOUR TRANSPORT, INC., 5218 Denison St., Muskogee, OK 74401. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528-3884. Transporting *such commodities* as are dealt in by flour milling companies, between points in the U. S., under continuing contract(s) with Shawnee Milling Company, of Shawnee, OK.

MC 152429 (Sub-5), filed May 6, 1981. Applicant: C R & S TANK LINES, INC., P.O. Box 871, Benicia, CA 94510. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with (a) Redding Petroleum, of Concord, CA, (b) Via Petroleum Limited, of Corte Madera, CA, (c) Golden Gate Petroleum, of San Francisco, CA, (d) Haber Oil Products, of Pleasant Hill, CA, (e) Flying J., Inc., of Brigham, UT, (f) Teleport Oil Co., of San Francisco, CA, (g) Simmons Oil Corporation, of Scottsdale, AZ, and (h) Herbst Supply, of Las Vegas, NV.

MC 152849 (Sub-3), filed May 4, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603, 312-263-2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with S.K. Products Corp., of Atlanta, GA.

MC 153328 (Sub-4), filed May 4, 1981. Applicant: RED K. TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701, 314-335-6636. Transporting *machinery,* (1) between points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN and (2) between points in (1) on the one hand, and, on the other, points in the U.S.

MC 153758 (Sub-1), filed May 8, 1981. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, 608-273-1003. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Calavo Growers of California, Inc. of Los Angeles, CA.

MC 154788 filed May 8, 1981. Applicant: BONDED CARRIERS, INC., 307 East Rd., Martinsburg, WV 25401. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601, 703-662-0927. Transporting *printed matter,* between points in CT, DE, MD, MA, NJ, NY, NC, PA, VA, WV and DC.

MC 155658 (Sub-1), filed May 4, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy., P.O. Box 242, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Sweetheart Plastics, Inc., of Wilmington, MA.

MC 155718, filed May 5, 1981. Applicant: FONTENELLE CARRIER CORPORATION, 1419 S. Saddle Creek Road, Omaha, NE 68106. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114 (402) 397-9900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fontenelle Springs, Inc., of Omaha, NE.

MC 155759, filed May 6, 1981. Applicant: BOWSER REGAL INC., d.b.a. REGAL SERVICES, INC., P.O. Box 509, North East, PA 16428. Representative: Richard L. Bowser (same address as applicant) (814) 725-8687. Transporting (1) *food and related products,* between points in NY, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, LA, ME, MD, MA, MI, NH, NC, OH, PA, RI, SC, TN, VT, VA, WV, and NJ, and (2) *transportation equipment,* between points in NY, on the one hand, and, on the other, points in IN, MI, IL, OH, and PA.

MC 155779, filed May 4, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., Box 421, Decatur, IN 46733. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204 (317) 634-6313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Soya Company, Inc., of Fort Wayne, IN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-15433 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 85]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 18, 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 3252 (Sub-117)X, filed April 29, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Applicant seeks to remove restrictions in its Sub-Nos. 4, 35, 37, 38, 39, 41, 46, 55, 56, 61, 66, 68, 72, 77, 78, 79, 81, 85, 89, 92, 93, 94, 97, 106F, 109F, 110F, 111F, and 113F certificates to (A) broaden the commodity description in each certificate to "commodities in bulk" from petroleum products, and other various bulk commodities such as ashphalt, salt, fish oil, waste chemicals, latex, ore, acid, and scrap metal; (B) remove exceptions of certain acids, chemicals, gas and asphalt, and also remove the "in tank" and "in dump" vehicle restrictions, wherever they appear; (C) expand named ports of entry on the US.-Canada boundary line in ME to authorize all entry points in ME in Sub-No. 89, and delete the phrase "in foreign commerce only," in Sub-Nos. 56 and 89; (D) remove the restriction limiting traffic to that having a prior movement by rail, in Sub-No. 77; (E) change one-way service to authorize radial service generally between points in the northeastern States; and (F) expand the plantsite and towns to authorize city or county-wide authority, as follows: Sub-No. 4, Cumberland County, ME (Portland and South Portland, ME), Androscoggin County, ME (Auburn, ME), Providence County, RI (East Providence, RI), Middlesex County, MA (Everett, MA), Washington and Essex Counties, NY (Fort Edward, Whitehall, and Montcalm Landing, about 2 miles south of Ticonderoga, NY), Suffolk, Norfolk and Middlesex Counties, MA (Boston, East Braintree, Braintree, Weymouth, Revere, Everett, Chelsea, Quincy, and East Boston, MA), Rockingham County, NH (Newington and Portsmouth, NH), Somerset County, ME (Jackman, ME), Providence, RI (East Providence, RI), Coos County, NH (Mt. Washington, NH), Chittenden County, VT (Burlington, VT), Androscoggin, Cumberland and Sagadahoc Counties, ME (Lewiston, Yarmouth, and Woolwich, ME), Aroostook County, ME (Presque Isle, ME), Coos County, NH (Colebrook and Errol, NH), and Washington County, ME (plantsite, Eastport, ME); Sub-No. 35, Berkshire County, MA (Adams, MA); Sub-No. 38, Albany and Rennselaer Counties, NY (Albany and Rennselaer, NY); Sub-No. 41, Waldo County, ME (Searsport, ME) and Coos County, NH (Berlin, NH); Sub-Nos. 46, 55, and 93, Rockingham County, NH (Portsmouth, NH); Sub-No. 61, Bennington County, VT (Shaftsbury and Bennington, VT) and Waldo and Penobscot Counties, ME (Searsport and Orrington, ME); Sub-No. 66, Chittenden County, VT (Williston and Burlington, VT), New Haven County, CT (Meriden, CT), Bergen County, NJ (Carlstadt, NJ), Waldo, Cumberland and Hancock Counties, ME (Searsport, Portland, and Bucksport, ME); Sub-Nos. 56 and 97, Penobscot County, ME (Orrington, ME); Sub-Nos. 68, 78, 81, and 92, Cumberland County, ME (Portland, ME); Sub-No. 72, Franklin County, VT (Swanton, VT) and Franklin County, ME (Jay, ME); Sub-No. 77, Bennington County, VT (Bennington, VT), Rennselaer County, NY (Petersburg and Johnsville, NY), Berkshire County, MA (Williamstown, MA), and Cumberland County, ME (Portland, ME); Sub-Nos. 78 and 109, Albany County, NY (Albany, NY); Sub-No. 81, Washington and Essex Counties, NY (Fort Ann and Westport, NY) and Chittenden County, VT (Burlington, VT); Sub-No. 79, Clinton County, NY (Plattsburgh, NY); Sub-No. 85, Hancock and Waldo Counties, ME (Blue Hill, Bucksport, and Searsport, ME), and Essex County, NY (Ticonderoga, NY); Sub-No. 89, Aroostook and Washington Counties, ME (Houlton, Vanceboro, and Calais, ME); Sub-No. 92, Orange County, NY (Middletown, NY) and Philadelphia and Berks Counties, PA (Philadelphia and Reading, PA); Sub-No. 110, Waldo County, ME (Searsport, ME); and Sub-No. 113, Chittenden County, VT (Burlington, VT).

MC 30837 (Sub-502)X, filed May 6, 1981. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Avenue, Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Applicant seeks to remove restrictions from Sheet No. 24 of its lead certificate to (1) broaden the commodity description from utility rental trailers designed to be drawn by passenger automobiles to "commodities which because of their size or weight require special equipment" and (2) eliminate the restriction to transportation in secondary movements, in truckaway service.

MC 38400 (Sub-8)X, filed January 30, 1981, previously noticed in the FR of February 12, 1981, republished as follows: Applicant: HITCHCOCK BROS., INC., P.O. Box 212, Canaan, CT 06018. Representative: C. Frank Hitchcock (same as above). Applicant seeks to remove restrictions in its Sub-No. 8X certificate to broaden existing authority to serve points in NY within 25 miles of the CT–NY and MA–NY State Lines to "Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Ulster, Washington, and Westchester Counties, NY and New York, NY." Following a recent Commission decision declaring this type of broadening to be reasonable, the Board has decided to renotice this portion of the original application.

MC 46797 (Sub-7)X, filed May 8, 1981. Applicant: PHILLIPS TRUCK LINE, INC., 785 East Street, Memphis, TN 38126. Representative: Edward G. Grogon, Esq., Twentieth Floor, First Tennessee Building, Memphis, TN 38103. Applicant seeks to remove restrictions in its lead certificate to allow service at all intermediate points on the regular route portion of its certificate, between (a) Memphis, TN and Europa, MS, and (b) Memphis, TN and Calhoun City, MS.

MC 87966 (Sub-21)X, filed May 7, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, IL 60680. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 7, 14, 16, 17, 18, and authority acquired in MC–F–14318F (No. MC–15735 Sub-No. 27), to (1)

broaden its commodity descriptions: in the lead, from household goods, new furniture, furniture frames, store and bar furniture, fixtures and equipment, to "new furniture, furniture frames, furniture, fixtures, and equipment"; in all of the above-named authority except Sub-No. 14 and MC-F-14318F, from uncrated new furniture, new furniture, store and office fixtures, new store, restaurant, and bar furniture, uncrated, to "furniture and fixtures"; in Sub-No. 14, from store and office fixtures, and supplies and materials used in the installation thereof (except commodities in bulk), to "furniture and fixtures, and supplies and materials used in the installation thereof"; in Sub-Nos. 17 and 18, from store, restaurant, and bar fixtures and equipment, uncrated, to "furniture and fixtures, and equipment"; and in MC-F-14318F, from furniture, furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment, all new and uncrated, to "furniture, furnishings, appliances, fixtures, and equipment, all new"; and (2) remove the AK and HI exceptions wherever they appear.

MC 95876 (Sub-400)X, filed May 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 9, 72, 89, 199 and 312F certificates to (1) broaden the commodity description (a) in part 1 of Sub-No. 9, from general commodities (with the usual exceptions and livestock), to "general commodities (except classes A and B explosives)", and in part 2, from contractors' and construction equipment, materials and supplies, heavy machinery, transformers, generators, tanks, boilers, smokestacks, power plant equipment, electrical equipment, portable houses and garages, and commodities requiring specialized handling or rigging because of size or weight, to "machinery; metal products; transportation equipment; clay, concrete, glass or stone products; petroleum, natural gas and their products; lumber and wood products, and building materials"; (b) in Sub-No. 72, from tanks, food preparation and serving equipment, transfer and storage containers, food display and showcase equipment, hoppers, materials handling equipment (except self-propelled), and accessories, parts, materials and supplies, to "metal products and machinery," (c) in Sub-No. 89, from manufactured art stone, lumber, shingles, new furniture, built-up wood, doors, sash, woodwork, veneer, tin plate, materials and supplies used in the manufacture of furniture and woodwork, household goods, machinery (except tractors and agricultural machinery), and building materials, to "clay, concrete, glass or stone products; lumber and wood products; furniture and fixtures; metal products; machinery; household goods, and building materials"; (d) in Sub-No. 199, from contractors' and construction equipment, materials and supplies, (except commodities in bulk), cement, machinery, transformers, generators, tanks, boilers, smokestacks, telephone poles, power plant equipment, electrical equipment, and commodities which because of size or weight require the use of special equipment or special handling, to "machinery, metal products, clay, concrete, glass or stone products; petroleum, natural gas and their products; lumber and wood products, and building materials", and (e) in Sub-No. 321F, from iron and steel articles, fabricated metal articles, pumps, heaters, pressure vessels, pollution control equipment, windmills, drilling equipment, parts, accessories and materials, equipment and supplies (except commodities in bulk), to "metal products, machinery, pollution control equipment, and windmills"; (2) replace existing city-wide authority with country-wide authority: in part 1 of Sub-No. 9, Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN and Pierce and St. Croix Counties, WI (for Minneapolis-St. Paul, St. Louis Park, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, McCarrons's Lake, Richfield, New Brighton, Morningside, Fridley, Edina, Rose Township, Veteran's Hospital, Brownsdale, North St. Paul, South St. Paul, Invergrove, St. Paul Park, Mendota, State Fair Grounds, Brooklyn Center and Redrock, MN); in Sub-No. 72, Benton, Sherburne and Stearns Counties, MN (for St. Cloud), and in Sub-No. 89, Shawano, Outagamie, Brown, Calumet, Winnebago, Fond du Lac, Green Lake, Waushara, Portage, Waupaca, Marathon, Menomonie and Oconto Counties, WI (for New London, WI and points within 35 miles thereof); (3) in Sub-Nos. 72, 89, and 321F, eliminate restrictions against the transportation of bulk commodities, tractors, agricultural machinery, self-propelled articles, and traffic moving to or from AK and HI; and (4) authorize radial authority in place of existing one-way authority in Sub-No. 72, between Benton, Sherburne and Stearns Counties, MN, and, points in the US; in Sub-No. 89 between 13 counties in WI, and, points in IL, MN, MI, and IN.

MC 110325 (Sub-174)X, filed April 13, 1981, previously noticed in the Federal Register of May 1, 1981, republished as corrected this issue. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 8, 14, 15, 18, 21, 22, 25, 28 and 30 certificates which authorize service in AL, AR, AZ, CA, GA, KS, MO, MS, NM, OK, TN and TX, to (1) remove all exceptions in its regular-route, general commodity authority except "Classes A and B explosives;" (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, or intermediate points in one direction to authorize service at all intermediate points; (3) remove the restriction in Sub-No. 18, which restricts service on a described regular route against the transportation of traffic originated at or destined to points in AZ, CA and NM; (4) remove the restriction in Sub-No. 21, which allows, no service at St. Louis, MO on traffic originating at, destined to, or interlined at Dallas, TX; (5) delete facilities limitation from off-route points in Sub-Nos. 15, and 22; (6) broaden commodity descriptions in irregular route authority: (a) Sub-No. 15, roofing, building paper, insulating material, nails and asphalt, to "ores and minerals, lumber and wood products, pulp, paper and related products, petroleum or coal products, rubber and plastic products, clay, concrete or stone products, metal products (b) Sub-No. 22, groceries, produce, cotton seed, cotton seed meal, cotton seed hulls, seed, feed, farm implements, agricultural commodities and livestock, to "food and related products, metal products and machinery" (c) Sub-No. 25, "soap and soap products" to "chemicals and related products"; (7) in Sub-Nos. 15 and 25, replace Kansas City, MO with Johnson, Leavenworth and Wyandotte Counties, KS and Cass, Clay, and Jackson and Platte Counties, MO; (8) to broaden its off-route point descriptions to county-wide authority: (a) in Sub-No. 25, from points within 30 miles of Oklahoma City, OK to "Logan, Lincoln, Oklahoma, Pottawatomie, Cleveland, McClain, Grady, Canadian, Caddo, Kingfisher, and Payne Counties, OK"; (b) in Sub-No. 25, from points within 30 miles of Los Angeles, CA to "Los Angeles, Orange, San Bernardino, and Ventura Counties, CA"; (c) in Sub-No. 28, routes 1-3, from points within 5 miles of named highways to "Alameda, Contra Costa, San Francisco, San

Mateo, and Sata Clara Counties, CA"; (d) in Sub-No. 15, sheet 2, paragraph 7, from Alma, OK to "Stephens County, OK"; (e) in Sub-No. 15, sheet 3, paragraph 2, from Buffalo and Neodosha, KS to "Wilson County, KS"; (f) in Sub-No. 25, from Bartlesville, Collinsville, and Nowata, OK to "Nowata, Osage, Rogers, Tulsa, and Washington Counties, OK"; (g) in Sub-No. 30, from plantsites near Fort Worth, TX to "Parker and Tarrant Counties, TX"; (h) in Sub-No. 22, from points within 25 miles of Red Bay, AL to "Colbert, Franklin and Marion Counties, AL, and from points within 70 miles of Tupelo, MS to "Alcorn, Benton, Calhoun, Chickasaw, Clay, Grenada, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, and Yalobusha Counties, MS"; (9) authorize radial movements in place of existing one-way authority between Kansas City, MO and named counties or points in OK and KS in Sub-Nos. 15 and 25, and (10) remove all exceptions in its Sub-No. 15 irregular route, to authorize "general commodities except classes A and B explosives".

MC 118612 (Sub-14)X, filed May 11, 1981. Applicant: COLUMBIA TRUCKING, INC., 700—131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from its Sub-Nos. 9F, 10 and 12 certificates to: (1) broaden the commodity description from asphalt and tar in Sub-No. 9F and hot asphalt in Sub-No. 10 to "petroleum or coal products"; (2) remove the "in bulk, in tank vehicles" restrictions in Sub-No. 10; (3) remove the facilities limitation in Sub-No. 9F; (4) replace Summit, IL with Cook County, IL, in Sub-No. 10; and, (5) expand its one-way authority to radial authority in Sub-No. 9F, between IN, and, Waukegan, IL; in Sub-No. 10, between Cook County, IL, and, IN, IA, WI, MN, OH, MI, and MO; and in Sub-No. 12, between La Porte County, IN, and IL.

MC 118811 (Sub-19)X, filed May 4, 1981. Applicant: LAWRENCE McKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 13F and 15F certificates to (1) broaden the commodity descriptions in the lead from lumber to "lumber and wood products"; in Sub-No. 3 from lumber to "lumber and wood products"; in Sub-No. 13F from scrap metal to "metal products"; and in Sub-No. 15F from lard cans, shower stalls, furnaces and stoves, and parts, accessories and supplies to "building materials and metal products" (2) authorize radial service between specified points mainly in the eastern and central portions of the U.S.; (3) remove facilities limitations in Sub-No. 3, and 15F; (4) replace city-wide authority with county-wide authority as follows: Winchester with Clark County, KY in Sub-No. 3; Lexington with Fayette County, KY in Sub-No. 13F; and Louisville with Jefferson County, KY in Sub-No. 15F; and (5) delete the exception of (a) Erie, Jamestown, Lawrence Park, North East and Wesleyville PA and (b) the following OH Cities or points; Delaware, Hamilton, Lebanon, Lodi, Hansfield, Massillon, Middletown, Washington Court House, Wright-Patterson Field, and Xenia, in Sub-No. 3.

MC 123415 (Sub-22)X, filed May 4, 1981. Applicant: JAMES STUFFO, INC., Cinnaminson Industrial Park, 2301 Garry Rd. (P.O. Box 45), Cinnaminson, NJ 08077. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 6, 10, 12, 14 and 16 certificates to (A) broaden the commodity descriptions as follows: (a) in the lead and Sub-No. 6, from colored wall finishes in powdered form exterior Portland cement stuccos, building materials (except lumber, structural steel, sand, gravel and crushed stone), roofing materials and insulating board, waterproofing compounds, dry flooring cement compounds, roofing materials, sand, stone, brick, and tools, supplies and equipment used in installing or applying the described commodities (except commodities in bulk, in tank or hopper type vehicles) to "building materials"; (b) in the lead and Sub-Nos. 4, 5, and 16, from metal windows, metal window sections, and metal doors (uncrated), parts and fittings, aluminum extrusions (uncrated) when moving with shipments of metal windows, metal window sections, metal doors (uncrated), sample metal windows, sample metal window sections and sample metal doors (crated), aluminum extrusions (some portions uncrated), building construction sections, to "metal products"; (c) in the lead from clay sewer pipe (uncrated), flue lining, drain tile and sewer pipe, to "clay, concrete, glass or stone products"; (d) in the lead from waste materials, cotton waste, scrap or waste paper, old mattresses and rags, scrap iron and steel, scrap tin plate, scrap tin cans, to "waste or scrap materials not identified by industry producing"; (e) in the lead and Sub-No. 14, from, paper and paper products, and paper mill supplies and paper boxes, to "pulp, paper and related products"; (f) in lead docket, from plastic pipe and fittings for plastic pipe, to "rubber and plastic products"; (g) in Sub-No. 10, from illuminated signs and component parts thereof to "advertising products and materials"; (h) in Sub-No. 12, from pallets to "packaging and material carrying devises"; and (i) in Sub-No. 14, from drug, medicinal and toilet preparations, in paper boxes and the same commodities on return (except liquid commodities in bulk), to "health and personal care products and materials"; (B) remove all restrictions on commodities, such as "except liquid commodities in bulk", "crated", "uncrated", etc.; (C) delete facilities limitations in each certificate; (D) replace city-wide with county-wide authority wherever the following appear in each certificate: Bogota, East Rutherford, Little Ferry, Ridgefield Park with Bergen County, NJ; Elizabeth, Elizabeth Port, Garwood with Union County, NJ; Manville with Somerset County, NJ; Old Bridge, New Brunswick with Middlesex County, NJ; Whippany with Morris County, NJ; Camden, Delair, Gloucester with Camden County, NJ; Trenton with Mercer County, NJ; Newark with Essex County, NJ; Edge Moor with New Castle County, DE; Urichsville and Midvale with Tuscarawas County, OH; Carrollton with Carroll County, OH; Freehold with Monmouth County, NJ; and Lancaster with Lancaster County, PA; and (E) authorize radial service where only one-way authority exists between points in specified States located mainly throughout the eastern and central portion of the U.S.

MC 124170 (Sub-164)X, filed May 7, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 79, 99F and 100F certificates to (1) eliminate the facilities limitation in Sub-No. 99F; (2) change one-way to radial authority between (a) Detroit, MI, and, points in ME, MA, CT, RI, VT, NY, NJ, PA, OH, MD, DE, VA, WV, FL, GA, MS, AL, LA, NC, SC, TN, KY, IN, WI, IL and DC in Sub-No. 79; (b) points in the U.S., and, Detroit, MI, in Sub-No. 99F; and (c) Detroit, MI, and, points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, in Sub-No. 100F; and (3) remove the "except commodities in bulk" restriction in Sub-No. 100F.

MC 126960 (Sub-9)X, filed May 1, 1981. Applicant: EASTMAN TRANSPORT, INC., P.O. 1186, Fort Bragg, CA 95437. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 7 certificates to: (1) broaden the commodity description in Sub-Nos. 2 and 7, from lumber to "lumber and wood products"; and also in Sub-No. 2, broaden mineral ores and concentrates, ore, ore and ore concentrates to "ores and minerals"; cottonseed meal, crumbles and pellets to "food and related products"; and fertilizer to"chemicals and related products"; (2) expand Grants Pass, OR, to Josephine County, OR, Phoenix, AZ; Phoenix, AZ, to Miricopa County, AZ; Tucson, AZ, to Pima County, AZ; and Merlin, OR, to Josephine County, OR, wherever they appear in Sub-No. 2; (3) remove the restriction against service from the Palo Alto Mining site and the J. R. Holman Mine site in Sub-No. 2; (4) eliminate the exception of wood chips from the commodity description lumber and wood products and forest products in Sub-No. 2; eliminate the "except in bulk restriction" in Sub-No. 2; and (5) expand its one-way authority to radial authority between named counties in OR, and, named counties CA in Sub-Nos. 2 and 7 and between named counties in OR, and, points in NV; and between named counties in OR, and, named counties in AZ, in Sub-No. 2.

MC 134730 (Sub-29)X, filed May 7, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, and 28F permits to (1) authorize service between points in the U.S., under continuing contract(s) with named shippers; and (2) broaden the commodity descriptions to (a) "metal products and waste or scrap materials" from non-ferrous metals and scrap metals, in Sub-Nos. 20F, 22F, and 26F; (b) "non-metallic minerals, metal products, and machinery, material, equipment and supplies" from heat processing equipment, accessories, and materials, equipment and supplies, in Sub-Nos. 21F, 23F, and 28F; (c) "forest products, lumber and wood products, pulp, paper and related products, building materials and metal products" from forest products, lumber, millwork, building supplies and hardware, in Sub-No. 24F; (d) "metal products and materials, equipment and supplies" from fabricated metal products and iron and steel articles, and materials, equipment, and supplies, in Sub-No. 25F; and (e) "machinery and metal products" from waste water treatment equipment and parts for waste water treatment equipment, in Sub-No. 27F.

MC 145402 (Sub-11)X, filed May 4, 1981. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) remove all exceptions from its general commodity authority except classes A and B explosives; (2) allow service at all intermediate points between Milwaukee, WI and Kalamazoo, MI, Buffalo and Grand Rapids, MI, Grand Rapids, MI and junction Interstate Hwys. 94 and 196, Tomahawk and Milwaukee, WI, Green Bay and Milwaukee, WI, Antigo and Appleton, WI, Wausau and Green Bay, WI, Manitowoc and Stevens Point, WI, and, Manitowoc and Fond du Lac, WI; (3) allow service at all off-route points in St. Joseph County, MI in place of points in part of the county; (4) eliminate all restrictions limiting service at specific points for purpose of joinder or interchange only; (5) remove the originating at and destined restriction; and (6) eliminate the restriction requiring that "service may only be provided between points in WI, on the one hand, and points in MI on the other hand."

MC 146269 (Sub-4)X, filed May 12, 1981. Applicant: WALDORF TRANSPORTATION CO., INC., P.O. Box 1470, La Plata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity description from (a) malt beverages to "food and related products", in Sub-No. 2F; and (b) cloth, cotton fibre, synthetic fibre, and unfinished piece goods to "textile mill products", in Sub-No. 3F; (2) change its one-way authority to radial authority between Philadelphia, PA and Baltimore, MD, and specified points in VA, in Sub-No. 2F; and (3) replace North Dighton with Bristol County, MA, in Sub-No. 3F.

MC 146274 (Sub-1)X, filed May 8, 1981. Applicant: JACKSON TRANSPORTATION, INC., P.O. Box 410-C, Clayton, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead permit, which authorizes the transportation of printed matter, to broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 146782 (Sub-52)X, filed May 4, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 10F, 12F, 13F, 15, 17, 18, 19F, 20F, 25F, 26, 27F, 29F, 30, 31F, 32F, 33 and 36 certificates to (1) broaden the commodity description from (a) aluminum articles, iron and steel articles, wire, rod, wire and rod articles, fencing materials, zinc articles, aluminum sheet and foil, aluminum ingots, tubing and welded steel tubing to "metal products" in Sub-Nos. 9F, 10F, 11F, 12F, 13F, 15, 17, 18, 19F, 20F, 26F, 27F, 29F, 30, 31F, 32F, 33 and 36; (b) construction adhesives and paint to "building materials" in Sub-No. 25F; (2) broaden the territorial descriptions to county-wide authority by (a) substituting: Cook County, IL, for a plantsite at Chicago, IL, in Sub-No. 9F; Putnam County, IL, Lake County, IN, Mahoning County, OH, Beaver County, PA and Allegheny County, PA, for plantsites at Hennepin, IL, Indiana Harbor, IN, Youngstown, OH, Aliquippa and Pittsburgh, PA, in Sub-No. 10F; Hancock County, WV, and Jefferson County, OH, for plantsites at Weirton, WV, and Steubenville, OH, in Sub-No. 12F; Carroll County, TN, for a plantsite at Hungtingdon, TN, in Sub-No. 13F; Jackson County, AR, and Roane County, TN, for plantsites at Newport, AR, and Harriman, TN, in Sub-No. 15; Beaver County, PA, and Stark County, OH, for plantsites at Beaver Falls, Koppel and Ambridge, PA, and Alliance, OH, in Sub-No. 18; Richland County, OH, for a plantsite at Shelby, OH, in Sub-No. 19F; Davidson County, TN, for plantsites at Nashville, TN, in Sub-Nos. 20F, 25F and 31F; Georgetown County, SC, for plantsite at Georgetown, SC, in Sub-No. 26; Whitside County, IL for plantsites at Sterling and Rock Falls, IL, in Sub-No. 29F; Bradley County, TN, for a plantsite at Cleveland, TN, in Sub-No. 30; and Surry County, NC for a plantsite at Mount Airy, NC, in Sub-No. 32F; and (b) deleting the "originating at and/or destined to" restrictions wherever they appear in each certificate and (3) substitute radial authority for one-way authority in Sub-Nos. 9F, 10F, 11F, 15, 19F, 26 and 29F, between specified points located mainly in the eastern and central portion of the U.S.

MC 147169 (Sub-2)X, filed May 4, 1981. Applicant: SERVICEWAY MOTOR

FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its authority in its lead certificate No. MC-147169 F and Sub-Nos. 1F and certificates No. MC-145274 Sub-Nos. 4F, and 6F to (1) broaden the commodity description from carbonated beverages and carbonated beverage containers to "food and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products" in the lead; in Sub-No. 1F from carbonated beverages and materials and supplies used in the manufacture and distribution of carbonated beverages to "food and related products, and material and supplies used in its manufacture and distribution"; in Sub-No. 2F, part (1) from containers and container ends to "rubber and plastic products, clay, concrete, glass or stone products, and metal products"; in Sub-No. 4F, part (1) iron containers and steel containers and metal can ends to "metal products"; in Sub-No. 6F, part (1) from ground clay, crude clay and floor sweeping compounds to "chemicals and related products, and clay, concrete, glass or stone products"; (2) remove the facilities limitations in Sub-Nos. 2F and 6F; (3) substitute counties for named cities as follows: in Sub-Nos. 1F and 2F Shelby County (for Collierville), TN; in Sub-No. 4F, Lee County (for Bishopville), SC; in Sub-No. 6F, Hardeman County (for Middleton), TN; (4) remove the "in bulk" restrictions in Sub-No. 6F, and the "in bulk, in tank vehicles" restriction in Sub-Nos. 2F and 4F.

MC 147553 (Sub-13)X, filed May 11, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) broaden the commodity description to "such commodities as are dealt in by grocery and food business houses and beverages", from beverages, (2) expand its one-way authority to radial authority between points in CA, OR, and WA, and, points in ID. Applicant's ability to tack authorities will be governed by rules set forth at 49 CFR Part 1042.10(b).

MC 148512 (Sub-6)X, filed April 30, 1981. Applicant: WESTERN TANK LINE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in No. MC-148512 Sub-Nos. 2F, 3F, 4, and 5 certificates and authorities acquired in MC-F-14215F, issued in No. MC-119400 and Sub-Nos. 1, 2, 3, 6, 10, 12, 14, and 16, to (1) change various bulk commodity descriptions such as anhydrous ammonia MC-119400 (Sub-Nos. 3, 6, 8, and 14); fertilizer, insecticides, fungicides, and herbicides MC-119400 (Sub-No. 1); fertilizer and fertilizer ingredients MC-119400 (Sub-No. 10); chemicals, fertilizers and fertilizer materials MC-119400 (Sub-No. 2); asphalt emulsion MC-148512 (Sub-No. 3); liquified petroleum gas MC-148512 (Sub-No. 2); acids and chemicals MC-148512 (Sub-No. 4); liquid fertilizer solutions MC-119400 (Sub-Nos. 12 and 16); refined petroleum products (Base Docket MC-119400); and liquid commodities in bulk MC-148512 (Sub-No. 5) to read "commodities in bulk", (2) remove "in tank vehicles" restrictions in MC-119400 (Sub-Nos. 6 and 12) and MC-148512 (Sub-Nos. 2 and 3); (3) eliminate facilities limitations in MC-119400 (Sub-Nos. 1, 2, 6, 10, 14 and 16); (4) authorize radial service between points located throughout the U.S. and (5) replace city-wide authority with county-wide authority wherever they appear in each certificate as follows: Alton with Sioux County, IA; Naper with Boyd County, NE; Spalding with Greeley County, NE; Rogers and Schuyler with Colfax County, NE; Arkansas City with Cowley County, KS; El Dorado with Butler County, KS, Conway and McPherson with McPherson County, KS; Arlington and Blair, with Washington County, NE; Air Park West, Lincoln with Lancaster County, NE; Borger with Hutchinson County, TX; Greenwood with Cass County, NE; Whiting with Monona County, IA; Early with Sac County, IA; Garner with Hancock County, IA; Doniphan with Hall County, NE; Clay Center with Clay County, KS; and Falls City with Richardson County, NE

MC 148846 (Sub-4)X, filed May 8, 1981. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, Suite 665, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity descriptions from molasses and condensed steffens filtrate, in tank vehicles, liquid feed supplement, liquid feed ingredients, and liquid fertilizer in tank vehicles, to "commodities in bulk"; (2) remove facilities limitations at Sterling and Johnstown, CO and replace with Logan and Weld Counties, CO; and (3) replace its one-way authorities with radial authorities, between Logan and Weld Counties, CO, and points in SD, NE, KS, IA, WY, MT, OK, and TX.

[FR Doc. 81-15429 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 19, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.4-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

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., May 22, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis and Commissioner Gilliam were absent and did not participate.

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)	
May 18, 1981	132.7¢

	Transportation performed by—			
	Owner-operators [1]	Other [2]	Bus carriers	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	18.4	3.2	6.9	[3] 2.9
Percent surcharge allowed	18.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-15424 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 19, 1981.

By the Commission, Krock, Joyce, and Dowell.

MC-F-14624F, filed April 28, 1981. GRAND ISLAND MOVING & STORAGE CO., INC. (GIMS) (P.O. Box 2122, Grand Island, NE 68801)—PURCHASE (PORTION)—CONLEY TRUCK LINE, INC. (Conley) (P.O. Box 1761, Grand Island, NE 68801). Representative: Brian K. Ridenour, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501. GIMS seeks authority to purchase a portion of the interstate operating rights of Conley. James D. Pirnie, who controls GIMS through 92% of stock ownership, seeks authority to acquire control of said rights through the transaction. GIMS is purchasing a portion of Conley's authority which is contained in Certificate No. MC-18080, which authorizes the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Council Bluffs, IA, and Arnold, NE, as follows, serving the intermediate and off-route points of Omaha, Lincoln, Hastings, Glenwood Park, and Kearney, NE, and those on NE Hwy 40 between Glenwood Park and Arnold, and the off-route point of Grand Island, NE, (1) from Council Bluffs over U.S. Hwy 6 to Lincoln, NE, then over NE Hwy 2 via Woodlawn, NE, to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Hastings, NE, then over U.S. Hwy 6 to Minden, NE, then over NE Hwy 10 to junction NE Hwy L-50A (formerly NE Hwy 410), then over NE Hwy L-50A to junction NE Hwy 44, then over NE Hwy 44 to Kearney, NE, then over NE Hwy 30 to Gothenburg, NE, then over NE Hwy 47 to junction NE Hwy 40, then over NE Hwy 40 to Arnold, and return over the same route; (2) from Council Bluffs to Kearney as specified above, then over NE Hwy 10 to Glenwood Park, NE, and then over NE Hwy 40 to Arnold, and return over the same route; (3) from Council Bluffs over U.S. Hwy 6 to Omaha, then over NE Hwy 92 to Arnold, and return over the same route, and (4) from Council Bluffs over U.S. Hwy 6 to Omaha, then over U.S. Hwy 275 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction NE Hwy 92, then over NE Hwy 92 to Arnold, and return over the same route. GIMS is authorized to operate as a common carrier over regular and irregular routes in the continental United States pursuant to certificates authorized in MC-135283 and sub-numbers thereunder.

MC-F-14623, filed April 24, 1981. WINTZ TRANSPORTATION CO. (Wintz) (1706 American National Bank Bldg., St. Paul, MN 55101)—PURCHASE—MODERN TRUCK LINES, INC. (Modern) (7845 Hall St., St. Louis, MO 63147). Representative: Brian K. Ridenour, P.O. Box 82028, 1200 N St., 500 The Atrium, Lincoln, NE 68501. Wintz seeks authority to purchase the interstate operating rights of Modern. George L. Wintz, Jr., the sole stockholder of Wintz, seeks authority to acquire control of said rights through the transaction. Wintz is purchasing those rights contained in Modern's certificate in MC-115169 and sub-numbers thereunder, which authorize the transportation of: General commodities, except those of unusual value, Classes A and B explosives, livestock,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between points within one mile of Paducah, KY, not including Paducah, on the one hand, and, on the other, points in Kentucky on KY Highway 286, not including Wickliffe, KY. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis MO, on the one hand, and, on the other, points in Ballard County, KY. *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Paducah, KY, Memphis, TN, Cairo, IL, and points in Illinois within five miles of Cairo, IL, and points in TN located on U.S. Highway 51, on the one hand, and on the other, points in Kentucky within 35 miles of La Center, KY, excluding La Center and those in said area on or within one mile of U.S. Highways 45, 51, and 60. Between East St. Louis, IL and points in Illinois within 25 miles thereof, on the one hand, and, on the other, La Center, KY, and points in Kentucky within 35 miles of La Center, other than those on or within one mile of U.S. Highways 45, 51 and 60. *Cheese, feed, roofing materials, wire-fencing, lard cans,* and *packinghouse products and by-products,* including *fresh meats,* from East St. Louis, IL, to points in Ballard and McCracken Counties, KY, with no transportation for compensation on return except as otherwise authorized. *Livestock*, between points in Ballard and McCracken Counties, KY, on the one hand, and, on the other, East St. Louis, IL. Wintz holds no permanent authority from the Commission. However, it is operating under temporary authority issued in MC-F-14417F and MC-F-14329, transporting specified commodities in described areas involving the States of Arizona, New Mexico, Colorado, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Missouri, Kansas, South Dakota, Indiana, Kentucky, Michigan, Ohio, California, Nevada and Utah. Wintz is affiliated with Wintz Motor Freight, Inc., which is authorized to operate as a motor contract carrier, over irregular routes, in the States of Arizona, California, Colorado, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, pursuant to authority granted in MC-144822, MC-F-13360, MC-F-13362, MC-F-13998F, and MC-F-13999F.

Note.—Application for TA has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15422 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 49F)]

Seaboard Coast Line Railroad Co.—Abandonment—in the City of Belton, Anderson County, SC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 15, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Belton Subdivision extending from railroad milepost AKM-0.0 to milepost AKM-2.0, a distance of 2.0 miles, in the City of Belton, Anderson County, SC. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer be filed with Commission and served concurrently on SCL, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15156 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-33 (Sub-No. 19F)]

Union Pacific Railroad Co. Abandonment—in Weld County, Colo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 15, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91(1979), the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of a line of railroad known as the Greeley Branch, extending from railroad milepost 2.26 near Greeley Junction to railroad milepost 10.86 near Gill, a distance of 8.60 miles in Weld County, CO. A certificate of public convenience and necessity permitting abandonment was issued to the Union Pacific Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on UP, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15139 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 16, 1981, and amended April 30, 1981, and on May 13, 1981 under section 337 of the Tariff Act of 1930 (19 U.S.C. section 1337), on behalf of Wear-Ever Aluminum, Inc., 1089 Eastern Avenue, Chillicothe, Ohio 45601. The complaint alleges unfair methods of competition and unfair acts in the importation of certain hot air corn poppers into the United States, or in their sale, by reason of the alleged infringment by said hot air corn poppers of claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after full investigation, the Commission issue an order excluding the articles in question from entry into the United States for the term of the patent, except under license.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 13, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain hot air corn poppers and components thereof into the United States, or in their sale, by reason of the alleged infringement by said hot air corn poppers of claims 1, 2, 3, or 5 of U.S. Letters Patent 4,178,843, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Wear-Ever Aluminum, Inc., 1089 Eastern Avenue, Chillicothe, Ohio 45601.

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon whom the complaint is to be served:

Yamada Electric Industries, Ltd., 1-30-1 Yahiro, Sumida-Kv, Tokyo, Japan 131
Chiap Hua, 30-32 Kung Zip Street, Kwai Chung N.T., Hong Kong
The West Bend Company, Inc., 400 W. Washington Street, West Bend, Wis. 53095
Sunbeam Corporation, 4600 W. Roosevelt Road, Chicago, Ill. 60650
Maxim Associates Corporation, 9131 Queens Boulevard, Elmhurst, N.Y. 11373
The Stop & Shop Companies, Inc., 393 D Street, Boston Mass. 02101
K-Mart Corporation, 3100 W. Big Beaver Road, Troy, Mich. 48084.

(c) John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

The phrase "and components thereof" has been added to paragraph (1) above on the basis of informal investigatory activities by the Commission which revealed that hot air corn poppers of the type alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843 can be imported in component parts as well as entirely assembled units.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than June 11, 1981. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0419.

Issued: May 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15280 Filed 5-21-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-98]

Certain Screw Jacks and Components Thereof; Amendment of Notice of Investigation and Designation of the Investigation as "More Complicated"

AGENCY: International Trade Commission.

ACTION: Amendment of compliant to include an allegation of infringement of an additional patent and designation of the investigation as "more complicated."

SUMMARY: On May 18, 1981, the Commission determined to amend the notice of investigation to include infringement of U.S. Letters Patent 3,977,267 by respondents Seeburn Metal Products, Ltd., and General Motors Corp., as an alleged unfair act or unfair method of competition within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

On April 13, 1981, complainant Auto Specialties Manufacturing Co. Filed a motion to amend the complaint and notice of investigation to include U.S. Letters Patent 3,977,267. The motion was opposed by respondents Seeburn Metal Products, Ltd., and General Motors Corp.

The original complaint in this investigation, which was instituted on

February 11, 1981, alleged that screw jacks made by Seeburn infringed U.S. Letters Patent 3,862,577 (the '577 patent) because of a pinion gear contained in the imported screw jacks. The '267 patent, which the complainant now wishes to add allegedly covers another component of the screw jacks, the bottom gear.

On May 1, 1981, the Commission Administration Law Judge, Judge Saxon, recommended that the Commission amend the notice to add the '267 patent and also delcare this investigation "more complicated."

The Commission's Action and Order, and Memorandum Opionion in this matter is available for public inspection in the Office of the Secreary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: May 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–15282 Filed 5–21–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–68 (Final)]

Leather Wearing Apparel From Uruguay

Determination

On the basis of the record [1] developed in Investigation No. 701–TA–68 (Final), the Commission unanimously determines, pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is threatened with material injury by reason of imports from Uruguay of leather wearing apparel, provided for in item 791.76 of the Tariff Schedules of the United States, which the Department of Commerce has found to be subsidized by the Government of Uruguay. The Commission further determines, pursuant to section 705(b)(4) of the Tariff Act, that material injury would not have been found but for the suspension of liquidation of entries of the subject merchandise.

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

Background

The Commission instituted this investigation effective December 12, 1980, following a preliminary determination by the Department of Commerce that bounties or grants are being provided by the Government of Uruguay with respect to the production or export of leather wearing apparel imported into the United States. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on January 7, 1981 (46 FR 1848). The hearing was held in Washington, D.C., on March 26, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in investigation No. 701–TA–68 (Final), we determine that an industry in the United States is threatened with material injury by reason of imports from Uruguay of leather wearing apparel,[2] which the Department of Commerce has found to be subsidized by the Government of Uruguay.

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like or in the absence of like, most similar in characteristics and uses to the imported product which is the subject of the investigation.[4] Three sets of like products exist in this investigation—(1) men's and boy's leather coats and jackets, (2) women's and girl's leather coats and jackets, and (3) leather wearing aparel "other than coats and jackets."

Ninety percent of the imported articles subject to this investigation are leather coats and jackets. Also included, but imported in smaller quantities, are leather vests, pants, and shorts. All of these imported articles can be divided into categories which differentiate them on the basis of sex of the wearer and/or the way in which they are worn, i.e., outerwear or non-outerwear. These items are distinguishable from other imported apparel items in that they are all made primarily of leather. Articles of apparel, substantially the same as the imported articles, are produced by numerous firms in the United States.

Evidence gathered during this investigation demonstrates that the purchase of leather wearing apparel tends to be, fundamentally, a fashion decision. In other words, the decision to buy leather wearing apparel tends to be based on style, rather than on utilitarian value. Inherent characteristics of leather such as texture, prestige, durability, smell, and color are among the factors that make the decision to buy leather a style choice. Thus, a wool garment or a vinyl garment will not easily suffice when an article of leather wearing apparel is desired.

The method of manufacturing leather wearing apparel is an important consideration in helping us to understand the nature of the industry. From the record, it is clear that it is a very simple matter to switch from the production of men's leather wearing apparel to the production of women's leather wearing apparel. The same is true for children's wear and for the production of pants vs. vests, jackets vs. coats, etc. Once the investment is made in machines for manufacturing leather apparel, there are no changes that have to be made to produce a particular type of garment nor are there employees who have to be retrained. This is the case because the method of producing leather wearing apparel is a simple one using hand-cut materials which are sewn together from a pattern. For example, when fashion dictates, a women's wear manufacturer can switch production in order to concentrate on men's apparel or production of coats and jackets can be switched to production of vests and pants. The basic change in producing any of these products is the length of the material and the style of the cut.

Of the firms responding to Commission questionnaires, twelve produce men's and boy's coats and jackets, five produce women's and girl's coats and jackets, and five produce leather wearing apparel for both sexes. All leather wearing apparel producers make at least one of the like products in this investigation, and each of these producers is included in the definition of the domestic industry.

The data available from domestic producers distinguish between male and female garments in terms of shipments, unshipped orders, and production. However, producers' data do not break down profit/loss figures and employment for production of male and

[2] The leather wearing apparel under investigation is provided for in item 791.76 of the Tariff Schedules of the United States.

[3] Section 771(4)(A) of the Tariff Act of 1930.

[4] Section 771(10).

female coats and jackets or other garments.

Section 771(4)(D) makes provision for circumstances in which the production process or producer's profits cannot be separately identified for like products, by providing for analysis of the narrowest product line containing the like product. In this case, the lack of available data regarding men's and women's garments in terms of profit/loss and the identity of the production process lead us to the conclusion that the narrowest group of products for analysis is all leather wearing apparel. Therefore our determination in this case is based upon an examination of the impact of these imports on all leather wearing apparel production.

Condition of the U.S. industry

Although the period covered by the present investigation was 1978–1980, past investigations by the Commission [5] have documented the decline of the domestic leather wearing apparel industry since the mid-1970's, a decline so severe that the Commission determined in January 1980 that the industry had suffered "serious injury."[6] Since that time, key indicators of health for this industry—profitability and employment—show further deterioration. The ratio of net operating profit to net sales, already very low in 1978 at 3.1 percent, fell to 1.2 percent in 1980. Employment declined 22 percent since 1978 and average hours worked per week fell to 33 hours.

Other data show that the industry's decline has slowed since 1978 and that in some areas—notably the women's segment—there has been some improvement. The quantity of producer's shipments increased 4 percent from 1978 to 1980, though the value of such shipments declined by 5 percent.[7] Unfilled orders of women's apparel have been trending upward since 1979. Though capacity and capacity utilization are difficult to assess in this fluid industry, we note that capacity has risen since 1978 but utilization of capacity has dropped and is now at a low level, at just over 50 percent.

We view the information pointing to improvement or stabilization in the industry in the light of industry conditions in 1978. During the period 1975–1978, many smaller producers, primarily in the women's segment, switched to the production of other items, became importers, or liquidated their businesses. It is from this shrunken base that "stabilization" or "improvement" of the industry has taken place. With such low profitability and continued declining employment, the industry has not moved far above the troubled position in which we found it in January 1980.

However, the current state of the domestic industry cannot be attributed to subsidized imports of leather wearing apparel from Uruguay. Imports from Uruguay have decreased 81 percent by quantity and 76 percent by value from 1978 to 1980. The share of imports from Uruguay in apparent U.S. consumption also fell off dramatically during this period—from 8.4 percent to 2.8 percent, a decline of 67 percent. Although price comparisons of Uruguayan and U.S.-made leather wearing apparel at both the wholesale and retail levels showed some evidence of underselling, domestic producers could not provide the Commission with evidence of sales lost by them to imports of leather wearing apparel from Uruguay.

The domestic leather wearing apparel industry is clearly susceptible to import-related injury, but for the timeframe covered by this investigation, the causal link necessary for an affirmative finding of present injury was absent.

Threat of Material Injury by Reason of Subsidized Imports

As the Senate Finance Committee report on the Trade Agreements Act of 1979 makes clear, an affirmative finding on the question of threat of material injury "must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture."[8] The report of the Committee on Ways and Means of the House of Representatives advises that in terms of possible threat of material injury,

demonstratable trends—for example, the rate of increase of the subsidized or dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, and the nature of the subsidy in question (i.e., is the subsidy the sort that is likely to generate exports to the United States) will be important.[9]

We have focused on these four factors in making our determination.

The rate of increase of subsidized exports.—The period 1975 to 1978 saw U.S. imports from Uruguay increase in value by 305 percent, as that country rose to third largest foreign supplier of leather wearing apparel in 1977 and fourth largest in 1978.[10] In 1978, a countervailing duty investigation on imports of leather wearing apparel from Uruguay by the Commission resulted in a unanimous affirmative determination.[11] Data for the period 1975 to 1978 demonstrated the capability of Uruguayan producers, aided by subsidies, to increase rapidly their export of these articles to the United States at competitive prices.

It is this data on Uruguay's exports to the United States in 1975–1978 which we consider most relevant for assessing Uruguay's future performance in the U.S. market. The most recent period, 1979–1980, and especially the period following the reinstatement of subsidies by the Government of Uruguay on April 16, 1980, is not helpful in analyzing export trends because it represents a highly aberrational market situation. As a general proposition, the methodology employed would be to compare export trends from Uruguay when subsidies were *not* in effect (calendar year 1979 and January–March 1980) with export trends since the reinstatement of subsidies on April 16, 1980, and further, to compare such trends with those of other major foreign suppliers of leather wearing apparel to the U.S. market. But such an approach does not take account of the important external factors that affected the level of Uruguay's exports in 1980. Most notably, pending actions of the U.S. government throughout the year raised uncertainty as to access to the U.S. market for leather wearing apparel.[12] Because of these pending actions and the weak demand for leather wearing apparel, 1980 was not an opportune time for Uruguayan producers to gear up for exports to the

[5] See Inv. No. 332-79-(3); *Leather Wearing Apparel from Uruguay*, Inv. No. 303-TA-2 (USITC Pub. 863, 1978; *Certain Leather Wearing Apparel from Colombia and Brazil*, Inv. No. 303-TA-9 (USITC Pub. 948, 1979); *Leather Wearing Apparel*, Inv. No. TA-201-40, (USITC Pub. 1030, 1980).

[6] USITC Pub. 1030.

[7] These conflicting trends are explained by the increase in shipments of women's short jackets and blazers which are less expensive per unit than long.

[8] S. Rept. 96-249, 96th Cong., 1st Sess. (1979) at 88-89.

[9] House Rept. 96-317, 96th Cong., 1st Sess. (1979) at 47.

[10] Report, p. A-10.

[11] U.S. International Trade Commission Publication 883, *Leather Wearing Apparel from Uruguay*, April 1978. Chairman Alberger and Commissioner Bedell voted in the affirmative in that investigation. Vice Chairman Calhoun and Commissioner Stern were not members of the Commission at that time.

[12] On January 24, 1980, the Commission unanimously determined that an industry in the United States was being injured by the importation of leather coats and jackets for men and boys and women and girls and recommended relief. On March 24, 1980, the President denied import relief. In late July 1980, Congress attempted to override the President's decision to deny import relief. Although the Senate Committee on Finance voted to override on August 21, 1980, the attempt was defeated on September 10, 1980, when the House Subcommittee on Trade of the Ways and Means Committee rejected the resolution by a vote of 10 to 9.

United States as they did in 1975–1978. In fact, uncertainty of market access and the demand situation affected export trends from all countries in 1980. Comparisons between Uruguayan performance in the U.S. market with or without subsidies in place—no matter which time periods are utilized [13]—are simply not appropriate given the effects of external factors on import performance in the U.S. leather wearing apparel market in 1980. Export data for Uruguay from 1975 to 1978 show rapid increases in exports and U.S. market penetration when Uruguayan manufacturers/exporters enjoyed both subsidies and unrestricted access to the U.S. market. Assuming that Uruguay's export capability and interest in exporting to the United States have not changed since the 1975–1978 period, it is Uruguay's performance in that period that we would expect to see repeated if U.S. government actions were not on the horizon and the market picked up as is expected in the fall of 1981. The Commission recognizes that such increased quantities of imports threaten injury to the domestic industry in its present weak condition.

Capacity in Uruguay to generate exports.—Data on present production and capacity of the Uruguayan leather wearing apparel industry are unavailable. In lieu of such data, respondents suggested that exports could approximate production, since over 90 percent of production in Uruguay is exported.[14] As noted above, analysis of Uruguay's past export performance shows imports of leather wearing apparel from Uruguay increased 305 percent from 1975 to 1978, as Uruguay rose from seventh largest foreign supplier of those items to fourth largest. Imports from Uruguay declined in both 1979 and 1980, but that country remains the seventh largest foreign supplier overall and the second largest supplier of women's leather coats and jackets to the United States.[15] As exports to the U.S. market waned in 1978–1980, exports to other markets increased somewhat, but total exports have dropped from 1978 to 1980.[16]

Although exports, and, presumably, productive capacity of leather wearing apparel facilities in Uruguay declined from the 1.3 million units produced for export in 1977, we note that idle productive capacity in this industry does not represent significant fixed costs for maintenance, disruption of production runs, or even long-term underutilization of labor, as it might in more capital intensive, technologically-oriented industries.[17] The production of leather wearing apparel in Uruguay, or in any country, is a relatively simple 2-step process of hand-cutting and sewing leather using inexpensive sewing machines.[18] In addition, the production of leather wearing apparel is a labor intensive process which does not require highly skilled production workers.[19] Finally, Uruguay possesses a large indigenous supply of hides and skins. Leather comprises at least 50 percent of the cost of production of the garment.[20] Although labor and other inputs into the cost of production in Uruguay are trending upward, the price of hides and skins has followed world prices downward, rather than Uruguay's general high inflation rate.

In sum, the past export performance of the Uruguayan leather wearing apparel industry, coupled with low barriers to entry (i.e., a simple production process, and an abundance of the principal raw material in that country), all point to the continued capability of the industry to increase exports rapidly to the United States.

Likelihood exports will be directed to the United States—A related question is whether Uruguayan manufacturers/exporters would focus on the United States as a major market for export sales given favorable conditions. An examination of data on total Uruguayan exports during 1977–1980 shows exports to the United States declining and exports to countries other than the United States increasing as a share of total exports.[21] The data also show an ability of Uruguayan exporters to shift markets rapidly in response to favorable market conditions as well as to the status of the Uruguayan export incentives.[22] The ability to shift markets with relative ease, coupled with such factors as the relatively low tariff and non-tariff barriers on leather wearing apparel products maintained by the United States,[23] the size of the U.S. market, desirability of the U.S. dollar as a reserve currency, and established market contacts, all point to the continued desirability of the United States as a major export market for the Uruguayan leather wearing apparel industry.

The nature of the subsidy.—Section 771(7)(E)(i) of the Tariff Act of 1930 states:

> Nature of Subsidy.—In determining whether there is a threat of material injury, the Commission shall consider such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement) provided by a foreign country and the effects likely to be caused by the subsidy.

Those subsidies that are "inconsistent with the Agreement" within the meaning of section 771(7)(E) are found in the Illustrative List of Export Subsidies attached as an annex to the Code on Subsidies/Countervailing Measures. In this investigation two of the three subsidies determined by Commerce to exist are among those prohibited by the Illustrative List. The subsidies found by the Commerce Department were the reintegro program, a tax exemption program, and a noncollection of social security taxes.

Under the reintegro program, the Government of Uruguay grants tax certificates to exports as a fixed percentage of the f.o.b. value of the exported item. These certificates are transferable and may be applied against obligations of both direct and indirect taxes. The reintegro program is inconsistent with the agreement in that it constitutes a subsidy described by items (a) and (e) of the Illustrative List. Item (a) prohibits—

> The provision by governments of direct subsidies to a firm or an industry contingent upon export performance.

Item (e) forbids—

> The full or partial exemption, remission, or deferral specifically related to exports, of direct taxes or social welfare changes paid or payable by industrial or commercial enterprises.

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[13] The precise choice of time periods was debated at the Commission's hearing and in written submissions. Any conclusions that may be drawn from an analysis of month-to-month data for 1980 must rest on problematical assumptions concerning the timing and response of Uruguayan manufacturers/exporters to the reinstatement of subsidies, and most importantly, does not take into account the external factors noted in the text above. In any case, use of month-to-month import data is of questionable value here because such data of the Commerce Department and the Customs Service are subject to reporting inconsistencies. Examination of actual import entries from Uruguay for 1980 reveal that as much as 40 percent of the entries reported to have entered the U.S. in any one month actually entred in other months. (See Report, pp. A-33-35 and prehearing statement of petitioner, pp. 12–16, and table 6; post-hearing statement of respondents, pp. 1–4, and tables 1 and 2.)

[14] Report, p. A-36. See also prehearing statement of respondents, p. 12.

[15] Report, pp. A-10-13.

[16] Report, p. A-36.

[17] Report, pp. A-17, 37.

[18] Report, pp. A-8, 37.

[19] Report, pp. A-17.

[20] Transcript of the hearing, p. 201.

[21] Report, p. A-36.

[22] Ibid. Table 18, p. A-36, shows Uruguayan exports to countries other than the United States decreased from 41 percent of total exports in 1977 to 12 percent in 1978, but then increased, up to 45 percent of total exports, in 1979.

[23] Report, p. A-40.

The tax exemption program exempts from taxation a fraction of the value-added portion of a company's export income, after expenses and before taxes. The tax exemption is also of the type described in item (e).

The Congress considered the export subsidies found on the Illustrative List to be more likely to threaten material injury than domestically-oriented subsidy programs. The threat from the Illustrative-List subsidies is greater than from purely domestic subsidies because they are directed specifically at the export market. In this case, the subsidies that were reimposed had previously been offset with regard to the U.S. market. Thus, not only are the renewed subsidies directed at the export market, but specifically at the U.S. market.

Conclusion

Information gathered in this investigation as to all four demonstrable trends suggested by the Congress supports our affirmative finding of threat of material injury to the U.S. industry by reason of subsidized imports of leather wearing apparel from Uruguay.

Additional Finding Under Section 705(b)(4)(B)

Section 705(b)(4)(B) of the Tariff Act of 1930 states:

> If the final determination of the Commission is that there is no material injury but that there is threat of material injury, then its determination shall also include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.

The effect of an affirmative finding that material injury would have been found but for the suspension of liquidation of duties is found in section 706(b)(2), which states that the entries of the merchandise subject to suspension of liquidation would then be subject to countervailing duties. If the Commission finds in the negative, countervailing duties are not imposed for the period of suspension of liquidation.

We have found that there would have been no present injury by reason of subsidized imports from Uruguay even if suspension of liquidation had not occurred. Liquidation in the present case was suspended from December 17, 1980, to February 27, 1981. The data show that the value of imports from Uruguay entering the United States from mid-December 1980 through January 1981 was actually higher than in the corresponding period of 1979–1980, but substantially lower than in 1977–1978 or 1978–1979. Although it may be argued that the 1980–1981 figures would have been even higher had suspension of liquidation not taken place, no credible evidence has been produced to persuade us of that. More imports might well have come in, but we do not believe they would have been in sufficient quantity to trigger a finding of present material injury by reason of such imports.

Issued: May 13, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15281 Filed 5-21-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under Section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on June 10–12, 1981 in Room N5437, Frances Perkins Department of Labor Building, Washington, D.C. 20210. The meeting is open to the public and will begin at 9:00 a.m.

The agenda for this meeting will include a discussion of OSHA–MSHA jurisdiction related to construction, a review of accident statistics in the construction industry, a discussion of labor-management committees, a discussion of employee access to medical records in the construction industry, a reveiw of OSHA activities, a discussion of proposed OSHA program directives that are relevant to the construction industry, and a general discussion of construction safety and health matters.

Written data, reviews or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the chairman depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, phone (202) 523–8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 15th day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-15407 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption for Life Insurance Company Discretionary Asset Management; Hearing

By notice published in the Federal Register on December 30, 1980 (45 FR 85849), the Department of Labor (the Department) proposed a class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954 for discretionary asset management services performed by life insurance companies.

A hearing on the proposed class exemption has been requested. Accordingly, a public hearing will be held on June 19, 1981 beginning at 9:00 a.m. in Room N5437A and B of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:30 p.m., June 15, 1981: (1) a written request to be heard, and (2) an outline (preferably five copies) of the topics to be discussed, indicating the time to be allocated to each topic. The request to be heard and accompanying outline should be submitted 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: Discretionary Asset Management Hearing. Individuals who do not file written comments regarding the proposed class exemption may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of

presentation of oral comments and the time allotted to each person making oral comments. Information about the agenda may be obtained on or after June 17, 1981 by telephoning William A. Schmidt, Plan Benefits Security Division, Office of the Solicitor, (202) 523-9592 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 15th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-15150 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[Secretary of Labor's Order 1-81]

Delegation of Authority—Employment Standards Programs

May 15, 1981.

1. *Purpose.* To delegate authority and assign responsibility to the Deputy Under Secretary for Employment Standards.

2. *Background.* Heretofore authority for carrying out activities in connection with the administration of employment standards programs had been delegated to an Assistant Secretary for Employment Standards. A Deputy Under Secretary for Employment Standards position has been established to replace the Assistant Secretary for Employment Standards position. Consistent with that decision it is appropriate to delegate authority previously vested in the Assistant Secretary to the Deputy Under Secretary. That is accomplished by this Order.

3. *Delegation of Authority and Assignment of Responsibility.* The Deputy Under Secretary for Employment Standards is hereby delegated authority and assigned responsibility previously delegated to the Assistant Secretary for Employment Standards for carrying out the employment standards policies, programs, and activities of the Department of Labor. Until specifically modified or canceled by the Deputy Under Secretary, any authority redelegated by the Assistant Secretary remains in effect.

4. *Effective Date.* This Order is effective retroactive to April 28, 1981, and remains in effect until the various Orders that delegate authority to the Assistant Secretary are amended, superseded or canceled.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-15409 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-23-M

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 May 11-15, 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 Determination

In each of the following cases the 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-9319; General Steel Industries, Inc., National Roll Div., Avonmore, PA

TA-W-9373; Universal Prototype, Inc., Fraser, MI

TA-W-9390; Oakland Tool and Mfg. Co., Fraser, MI

TA-W-9318; U.S. Steel Corp., Homestead Works, Homestead, PA, Rankin, PA, and Saxonburg, PA

TA-W-9785; Luxaire, Inc., Elyria, OH

TA-W-9995; American Gage and Mfg. Co., Wauseon, OH

TA-W-9772; Joseph Love, Inc., College Point, NY

TA-W-9749; SGL Modern Creative, Sculpta Div., Elmwood Park, NJ

TA-W-9472; Alma Plastics Co., Polymid Plant, Linwood, MI

TA-W-9419; A.P. Parts Corp., Questor Shock Absorber Systems Div., Dyersburg, TN

TA-W-9339; General Steel Industries, Inc., Simplicity Engineering Co. Div., Durand, MI

TA-W-9304; Goodyear Tire and Rubber Co., Topeka, KS

TA-W-9303; G&L Mfg. Co. Inc., Boston, MA

TA-W-9003; Orbit Tool and Die Corporation, Springfield, NJ

TA-W-9001; Federal-Mogul Corp., St. Johns, MI

TA-W-9990; Northern Die and Mold Co., Inc., Bay City, MI

TA-W-9683; Redall Industries, Yale, MI

TA-W-9640; Snow Screw Products, Inc., Marlette, MI

TA-W-9508; American Cyanamid Co., Organic Chemicals Div., Bound Brook, NJ

TA-W-9428; Acheson Colloids Co., Div. of Acheson Industries, Inc., Port Huron, MI

TA-W-10,500; Plas-Tech, Inc., Warren, MI

TA-W-10,467; Lexington Metal Products Co., Lexington, TN

TA-W-10,276; Hancock Products, Inc., Detroit, MI

TA-W-9023; B.F. Goodrich Co., Port Neches, TX

TA-W-9453; Zollner Corp., Fort Wayne, IN

TA-W-10,022 & 10,460; Briggs and Stratton Corp., Lock and Key Division, Glendale, WI and Perry, GA

TA-W-10,023; D.A.B. Industries, Inc., Bellefontaine, OH

TA-W-11,476; TRW, Inc., Electronic Components Div., Chicago, IL

TA-W-10,287; Industrial Metals Corporation, Centerville, TN

TA-W-12; Universal Steel, Inc., Kokomo, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of iron and steel scrap are negligible

TA-W-10,400; International Harvester Co., Truck Div., Fort Wayne, IN

Investigation revealed that criterion (3) has not been met. Aggregate imports of heavy trucks, utility vehicles, four wheel drive pick-up trucks and truck station wagons did not contribute importantly to worker separations at the firm.

TA-W-10,353; International Harvester Co., Truck Div., Shadyside, OH

Investigation revealed that criterion (3) has not been met.

TA-W-10,242; International Harvester Co., Component Div., Indianapolis, IN

Investigation revealed that criterion (3) has not been met.

TA–W–9544; Bethlehem Steel Corp., Vernon, CA

Investigation revealed that criterion (3) has not been met. With respect to carbon and alloy steel bars, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

With respect to rebars, the investigation revealed that U.S. imports did not increase as required for certification.

TA–W–8986; Union Railroad Co., East Pittsburgh, PA

Investigation revealed that the Union Railroad Co. dose not produce an article as required under Section 223 of the Act.

TA–W–9396; A & F Leathers, Inc., Boston, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA–W–9292, 9308, and 9769; Bessemer and Lake Erie Railroad Co., Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. The Bessemer and Lake Erie Railroad Co. does not produce an article within the meaning of Section 223 of the Act.

TA–W–10,316; Lewiston Forest Products, Lewiston, 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. Furthermore, U.S. imports of wooden pallets are negligible.

TA–W–9522 and 10,978; Firestone Steel Products Co., Henderson, KY and Riverview (Wyandotte), 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. Furthermore, company imports decreased absolutely from fiscal year 1979 to fiscal year 1980 and U.S. imports decreased absolutely and relatively from 1978 to 1979 and decreased absolutely from 1979 to 1980.

TA–W–11,557; U.S. Steel Corporation, Pittsburgh Steel Service Center, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. An insignificant portion of the total volume of steel handled by the Pittsburgh Steel Service Center originates at U.S. Steel facilities whose workers are currently certified as eligible to apply for adjustment assistance benefits.

TA–W–12,082 and 12,083; American Hoist & Derrick Co., Steelcasting Div. and Industrial Brownhoist Div., Bay City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of cranes did not increase as required for certification.

TA–W–12,170; Pacific-Columbia Mills, Richland Plant, Columbia, SC

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–11,831 and 12, 514; Chrysler Corp., Export-Import Div., Brownstown, MI and Detroit, MI

Investigation revealed that criterion (3) has not been met. The two facilities were more closely integrated into foreign productin than domestic production of automobiles and trucks during the 1978–1980 period.

TA–W–8948; Robert Lewis, Inc., West Long Branch, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets decreased each year from 1978 through 1980.

TA–W–11,516; Sharon Steel Corp., Brainard Strapping Div., Warren, MI

Investigation revealed that criterion (3) has not been met. With respect to steel strapping, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to galvanized steel sheet, which includes coils, U.S. imports did not incease as required for certification.

TA–W–9538–9543 and 9546–9552; Duplan Corporation, Rochester Button Division, Rochester, NY, Wellsville, NY, South Boston, VA, Mckenney, VA, Kenbridge, VA, New York (519 8th Ave.), NY, New York (1290 Ave. of the Americas), NY, Atlanta, GA, Pikesville, MD, Charlotte, NC, Chicago, IL, Los Angeles, CA, and Bala-Cynwyd, PA

Investigation revealed that criterion (3) has not been met. The aggregate U.S. imports of buttons declined in 1980 compared to 1979 and a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–9644; Clothing Factory, Inc., Tamaqua, PA

A Certification was issued covering all workers separated on or after May 14, 1979 and on or before September 15, 1979.

TA–W–9660; Unelco Electronics Corporation, Columbia, MD

A Certification was issued covering all workers of the firm separated on or after July 14, 1979.

I hereby certify that the aforementioned determinations were issued during the period May 11–15, 1981. Copies of the determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: May 19, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-15410 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject

matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 1, 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 June 1, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
Barter & Marr Logging, Inc. (company)	Bellingham, Wash	5/11/81	4/28/81	TA-W-12,696	Logs.
Everlock Tennessee (workers)	Portland, Tenn	5/12/81	5/8/81	TA-W-12,697	Fasteners used for auto assembly.
G & H Products, Inc. (workers)	Kenosha, Wis	5/12/81	5/7/81	TA-W-12,698	Stainless steel sanitary fittings.
General Motors Corp., AC-Delco Division (workers)	La Mirada, Calif	5/11/81	4/20/81	TA-W-12,699	Distribution of service parts.
Harvey Manufacturing Company (workers)	Mt. Clemens, Michigan	5/11/81	5/1/81	TA-W-12,700	Automotive stampings.
Mitchell Apparel (company)	Orange N.J	5/14/81	5/12/81	TA-W-12,701	Women's outerwear.
Page Shake (company)	Mineral, Washington	5/12/81	4/30/81	TA-W-12,702	Logs.
Warrior Asphalt Company (workers)	Tuscaloosa, Alabama	5/11/81	5/4/81	TA-W-12,703	Refinery.

[FR Doc. 81-15408 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-28-M

Procedures for Internal Handling of Complaints of Judicial Misconduct; Establishment of Advisory Committee

AGENCY: Office of Administrative Law Judges, Office of the Secretary, Labor.

ACTION: Notice of Establishment of Advisory Committee.

SUMMARY: Notice is given of the establishment of Advisory Committee to which the Chief Administrative Law Judge may refer complaints of judicial misconduct on the part of Department of Labor Adminstrative Law Judges.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Associate Chief Judge Everette E. Thomas, Office of Administrative Law Judges, U.S. Department of Labor, 1111 20th Street, N.W., Washington, D.C. 20036, (202) 653-5057.

Procedures For Internal Handling of Complaints of Judicial Misconduct

Purpose and Scope

Advisory committees are established to conduct informal inquires and to consider and recommend appropriate action regarding complaints of judicial misconduct.

Procedures

All references to "the Advisory Committee" or "the Committee" in the protocol that follows shall apply to the (headquarters) Advisory Committee and the Regional Advisory Committees.

1. On receipt of one or more written complaints of judicial misconduct on the part of any DOL Administrative Law Judge, the Chief Judge, in his discretion, may refer such complaint(s) for limited informal inquiry to an Advisory Committee of three (3) members appointed by him for the particular inquiry from a panel of six judges elected for a term of one year by the corps of DOL Administrative Law Judges. The affected judge shall have the right to object to any one or more members of the Committee, in which case such member(s) shall be replaced by one or more judges elected by the Chief Judge from the elected panel.

Judges in the San Francisco and New Orleans Offices shall elect a panel of three (3) judges from their respective offices from whom the Chief Judge shall, in appropriate circumstances and in the manner described above, appoint two (2) judges to serve as a Regional Advisory Committee to function with respect to complaints of judicial misconduct on the part of Administrative Law Judges in those offices.

Complaints of judicial misconduct on the part of any Administrative Law Judges in regional or satellite offices other than San Francisco and New Orleans shall be referred, as appropriate, to the (headquarters) Advisory Committee.

2. Only those written complaints from parties or their representatives alleging judicial misconduct shall be referred to the Advisory Committee. Such complaints shall be referred in their original form without comment.

3. The function of the Committee shall be advisory only. Its inquiry and report in each instance shall be confined to the specific matter referred to it and shall contain no evaluation of the performance, competence, or qualifications of the affected judge.

4. A recommendation by the Committee that no further action be taken will be adopted by the Chief Judge unless he finds that exceptional circumstances warrant another course of action.

5. In making inquiry, the Committee shall be limited to discussion of the matter with the affected judge and to examination of relevant transcripts and other documents on file with the agency, unless the affected judge requests or permits the Committee to make contact with any one or more third parties.

6. Referrals to the Committee, the proceedings and deliberations of the Committee, and its advice, shall be confidential. A copy of the Committee's report and recommendations to the Chief Judge shall be furnished concurrently to the affected judge; no other copies shall be made or retained by the Committee or any of its members.

7. No inference shall be drawn from the refusal of any judge to discuss any allegations of misconduct with the Advisory Committee.

8. No Associate Chief Judge and no Deputy Chief Judge shall be eligible to serve on any Advisory Committee.

Notice of proposed rule making has not been published in the **Federal Register** as the procedure established herein is a rule of agency practice [5 U.S.C. 553(b)].

Signed at Washington, D.C. this 18th day of May 1981.

Nahum Litt,

Chief Judge.

[FR Doc. 81-15411 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-20-M

Senior Executive Service; Appointment and Reappointment of Members to the Performance Review Board

This Notice amends Department of Labor Notice published in 44 FR 55240, dated September 25, 1979, listing Department of Labor members of the Performance Review Board of the Senior Executive Service.

The following employees are hereby appointed to two-year terms commencing May 1, 1981, as members of the Performance Review Board of the Senior Executive Service:

Janet L. Norwood (Reappointment)
Thorne G. Auchter
Charles E. Pugh (Reappointment)
Thomas J. Shepich
Albert H. Ross
T. James Walker
Alfred M. Zuck (Reappointment)

Janet L. Norwood will serve as Chairperson from May 1, 1981 through April 30, 1982.

For further information contact: Ms. Betty Bolden, Acting Director of Personnel Management, Room C5526, Department of Labor, Frances Perkins Building, Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of May 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-15412 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Panel (Folk Arts Section); Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel (Folk Arts Section) to the National Council on the Arts will be held on June 11-12, 1981, from 8:30 a.m.-10:00 p.m., and June 13, 1981, from 9:00 a.m.-5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506

A portion of this meeting will be open to the public on June 13, 1981, from 8:30 a.m.-11:00 a.m. to discuss policy.

The remaining sessions of this meeting on June 11-12, 1981, from 8:30 a.m.-10:00 p.m. and June 13, 1981, from 11:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 11, 1981.

[FR Doc. 81-15377 Filed 5-21-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington DC 20506:

Date: June 15-16, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Youth Projects Planning and Pilot Grants, Division of Special Programs, for projects beginning after October 1, 1981.
Date: June 18-19, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Youth Projects Planning and Pilot Grants, Division of Special Programs, for projects beginning after October 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-15434 Filed 5-21-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Biology, Subcommittee on Long-Term Ecological Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Long-Term Ecological Research of the Advisory Committee for Environmental Biology.
Date and time: June 15 and 16, 1981; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW, Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. James T. Callahan, Associate Program Director, Ecosystem Studies Program, (202) 357-9596, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15353 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.

Date and time: June 11, 1981—9:00 a.m. to 5:00 p.m.; June 12, 1981—9:00 a.m. to 3:00 p.m.

Place: 1800 G Street N.W., Room 543, National Science Foundation, Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L-611, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550. Anyone who plans to attend should contact Ms. Dyer (202/634–4790) by June 8, 1981.

Summary minutes: May be obtained from the contact person, Ms. Dyer, at the above address.

Purpose of committee: To provide advice, recommendations, and oversight concerning programs and directions of the Divisions of PRA and SRS.

Agenda:

Thursday, June 11, 1981

9:00 a.m.—Plenary Session.

10:45 a.m.—General Session.

2:00 p.m.—Subcommittee Meetings: Research, Development, and Innovations; and Science and Technology Output Indicators; Publication, Output Evaluation and User Relations.

3:30 p.m.—Subcommittee Meetings: Policy Research; Scientific and Technical Personnel.

5:00 p.m.—Adjournment.

Friday, June 12, 1981

10:30 a.m.—Presentation of Subcommittee Reports.

1:30 p.m.—General Session.

3:00 p.m.—Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15350 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social and Economics Science, Subcommittee for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economics Science.

Date and time: June 12 and 13, 1981, Friday—9:00 a.m. to 5:30 p.m.; Saturday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C. Room 642.

Type of meeting: Closed.

Contact Person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–7802.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Office was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15352 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee on Special Research Equipment (Chemistry Subcommittee); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meetings:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges)(Chemistry Subcommittee)

Date/Time: June 24–25, 1981—8:30 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of Meeting: Closed

Contact Person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–9615

Purpose of Committee: To evaluate research equipment proposals

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15351 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

NSF Advisory Council (Task Group #17); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group #17 of the NSF Advisory Council

Place: Building One Conference Room Main Quad, Stanford University Stanford, California

Date: Friday, June 19, 1981

Time: 10:00 a.m. to 5:00 p.m.

Type of Meeting: Open

Contact Person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357–9433

Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary Minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to review current patterns of NSF salary support across scientific and engineering disciplines; to consider whether NSF should change its policy on allowance of faculty salaries; to address the need for and the impact of policies and practices in program areas that differ from NSF-wide

policies and practices; and to suggest ways current NSF policy might be modified.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15349 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Open Meeting

May 18, 1981.

The Nuclear Safety Oversight Committee (NSOC) will meet on Monday, June 8, 1981 from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm at the General Services Administration at 18th and F Streets, N.W., in Conference Room 5141 A.

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in improving the safety of nuclear power. The Committee will report periodically to the President.

Thus far the Committee has held eight meetings. The Committee has heard testimony and had discussion in a number of areas including:

—The nature of the Committee's responsibilities as set forth in Executive Order 12202;

—The Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI-2 Accident," designated NUREG-0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555;

—The procedure utilized in the federal decision-making process as it relates to nuclear safety, and public and private participation;

—FEMA's Report to the President (June 1980), and procedures for emergency planning;

—The status of generic safety issues; the analysis and evaluation of operational data;

—The NRC budget and allocation of its staff resources to implement the "Action Plan" and how that will affect other NRC functions;

—NRC's inspection and enforcement program;

—Backfitting and standardization of plant design;

—The regulatory relationship between FEMA and NRC;

—Nuclear safety research and training programs;

—Quality control in plant design;

—Labor/management problems, and the union's role in safety programs;

—Human factors in nuclear power safety including training, contol room design, balance of plant, and ANSI standards;

—Action Plan provisions for human factors and training, and certification of operators;

—Release of Iodine-131 as a consequence of nuclear power plan operations;

—Problems of plant releases at nuclear power plants;

—Planning of safety systems and balance of plant;

—Issues concerning the TMI-1 restart hearings and their relationship to the TMI-2 accident;

—Regulatory licensing and scientific and technical uncertainty—the case of hydrogen;

—Panel discussion on nuclear power operator training.

During the next meeting the Committee will receive testimony and, when appropriate, written materials and documents, concerning the following matters:

—The purpose and implications of proposed operating license amendments to the Atomic Energy Act;

—The relationship between operating license procedures and nuclear safety;

—The role of public participation in nuclear power plant licensing.

Testimony on these matters will be received from a number of individuals specifically invited by the Committee.

The meeting will be open to public observation. Written comments or statements may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 40 seats will be available for the public on a first come, first served basis. The Committee meeting will be recorded and the transcript may be examined in the Committee's office at 1133 15th Stree, N.W., Suite 307, Washington, D.C.

For further information contact Margo von Kaenel at (202) 653-8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 81-15443 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications (TSs) for operation of Arkansas Nuclear One, Unit 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO-1 TSs to require the ANO-1 purge valves be closed whenever the reactor coolant system temperature is equal to or greater than 200°F. This amendment also updates pages i and ii of the TS Table of Contents.

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 licensee's application dated April 2, 1979, as supplemented by letter dated October 31, 1980, (2) Amendment No. 55 to License No. DPR-51, 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 Arkansas Tech University, Russellville, Arkansas. 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 15th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-15304 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-39, and Amendment No. 61 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications limits for total nuclear peaking factor (F_Q) for Zion Units 1 and 2 under base load and load follow modes of operation. The revised F_Q is 2.17.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 22, 1979, as supplemented January 8, 1980, April 10 and May 5, 1981, (2) Amendment Nos. 64 and 61 to License Nos. DPR-39 and DPR-48, 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-15395 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License DPR-29 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit No. 1, located in Rock Island County, Illinois. The amendment becomes effective as of the date of issuance.

The amendment extends the MAPLHGR curve for a mixed oxide fuel bundle to 50,000 MWD/ST planar average exposure. This will enable the completion of a high burnup fuel experiment in the present core.

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 the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1980, (2) Amendment No. 71 to License No. DPR-29, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois, for Quad Cities Unit No. 1. 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 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15396 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This amendment modifies the Technical Specifications to incorporate several corrections of an administrative nature.

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 May 11, 1981, (2) Amendment No. 68 to License No. DPR-

49 and (3) the Commission's letter to the licensee dated May 13, 1981. 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 Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15397 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The revisions to the Technical Specifications will further ensure control rod drive system operability during plant operation and reflect the modifications to the scram discharge system presently being undertaken.

The applications for the amendment comply with the standards and requirments 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 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 the pursuant to 10 CFR 51.5(d)(4) and 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 applications for amendment dated October 15, 1980 and April 1, 1981, (2) Amendment No. 43 to License No. DPR-63, 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 Penfield Library, State University College at Oswego, New York 13126. 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 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15398 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 48 and 42 to Facility Operating License Nos. DPR-42 and DPR-60, respectively, issued to Northern States Power Company (the licensee), which revised the Technical Specifications for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments authorize replacement of the existing racks in the spent fuel pool of the facility with borated racks of a design which would provide a maximum of 1582 storage locations. This capacity will be limited to allow the storage of up to 1120 assemblies resulting from normal operation of Units 1 and 2. The modification and subsequent use of the pool permits a total of 1120 fuel assemblies to be stored instead of the previously authorized total of 687 assemblies.

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. Notice of Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool in connection with this action was published in the **Federal Register** on March 12, 1980 (45 FR 16056).

A Request for Hearing and Petition for Leave to Intervene was filed by the State of Minnesota, by its Minnesota Pollution Control Agency and by its Attorney General (the petitioner) on April 9, 1980. Subsequently the Petitioner requested leave to withdraw its Petition for Leave to Intervene pursuant to a Stipulation duly executed by the Licensee, the NRC staff, and the Petitioner. The Stipulation has been incorporated into these Amendments to the License. Therefore, there being no issue to be heard by the Atomic Safety and Licensing Board, by ORDER dated October 24, 1980, the Board dismissed this proceeding.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated May 1973, and the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated January 31, 1980, as supplemented June 10, and November 21, 1980, January 14, February 3, March 10, March 31 and April 20, 1981, (2) Amendment Nos. 48 and 42 to License Nos. DPR-42 and DPR-60, (3) the Commission's concurrently issued Safety Evaluation, and (4) the Commission's concurrently issued Environmental Impact Appraisal. 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 Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2), (3), and (4) 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 13th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15399 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment pertains to the Environmental Technical Specifications (Appendix B to the Facility Operating License). The amendment (1) deletes all water quality requirements, (2) allows discontinuation of and cancels the cooling tower plume monitoring program, (3) deletes most of the terrestrial monitoring program, and (4) makes minor revisions to locations of sample collection sites for the radiological monitoring program. The amendment also divides Appendix B Technical Specifications into two parts: Part I—Radiological Environmental Technical Specifications, and Part II—Environmental Protection Plan (Non-radiological) 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 this amendment does not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for this license amendment relating to the changes in terrestrial monitoring and the deletion of the cooling tower plume study, and has concluded that an environmental impact statement is not warranted because the action will not significantly affect the quality of the human environment. The Commission has determined that the changes to locations of sample collection sites for the radiological monitoring program 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 these changes. The Commission has determined that the deletion of water quality requirements is a ministerial action required as a matter of law and that therefore no environmental impact statement or environmental impact appraisal and negative declaration need be prepared in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated July 22, 1980, as supplemented January 13 and 30, 1981, and October 23, 1979, (2) Amendment No. 62 to License No. NPF-1 and (3) the Commission's related letter and Environmental Impact Appraisal. 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 local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. 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 14th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15400 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment adds to the Technical Specifications limiting conditions for operation for the valves in the single line from the condensate storage tank.

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) that 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 11, 1980, (2) Amendment No. 36 to License No. DPR-64, and (3) the Commission's Safety Evaluation dated July 15, 1980. 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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 8th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-15401 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312 SP]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this special proceeding (continuation of reactor operations).

Alan S. Rosenthal, Chairman

Dr. John H. Buck
Christine N. Kohl

Dated: May 18, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-15402 Filed 5-21-81; 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. 28 and No. 9 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised Technical Specifications 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 within 3 days from the date of issuance.

The amendments revise the channel functional test frequency for Loss of Power Circuitry from 31 days to a bi-monthly interval and require the steam jet air ejector isolation valves to be closed 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 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 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 July 30, 1980; (2) Amendment No. 28 and No. 9 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, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Aldermen 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 14th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15403 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Intergovernmental Personnel Act Grant Program; Reduced Allocations of Grant Funds for Fiscal Year 1981

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) formally announces reduced allocations of Intergovernmental Personnel Act (IPA) grant funds for fiscal year 1981. Notice is also given that no IPA grant funds are being requested for fiscal year 1982 or succeeding years. As a result, IPA grant operations within OPM will be phased out.

DATES: No further award of IPA grant funds will be made by OPM after September 30, 1981. The completion of all approved IPA grants will be scheduled for the earliest possible date, but no later than May 31, 1982.

ADDRESS: U.S. Office of Personnel Management, Intergovernmental Personnel Programs, P.O. Box 14184, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Richard L. Romero, telephone (202) 632-6274.

SUPPLEMENTARY INFORMATION: The official program number and title for this program is 27.012—Intergovernmental Personnel Grants.

Office Of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Intergovernmental Personnel Grants

Funding for Fiscal Year 1981 and Subsequent Years

Budget Decisions

The Administration has submitted budget revisions as follows for the Intergovernmental Personnel Act (IPA) grant program:

—Reduction in the fiscal year 1981 request from $20.0 million to $14.4 million.

—Reduction in the fiscal year 1982 request from $20.0 million to zero.

The elimination of the IPA grant program is consistent with the Administration's overall effort to reduce the number of categorical grant programs.

Through the IPA, the Federal Government has assisted, on a matching-fund basis, over 5,000 State and local personnel management and training projects during the last 10 years at a cost of about $160 million. The primary purpose of this Federal involvement has been to demonstrate, through the provision of "seed-money" support, the value to State and local governments of investing in efforts to build or improve merit-based personnel systems. The Administration believes that a 10-year demonstration period is more than adequate and that it is appropriate to eliminate further direct Federal involvement in what is primarily a State and local government responsibility. State and local jurisdictions should now be willing to rely on their own resources for personnel systems improvements and training to the extent they believe such projects are needed and cost effective.

Fiscal Year 1981

As a result of the reduced budget request, the Office of Personnel Management (OPM) has issued revised allocations of grant funds for fiscal year 1981. The IPA requires that 80 percent of available funds be allocated by weighted formula among the States and between State and local government needs. The remaining 20 percent of the funds are awarded by OPM on a discretionary basis. Following are the revised formula allocations:

Intergovernmental Personnel Act Allocations of Fiscal Year 1981

[Formula grant funds]

State	Total State allocation	Minimum share for local government needs [1]
Alabama	$184,000	$92,200
Alaska	65,000	32,500
American Samoa	60,000	----
Arizona	126,000	68,100
Arkansas	107,000	53,500
California	1,086,000	628,400
Colorado	139,000	70,600
Connecticut	145,000	85,400
Delaware	65,000	32,500
District of Columbia	65,000	----
Florida	428,000	243,000
Georgia	255,000	127,500
Guam	58,000	----

Intergovernmental Personnel Act Allocations of Fiscal Year 1981—Continued

[Formula grant funds]

State	Total State allocation	Minimum share for local government needs [1]
Hawaii	65,000	32,500
Idaho	65,000	32,500
Illinois	514,000	257,000
Indiana	259,000	129,500
Iowa	145,000	72,500
Kansas	121,000	60,500
Kentucky	167,000	83,500
Louisiana	210,000	105,000
Maine	65,000	32,500
Maryland	212,000	130,200
Massachusetts	284,000	180,500
Michigan	452,000	226,000
Minnesota	199,000	101,700
Mississippi	125,000	62,500
Missouri	230,000	115,000
Montana	65,000	32,500
Nebraska	82,000	45,500
Nevada	65,000	32,500
New Hampshire	65,000	32,500
New Jersey	383,000	205,600
New Mexico	66,000	34,000
New York	914,000	628,000
North Carolina	281,000	180,200
North Dakota	65,000	32,500
Ohio	496,000	250,000
Oklahoma	148,000	74,000
Oregon	127,000	63,500
Pennsylvania	519,000	259,500
Puerto Rico	175,000	----------
Rhode Island	65,000	32,500
South Carolina	152,000	76,000
South Dakota	65,000	32,500
Tennessee	218,000	145,300
Texas	656,000	328,000
Utah	67,000	33,500
Vermont	65,000	32,500
Virginia	260,000	150,000
Virgin Islands	65,000	----------
Washington	188,000	94,000
West Virginia	95,000	47,500
Wisconsin	226,000	134,200
Wyoming	65,000	32,500
Total	11,520,000	6,063,900

[1] Must be at least 50 percent of the State's total allocation.

For the remainder of fiscal year 1981, OPM will be working with State and local governments to make available all funds authorized for award. No further obligation of IPA grant funds will be made by OPM after September 30, 1981.

Fiscal Year 1982

During fiscal year 1982, OPM will be working with IPA grantees to encourage the completion of approved grant-assisted activities and arrange for the prompt closeout of grants. All existing IPA grants will be scheduled for completion as early as possible in the fiscal year, but no later than May 31, 1982. To assure the timely phase out of IPA grant operations, OPM's goal will be to disburse all approved funds to grantees by that date or as soon as possible thereafter.

[FR Doc. 81-15318 Filed 5-21-81; 8:45 am]

BILLING CODE 6325-01-M

Positions Which Were Career Reserved During 1980; Amendment

AGENCY: Office of Personnel Management.

ACTION: Notice; amendment.

SUMMARY: This amends the notice published March 3, 1981 listing positions in the Senior Executive Service (SES) that were career reserved in 1980. Publication is required under the Civil Service Reform Act of 1978.

FOR FURTHER INFORMATION CONTACT: Anne A. Andrews, Executive Personnel and Management Development, (202) 632-6820.

SUPPLEMENTARY INFORMATION: Below is a supplementary list of titles of SES positions that were designated career reserved in 1980, whether or not they were still career reserved on December 31, 1980. Section 3132(b)(4) of title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year. These positions are in addition to the list OPM published for all agencies which appeared in the **Federal Register** on Tuesday, March 3, 1981 (46 FR 15018).

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Positions That Were Career Reserved During Calendar Year 1980; Amendment

Agencies, Organization, and Career Reserved Positions

Board for International Broadcasting, Foreign Information Officer

Department of Housing & Urban Development, Assistant Secretary for Administration, Director, Mortgage Ins. Accounting Group

National Aeronautics & Space Administration, Resources Management & Administration, Director, Resources Mgt. & Administration

Office of Associate Admr. for Space Science, Asst. Associate Admr. for Advanced Planning

Office of Equal Opportunity Programs, Director, Discrimination Complaints Div.

[FR Doc. 81-15317 Filed 5-21-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17806; File No. SR-BSECC-81-1]

Self-Regulatory Organizations: Boston Stock Exchange Clearing Corporation; Proposed Rule Change; Relating to a Temporary Increase on all Boston Stock Exchange Clearing Corporation Billings to Members

Pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981 the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange Commission the proposed change as described in Item. 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. Text of Proposed Rule Change

The Boston Stock Exchange Clearing Corporation will impose a temporary 15% increase on all billings to members effective for the period May 1, 1981 through September 30, 1981.

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 and Statutory Basis for, the Proposed Rule Change.*

(a) The purpose of the proposed temporary 15% increase on all Clearing Corporation billings to members was necessitated by increased costs in communications, data processing, leasehold and personnel. The 15%, while temporary in nature, would assist the Clearing Corporation to cover expenses and would allow the time required to complete a detailed study of all income and expenses prior to the next fiscal year beginning October 1, 1981.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations there under applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

No burden on competition is perceived by adoption of the proposed temporary increase which was adopted to reflect increased inflation and operational costs while insuring an efficient system for settlement of trades and the safekeeping of assets.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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 change that are filed with the Commission, and all written communications relating to the proposed 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 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 15, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15285 Filed 5-21-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0138]

TDH Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that TDH Capital Corporation (TDH), P.O. Box 234/Two Radnor Corporate Center, Radnor, Pennsylvania 19087, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by § 107.3(g) and § 107.1004(b)(1) of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1980)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, TDH proposes to provide funds to Marina Operating Company (MOC) a portfolio concern.

The Proposed financing is brought within the purview of § 107.1004(b)(1) in that officers and directors of the licensee are also stockholders and officers of MOC and therefore considered associates of TDH as defined by § 107.3(g) of the Regulations.

Notice is hereby given that any interested person may, not later than June 1, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 18, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-15435 Filed 5-21-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/409]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 10 a.m. on Monday, June 15, 1981 in Room 3524 of the Department of State, Washington, D.C.

At this meeting, officers responsible for Antarctic Affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international development. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson.

Access to the Department of State is controlled, so persons wishing to attend the June 15 meeting of the Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees to Room 3524.

The Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Friday, June 12, 1981 in Room 1408, State Department Building, 22nd and "C" Streets, N.W. in sessions which will not be open to the public. These sessions will be devoted to the discussion of classified material under 5 U.S.C. 552 b(c)l and 5 U.S.C. 552 b(c)(9)(B). The disclosure of classified material and revelation of consideration which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purposes of these discussions will be to elicit views concerning the further development of Antarctic mineral resource policies. Other matters and issues relating to the Antarctic which will be considered at the Eleventh Antarctic Treaty Consultative Meeting will also be reviewed. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12065.

Requests for further information on

the meetings should be directed to Robert A. Monks of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 632–4970.

Dated: May 19, 1981.

Robert Albert Monks,

Executive Secretary.

[FR Doc. 81-15246 Filed 5-21-81; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81-2; REF: ATF O 1100.122A]

Delegation by the Director of Certain Authorities Relating to the Right to Financial Privacy Act of 1978; Delegation Order

Correction

In FR Doc. 81–14712, appearing on page 26977, in the issue for Friday, May 15, 1981, in the first column, in paragraph *"2. Scope"*, in the third line, the word "Animal" should have read "Criminal".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Domestic Exchange-Traded Option Pilot Program

The Commission will consider staff proposals for rules governing the trading of options on designated contract markets

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-799-81 Filed 5-20-81; 2:51 pm]

BILLING CODE 6351-01-M

2

COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: 10:00 a.m., Tuesday, June 2, 1981.

PLACE: 2000 L Street, N.W., Room 500, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Commencement of evidentiary hearings on distribution of 1979 jukebox royalties (to be continued on subsequent days).

2. Proposed amendment of 37 CFR 303 to remove requirement for recording of jukebox location listings in Copyright Royalty Tribunal (46 FR 20566).

CONTACT PERSON FOR FURTHER INFORMATION: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C., (202) 653-5175.

Thomas C. Brennan,

Acting Chairman.

[S-806-81 Filed 5-20-81; 3:52 pm]

BILLING CODE 1410-07-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 AM (Eastern Time), Tuesday, May 26, 1981.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

1. Ratification of Notation Vote on Freedom of Information Act Appeal, 81-1-FOIA-15.
2. Freedom of Information Act Appeal No. 81-2-FOIA-8-SF, concerning a request for statistical analysis supplied by a respondent.
3. Freedom of Information Act Appeal No. 81-2-FOIA-HU, concerning a request for all allegations on file with the Commission in an open EPA file.
4. Proposed release of a previously withheld tape recording of July 1, 1980 Commission Meeting.
5. Proposed FY 1982 Title VII Funding Principles for State and Local Fair Employment Practices Agencies.
6. Proposed FY 1981-82 ADEA Funding Principles for State and Local Fair Employment Practices Agencies.
7. Proposed Certification Procedures and Regulations.
8. A report on Commission Operations by the Executive Director.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations.
2. Briefing on litigation cases and administrative charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued May 19, 1981.

[S-805-81 Filed 5-20-81; 3:49 pm]

BILLING CODE 6750-06-M

4

May 18, 1981.

FEDERAL COMMUNICATIONS COMMISSION.

Sunshine Meeting Notice; Correction.

On May 15, 1981, this Commission issued a Sunshine Meeting Notice concerning a Closed Meeting to be held on Thursday, May 21, 1981 at 9:30 a.m. in Room 856, 1919 M St., N.W., Washington, D.C. Inadvertently, there was an omission of words in the Subject matter listed with the *General Agenda, Item number 1.* The correct sentence should read: *"Consideration of Request for Remand of RKO Decision".* We would appreciate your assistance in correcting this error.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-802-81 Filed 5-20-81; 3:11 pm]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:40 a.m. on Wednesday, May 20, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider an application of Heritage Bank, Anaheim, California, for consent to merge, under its charter and title, with California Coastal Bank, San Diego, California, and to establish the sole office of California Coastal Bank as a branch of the resultant bank.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the

meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting took place in the Chairman's Office, Room 6023, of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: May 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-803-81 Filed 5-20-81; 3:28 pm]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, May 27, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, May 28, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinion 1981-22, John M. Cogswell, Cogswell for Senate Committee
Pending legislation
Debt settlements
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

S-797-81 Filed 5-20-81; 12:14 pm]

BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 27225, May 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 20, 1981.

CHANGE IN THE MEETING: The following items have been added.

Item No., Docket No., and Company

CAC-22. RP81-52-000, Northern Natural Gas Company
ER-8. EF79-4011, Southwestern Power Administration (System Rates)
ER-9. ER81-183-000, Consolidated Edison Company of New York, Inc.
RP-1. RP80-101, Texas Gas Transmission Corporation

Kenneth F. Plumb,

Secretary.

[S-794-81 Filed 5-20-81; 9:52 am]

BILLING CODE 6450-85-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 26980, May 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, May 21, 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 Bank Board meeting for Thursday, May 21, 1981 has been cancelled.

No. 487, May 20, 1981.

[S-801-81 Filed 5-20-81; 3:08 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION.

TIME:

Open session—9 a.m.
Closed session—2 p.m.

DATE: May 27, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9978-15: Modification of the Associated North Atlantic Freight Conference Agreement to extend its term for an indefinite period.
2. Agreement No. 10407: Nigeria-United States Discussion Agreement.
3. Agreement No. T-3946: Marine Terminal Lease Between Virginia Port Authority and Oyster Point Development Corporation.
4. Petition of Mediterranean/North Pacific Coast Freight Conference for exemption from the independent policing authority requirement of General Order 7.
5. Docket No. 80-44: Rulemaking to Delete from General Order 4 the Requirement that Notice of Applications for Independent Ocean Freight Forwarder Licenses be Published in the **Federal Register**—Proposed Final Rule.
6. Docket No. 80-54: Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States—Proposed Final Rule.
7. Study of the Tarrif System.
8. Docket No. 80-69: Archie Peltzman v. American Maritime Association, et al.—Consideration of Appeal from Order of Dismissal.

Portions closed to the public:

1. Petition of Various Conferences under section 19 of the Merchant Marine Act, 1920, for relief from ruling of the Interstate Commerce Commission in Ex Parte 230 (Sub 5).
2. Intermodal Legislation.
3. International Paper Co. v. Mitsui O.S.K., Ltd. et al.—Enforcement of Subpoenas.
4. Docket No. 80-12: Dart Containerline Company, Ltd.—Possible Violations of Section 16 Second Paragraph and 18(b)(3), Shipping Act, 1916—Consideration of Order of Dismissal.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-796-81 Filed 5-20-81; 0:00 am]

BILLING CODE 6730-01-M

10

FEDERAL RESERVE SYSTEM.
(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, May 27, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: May 19, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-795-81 Filed 5-20-81; 3:00 pm]

BILLING CODE 6210-01-M

11

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-13]

TIME AND DATE: 10:30 a.m., Monday, June 1, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this 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. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-28 [Preliminary] (Menthol from the People's Republic of China)—vote.
6. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation 731-TA-28 [Preliminary] (Menthol from the People's Republic of China——briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-800-81 Filed 5-20-81; 3:00 pm]

BILLING CODE 7020-12-M

12

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME:
10 a.m. to 5 p.m.
9 a.m. to 4 p.m., respectively

DATE: June 11 and 12, 1981.

PLACE: Peachtree Plaza, Atlanta, Georgia.

STATUS: Open.

MATTERS TO BE DISCUSSED: Approval of Minutes; Review of Agenda; Chairman's Opening Remarks; Election of Vice President; Report on Planning/Futures Committee; White House Conference on Library and Information Services follow-up; Budget Report on FY 1981 and 1982; preliminary discussion of 1983 budget; Task Force Reports on Community Information and Referral Services; Cultural Minorities; Public/Private Sector; The Role of the Special Library in Nationwide Networking; and WHCLIST; Report on Legislative/Public Awareness Committee Report; Report of the Personnel Committee; Executive Director's Report; Update on Copyright; Discussion of Censorship/Intellectual Freedom; Commissioners' Comments; Old Business; and New Business.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

May 19, 1981.

[S-798-81 Filed 5-20-81; 2:40 pm]

BILLING CODE 7527-01-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 25, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, May 26

10:00 a.m.—1. Discussion of Revised Licensing Procedures.

2:00 p.m.—1. Discussion of Final Rule on Policy on Proceeding with Pending CP and ML Applications.

Wednesday, May 27

2:30 p.m.—1. Discussion of Revisions to Reactor Operator Qualifications (Tent.).

Thursday, May 28

2:00 p.m.—1. Discussion and Possible Vote on Full-Power License for Sequoyah-2 (Approx. 1½ hrs.).

2. Affirmative/Discussion Session.

Affirmation and/or Discussion and Vote:

a. Request for a Hearing (In the Matter of Consumers Power Co.)

b. Approval to Grant Access to Restricted Data to Designated Members of Congress

c. Amendments to 10 CFR 19 to Establish Staff Authority to Call Meeting with Licensees

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

May 19, 1981.

[S-804-81 Filed 5-20-81; 8:45 am]

BILLING CODE 7590-01-M

14

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 26, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, May 26, 1981, at 10:00 a.m. and on Wednesday, May 27, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendered matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 26, 1981, at 10:00 a.m., will be:

Opinion
Formal orders of investigation
Settlement of injunctive actions
Litigation matters
Freedom of Information Act appeal
Settlement of administrative proceeding of an enforcement nature
Institution of administrative proceeding of an enforcement nature
Consideration of *amicus* participation

The subject matter of the closed meeting scheduled for Wednesday, May 27, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive actions

The subject matter of the open meeting scheduled for Wednesday, May 27, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant William F. Crawford, Sr. relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

2. Consideration of whether to grant Jerry Richman relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

3. Consideration of whether to grant the appeal of Ms. Wendy Warren from the determination of the Freedom of Information Act Officer denying her access to certain staff documents and the name of an individual contained in a Commission letter responding to the individual's inquiry concerning investors REIT One and Investors REIT Two. For further information, please contact Howard A. Bartnick at (202) 272-2426.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2468.

May 18, 1981.

S-793-81 Filed 5-19-81; 4:44 pm]

BILLING CODE 8010-01-M

federal register

Friday
May 22, 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:	
AK81-5110	Apr. 10, 1981.
Arkansas:	
AR80-4079	Nov. 7, 1980.
AR80-4080	Oct. 31, 1980.
AR80-4083	Do.
California:	
CA81-5109	Apr. 10, 1981.
Connecticut:	
CT81-3001	Jan. 23, 1981.
Georgia:	
GA81-1191	Mar. 6, 1981.
GA81-1192	Do.
GA81-1193	Do.
Massachusetts:	
MA80-2070	Aug. 29, 1980.
MA80-2045	July 7, 1980.
Minnesota:	
MN80-2068	Dec. 19, 1980.
Missouri:	
MO81-4031	May 8, 1981.
Nevada:	
NV81-5103	Feb. 6, 1981.
NV81-5111	May 1, 1981.
New Hampshire:	
NH81-3010	Jan. 23, 1981.
New Mexico:	
NM81-4023	Apr. 10, 1981.
Pennsylvania:	
PA80-3055	Oct. 3, 1980.
South Dakota:	
SD80-5118	June 6, 1980.
Texas:	
TX80-4099	Dec. 5, 1980.
TX81-4006	Jan. 6, 1981.
TX81-4015	Apr. 3, 1981.
TX81-4016	Do.
TX81-4026	May 1, 1981.
TX81-4032	May 8, 1981.
Washington:	
WA81-5107	Apr. 3, 1981.

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.

Florida:
FL79-1024(FL81-1135) ..... Feb. 2, 1979.
FL78-1052(FL81-1136) ..... May 26, 1978.
Georgia:
GA79-1058(GA81-1231) ..... Mar. 30, 1979.
GA78-1096(GA81-1233) ..... Nov. 24, 1978.
Kansas:
MO80-4091(MO81-4035) ..... Nov. 21, 1980.
Minnesota:
MN78-2068(MN81-2022) ..... Aug. 4, 1978.
Mississippi:
MS81-1156(MS81-1232) ..... Jan. 6, 1981.
Missouri:
MO81-4013(MO81-4034) ..... Feb. 2, 1981.
MO80-4091(MO81-4035) ..... Nov. 21, 1980.
North Carolina:
NC79-1034(NC81-1234) ..... Oct. 19, 1979.
Ohio:
OH80-2028(OH81-2025) ..... Aug. 1, 1980.
South Dakota:
SD80-5105(SD81-5121) ..... Feb. 1, 1980.
SD81-5105(SD81-5122) ..... Feb. 20, 1981.
Wyoming:
WY80-5127(WY81-5123) ..... Sept. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 15th day of May 1981.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NUMBER AK81-5110 Mod. # 3
(46 FR 21526 - April 10, 1981)

Statewide Alaska	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Elecricians					
Wireman, Technician	$22.15	$1.65	3%+3.00		.25
Cable Splicer	23.90	1.65	3%+3.00		.25
Line Construction					
Lineman, Technician, Equipment Operator	22.15	1.65	3%+3.00		.25
Cable Splicer	23.90	1.65	3%+3.00		.25
Groundman, Powderman	20.15	1.65	3%+3.00		.25
DECISION #AR80-4079-Mod.#7 45FR74344-November 7, 1980 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE: Ironworkers	$12.10	.80	1.05		.06
DECISION #AR80-4080-Mod.#9 45FR72439-October 31, 1980 Jefferson County, Arkansas					
CHANGE: Ironworkers	12.10	.80	1.05		.06
DECISION #AR80-4083-Mod.#8 45FR72438-October 31, 1980 Pulaski County, Arkansas					
CHANGE: Ironworkers	12.10	.80	1.05		.06

Modification Page 2

DECISION NO. CA81-5109 - Mod. #2
(46 FR 21532 - April 10, 1981)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit: PLASTERERS: All Areas					
Add: PLASTERERS:					
Area 1:	$14.32	1.20	2.80		.03
Area 2:	16.08	1.15	3.90		.06
Area 3:	14.21	1.21	2.85	1.00	.03
Area 4:	13.10	1.13	1.50	1.50	.01
Area 5:	14.97	1.31	2.20		.06
Area 6:	12.40	1.45	1.75	1.75	
Area 7:	14.51	1.00	1.35		.01
Area 8:	12.75	1.20	2.75	2.00	

AREA DEFINITIONS FOR PLASTERERS

Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba Counties
Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Area 5: Santa Clara, San Benito and Santa Cruz Counties
Area 6: Fresno, Kings, Madera and Tulare Counties
Area 7: Monterey County
Area 8: Marposa, Merced, Stanislaus and Tuolumne Counties

DECISION NO. CT81-3001 - MOD. #1 (46 FR 7721 - January 23, 1981) Fairfield, Litchfield and Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
BRICKLAYERS					
Heavy & Highway Construction:					
Darien & Stamford	12.57	.80	.25	b	
Greenwich	11.95	.75	.95	b	
LABORERS					
Heavy & Highway Constuction:					
Laborers	10.00	.65	.80		.10
Acetylene burners; asphalt raker; chain saw operator; concrete & power buggy operators; fence & guard rail erectors; form setters; hand operated vibratory compactor operators; mason tenders; pipelayers; pneumatic gas & electric drill operators; powdermen & wagon drill operators	10.25	.65	.80		.10
Air track operators; block paver; curb setters	10.50	.65	.80		.10
Blasters	10.75	.65	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.65	.80		.10
Bottom man	9.15	.65	.80		.10
DELETE:					
Survey Crew					
Chief of Party	13.03	1.20	1.25	a	.20
Ass't Chief of Party	12.09	1.20	1.25	a	.20
Instrument Man	11.15	1.20	1.25	a	.20
Rodman, Chainman	8.39	1.20	1.25	a	.20

DECISION #GA81-1191 - Mod. #1 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Glaziers	$12.45	.90	.63		.11

DECISION #GA81-1192 - Mod. #1 (46 FR 15647 - March 6, 1981) Richmond County, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Asbestos workers	$11.80	.45	.45		.02
Electricians:					
Wiremen	12.35	.75	3% + .40		of 1%
Cable splicers	12.60	.75	3% + .40		of 1%
Laborers:					
Building & Construction laborers;	6.83	.20	.13		.10
Power & air tool operators, concrete or clay pipelayers, & wipers, mortar mixers, & power buggy operators;	6.98	.20	.13		.10
Powderman, wagon drill operators, tunnel laborers, shaft laborers, burners, acetylene (demolition work), slip form workers (steel or wood, screw or jack type), potman, creosote materials handler, steel form setter (on grade), chimney or stack workers.	7.03	.20	.13		.10
Line Construction:					
Linemen & Heavy equipment operators (cranes, draglines & 5th wheel tractors);	12.35	.75	3% + .40		of 1%
Cable splicers;	12.60	.75	3% + .40		of 1%
Equipment operators (hole digging equipment, tractor with winch & derrick, anchor machine, backhoe, & ground rod;	10.13	.75	3% + .40		of 1
Truck operators;	7.66	.75	3% + .40		of 1
Groundmen.	6.92	.75	3% + .40		of 1
Plumbers & pipefitters	12.18	.95	.70		.06

DECISION #GA81-1131 - Mod. #1
(46 FR 15685 - March 6, 1981)
Chatham County, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Laborers:					
General laborers, track spotters;	$ 6.32	.15	.13		.10
Operators of jack hammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;	6.47	.15	.13		.10
Mortar mixers (hand or machine), pipe layers (harner, potman, etc.), flagmen (cranes, derricks, etc.);	6.57	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills used in blasting;	6.82	.15	.13		.10
Powdermen or blasters.	7.32	.15	.13		.10

DECISION NO. MA80-2070 - MOD. #3
(45 FR 57926 - August 29, 1980)
Berkshire, Franklin, Hampden and Hampshire Counties, Massachusetts

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge (only)	10.94	.70	1.00		.04
FRANKLIN COUNTY (Remainder of County). HAMPDEN and HAMPSHIRE COUNTIES	12.15	.60	1.00		.07
SPRINKLER FITTERS	15.29	.95	1.40		.08
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three drum Hoisting and Trenching Machines, Belt-type Loaders, Foreman Mechanics, Front End Loaders--5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders--4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scrapers--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pump-crete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS CONT'D

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding machines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders--4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in well point system, Fireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and DInkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slif forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS CONT'D

CLASS V - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps--4" to 16" total discharge

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck Helper on powered Grease Truck, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. MA80-2045 - MOD. #4 (45 FR 45794 - July 7 1980) Worcester County, Massachusetts					
CHANGE:					
ASBESTOS WORKERS	14.08	1.17	.80		.01
ELECTRICIANS:					
Warren W. Warren Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominister, Luneburg, Phillipston, Wesminister, and Winchendon	13.28	.85	3%+.40		.03
	13.20	.75	3%+1.35		.02
ELEVATOR CONSTRUCTORS	12.21	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTOR'S HELPERS	8.55	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTOR'S PROBATIONARY HELPERS	6.105				
GLAZIERS:					
Remainder of County	13.70	.92	1.19		.03
IRONWORKERS	13.25	1.15	2.05		.10
SHEET METAL WORKERS	12.25				
SPRINKLER FITTERS	15.29				
TERRAZZO WORKERS AND TILE SETTERS:					
Asburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminister	11.40	.85	1.50		
TILE, MARBLE, TERRAZZO FINISHERS	10.34	.90	.75		
DECISION #MN80-2088-Mod #2 (45 FR 83810 Dec. 19, 1980) COUNTIES: Becker, Clay, Cass, Hubbard, Ottertail, Todd, Wadena & Wilkins Cos., Minnesota					
ADD:					
Clay County - Heavy Construction					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #MO81-4031 - Mod. #1 (46 FR 25923 - May 5, 1981) Franklin, Jefferson, Lincoln, St. Charles, Warren Counties & City & County of St. Louis, Missouri					
Change:					
Carpenters; Millwrights & Piledrivermen:					
Zone 1	$14.46	.90	.95		.18
Power Equipment Operators:					
Group 1	14.32	1.05	1.25		.20
Group 2	13.02	1.05	1.25		.20
Group 3	12.57	1.05	1.25		.20
Group 4:					
(a)	15.02	1.05	1.25		.20
(b)	15.87	1.05	1.25		.20
(c)	16.32	1.05	1.25		.20
(d)	17.07	1.05	1.25		.20
(e)	14.82	1.05	1.25		.20
Terrazzo workers	16.05				
Add:					
Glaziers (St. Louis County): Glaziers (installing of art glass; repairing, cleaning, cementing & waterproofing in connection with the restoration of stained and leaded glass windows)	8.86	50% of premium	1.00	a+b	

Footnote:

a-Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b-Employee with (1) year of service, the employer pays 2% of all hours worked at straight time, the negotiated inside wage rate; employee with (3) years or more of service, the employer pays 4% of all hours worked at straight time the negotiated inside wage rate; employee with (12) years or more, the employer pays 6% of all hours worked at straight time the negotiated inside wage rate; employee with (15) years or more of service, the employer pays 8% of all hours worked at straight time the negotiated inside wage rate.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV81-5103 - Mod. #2					
(46 FR 11486-February 6, 1981)					
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada					
Change:					
Elevator Constructors:					
Elevator Constructors	$16.62	$1.195	.95	a	.035
Elevator Constructors' Helpers	11.63	1.195	.95	a	.035
Elevator Constructors' Helpers (Prob.)	8.31				
Ironworkers:					
Ornamental; Reinforcing; Structural	13.66	1.39	3.22	2.15	.07
Add:					
Carpenters:					
Piledrivers	15.51	.85	1.35		.10
DECISION #NV81-5111-Mod. #1					
(46 FR 24837 - May 1, 1981)					
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada					
Change:					
Asbestos Workers:					
Area 3	$20.11	$1.25	$1.45		.11
Carpenters:					
Area 2:					
Carpenters	13.80	1.17	1.69	1.10	.11
Floor Layers; Patent Scaffold Erectors; Power Saw Operator; Shinglers	13.95	1.17	1.69	1.10	.11
Millwrights	14.40	1.17	1.69	1.10	.11
Piledrivermen	14.50	1.17	1.69	1.10	.11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
DECISION NO. NV81-5111 (Cont'd)					
Cement Masons: Area 1:					
Cement Masons	$13.50	$1.40	$1.50		.13
Cement Floor Finishing Machine and Color Work	13.85	1.40	1.50		.13
Plasterers:					
Area 1	14.10	1.40	1.50		.13
Omit:					
Drywall Installers:					
Area 1	12.50	1.10	1.61	1.00	.11
Add:					
Carpenters:					
Area 2:					
Drywall Installers	14.05	1.17	1.69	1.10	.11
DECISION NO. NH81-3010 - MOD. #2					
(46 FR 7733 - January 23, 1981)					
Rockingham and Strafford Counties, New Hampshire					
CHANGE:					
ASBESTOS WORKERS	15.91	1.50	1.20		.05
PLUMBERS & STEAMFITTERS:					
Atkinson, Danville, Hempstead, Kingston and Palistow	13.40	1.65	.87		.05
Salem and Windham	14.05	1.65	.87		.05
POWER EQUIPMENT OPERATORS:					
Building Construction:					
CLASS 1	12.78	1.18	1.15	a	.03
CLASS 2	12.66	1.18	1.15	a	.03
CLASS 3	11.78	1.18	1.15	a	.03
CLASS 4	10.88	1.18	1.15	a	.03
CLASS 5	10.24	1.18	1.15	a	.03
CLASS 6	9.74	1.18	1.15	a	.03

DECISION #NM81-4023 MOD #2
46 FR 21572 - April 10, 1981
STATEWIDE, NEW MEXICO

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS: (Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Cos.)	$14.86	.75	1.30		.06
CEMENT MASONS (Residential) Sandoval, Bernalillo and Valencia	10.57	.77	.70		.20
LEAD BURNERS					
Zone I	$14.70	.32	1.77		.21
Zone II	15.20	.32	1.77		.21
Zone III	15.00	.82	1.77		.21
Zone IV	15.33	.82	1.77		.21
PAINTERS: ZONE II					
Class-A	9.90	.70	.50		.05
Class-B	10.90	.70	.50		.05
Class-C	10.55	.70	.50		.05
Class-D	10.75	.70	.50		.05
Class-E	11.48	.70	.50		.05
Class-F	11.23	.70	.50		.05
PAINTERS: ZONE III					
Class-A	8.78	.83			.02
Class-B	9.20	.83			.02
Class-C	8.925	.83			.02
Class-D	9.63	.83			.02
PLUMBERS-PIPEFITTERS:					
Area I	14.20	.82	1.77		.21
Area II	14.70	.82	1.77		.21
Area III	15.95	.82	1.77		.21
Specific Area	14.83	.82	1.77		.21
Residential	9.50	.82	.39		.21
SHEET METAL WORKERS:					
Zone 1	14.77	.53	1.32		.25
Zone 2	17.02	.53	1.32		.25
Zone 3	15.77	.53	1.32		.25
Zone 4	17.62	.53	1.32		.25
Zone 5	11.57	3%+.51	.585		.06
SOUND INSTALLERS:					
Zone 1	7.31	.60	3%		½%
Zone 2	8.72	.60	3%		½%
Zone 3	11.53	.60	3%		½%
Zone 4	8.74	.60	3%		½%

DECISION NO. PA80-3055
MOD. NO. 6
(45 FR - 65902 - October 3, 1980)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr
Building, Heavy & Highway Construction:					
Roofers:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominantly residential use:					
Zone I					
Composition, damp and waterproofers	$11.22	1.00	.70		
All other work:					
Zone I					
Commercial			-		
Composition, damp and waterproofers	15.67	1.40	.95	e	.05
Roofers Assistant	7.75	1.40	.95	e	.05

DECISION NO. SD80-5118 - Mod. #4
(45 FR 38249 - June 6, 1980)
Statewide, South Dakota

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr
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%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4099 - MOD. #7 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Plumbers & pipefitters:					
Zone 1 - McLennan Co. basic rate	$12.25	.30	.55		.04
Zone 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton & Belton	12.75	.30	.55		.04
Zone 3 - Over 45 miles from McLennan Court House	13.75	.30	.55		.04
Incidental Paving & Utilities:					
Plumbers:					
Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	12.75	.30	.55		.04
Zone 2 - Over 45 miles from McLennan Court House	13.75	.30	.55		.04
DECISION NO. TX81-4006 - MOD. #1 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Bricklayers & stonemasons	14.60	.94	.90		.06
Cement masons	14.05	.73	1.07		.08
Ironworkers	14.31	.80	1.70		.10
Elevator constructors:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
DECISION NO. TX81-4015 - MOD. #2 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Elevator constructors:					
Mechanics	$13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Plumbers	12.96	.95	.75		.03
DECISION NO. TX81-4016 - MOD. #2 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE:					
Plumbers & pipefitters	14.40	.50	.50		.07
DECISION NO. TX81-4026 - MOD. #1 (46 FR 24801 - May 1, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall & Tarrant Cos., Texas					
CHANGE:					
Plumbers & pipefitters:					
Zone 2	13.53	.64	1.00		.12
DECISION NO. TX81-4032 - MOD. #1 (46 FR 25981 - May 8, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Elevator constructors:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				

DECISION NO. WA81-5107 - Mod #5
(46 FR 20452 - April 3, 1981)
Statewide Washington

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Area 7	$14.34	.81	1.00		.03
PLUMBERS:					
Area 4	20.08	1.55	1.85		.20
POWER EQUIPMENT OPERATORS (DREDGING) AREA 1					
All Counties and portions of Counties East of the 120th Meridian					
Group 1	15.11	1.20	1.55		.08
Group 2	15.22	1.20	1.55		.08
Group 3	15.56	1.20	1.55		.08
Group 4	15.61	1.20	1.55		.08
Group 5	15.66	1.20	1.55		.08
Group 6	15.98	1.20	1.55		.08
Group 7:					
(a)	16.37	1.20	1.55		.08
(b)	16.92	1.20	1.55		.08
DREDGING Area 2					
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern portion of Pacific County					
Group 1	15.02	.95	1.50		.16
Group 2	15.12	.95	1.50		.16
Group 3	15.46	.95	1.50		.16
Group 4	15.51	.95	1.50		.16
Group 5	15.56	.95	1.20		.16
Group 6	15.88	.95	1.20		.16
Group 7:					
(a)	16.27	.95	1.50		.16
(b)	16.82	.95	1.50		.16

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Alachua
DECISION NUMBER: FL81-1135
DATE: Date of Publication
Supercedes Decision No.: FL79-1024 dated February 2, 1979 in 44 FR 6863.
DESCRIPTION OF WORK: Building Construction (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	12.93	.65	1.10		.08
Boilermakers	12.90	1.375	1.20		.04
Bricklayers	9.00				
Carpenters, Piledrivermen & Soft Floor Layers	11.32	.72	.80		.06
Cement Masons	6.00				
Electricians	8.44				
Elevator Mechanics					
Mechanics	11.29	1.195	.95	a + b	.035
Helpers	7.90	1.195	.95	a + b	.035
Glaziers	8.16				
Ironworkers	11.65	.70	.90		.03
Laborers	4.36				
Lathers	8.25				
Millwrights	12.67	.70	.70		.10
Painters:					
Commercial:					
Work over 15,000 sq. ft., Brush & Roller	9.25	.55	.55		.08
Work under 15,000 sq. ft., Brush & Roller	7.80	.55	.55		.08
Industrial					
Brush & Roller	10.85	.55	.55		.08
Plasterers	8.25				
Plumbers	11.95	.70	.80		.10
Roofers	6.89				
Sheet Metal Workers	11.50	3% + .91	.96		.12
Sprinkler Fitters	12.65	.85	1.20		.13
Welders - Rate for craft					

FOOTNOTES: a. Six paid holidays: New Year's, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day
b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in buisness more than five years; 6% for less than 5 ye...
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))

FL81-1135 cont.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	12.18	.55	.50		.06
Group II	11.00	.55	.50		.06
Group III	8.80	.55	.50		.06

GROUP I - Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 HP or more), multi-bowl operator (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher),
GROUP II - Bulldozer operator, bridge crane operator (20 tons & under), highlift or forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24'' in width, concrete paver operator, scraper operator, front end loader operator fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator
GROUP III - Tractor operated sweeper operator, trenching machine operator (ladder and wheel type) maximum cut 6' and maximum width 24'', fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft. radius), asphalt distributor operator, water truck driver, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft. radius, conveyors operator (motor operat), welding machine operator (3 or more combustion type), pulver mixer operator, compressor operator (from 1 up to and including 3 compressors) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator (any group of 3 units) with 300 ft. radius, concrete mixer operator, concrete pump operator, tractor operator, street sweeping machine operator

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL81-1136 DATE: Date of Publication
Supersedes Decision No: FL78-1052 dated May 26, 1978 in 43 FR 22912
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	5.00				
Carpenters	7.00				
Concrete Finishers	6.64				
Electricians					
Traffic Signal Installation	6.92				
All other Electrical Work	9.00	.41	.23	.45	.03
Ironworkers: Reinforcing	9.75	.75	.58		.08
Laborers	4.80				
Piledrivermen	6.00				
Pipelayers	4.92				
Truck Drivers	4.80				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine	5.90				
Backhoe	5.81				
Bulldozer	5.66				
Concrete Finishing Machine	5.00				
Concrete Paving Machine	5.02				
Crane, Dragline	6.28				
Earth Drilling Machine	5.75				
Front End Loader	5.37				
Gradall	5.90				
Mechanics	5.47				
Mixer	5.15				
Motor Grader	6.08				
Oiler/Greasemen	5.01				
Roller	5.14				
Scraper	5.22	.27		.20	
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: GEORGIA
COUNTIES: ATKINSON, BERRIEN, BRANTLEY, BROOKS, CHARLTON, CLINCH, COLQUITT COOK, ECHOLS, LANIER, LOWNDES, PIERCE, THOMAS, WARE, & WAYNE.
DECISION NUMBER: GA81-1231 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA79-1059, dated March 30, 1979, in 44 FR 19111.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes 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 & HEATING MECHANICS	$ 5.61				
BRICKLAYERS	7.00				
CARPENTERS	5.86				
CEMENT MASONS	6.75				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	6.33				
INSULATION INSTALLERS (Batt & Blown)	4.75				
LABORERS:					
Unskilled	3.67				
Mortar mixers	4.00				
Mason tenders	4.50				
Asphalt rakers	4.50				
PAINTERS	5.54				
PLASTERERS	6.00				
PLUMBERS & PIPEFITTERS	6.04				
ROOFERS	5.26				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS & CARPET LAYERS	5.46				
TILE SETTERS	6.00				
TRUCK DRIVERS	4.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.25				
Backhoe	5.00				
Bulldozer	5.00				
Front end loader	5.00				
Motor grader	6.00				
Roller	4.50				
Spreader - Screed	4.25				
Tractor	4.25				

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: GEORGIA COUNTIES: CHATTAHOOCHEE & MUSCOGEE (COLUMBUS)
DECISION NUMBER: GA81-1233 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA78-1096, dated November 24, 1978, in 43 FR 55142.
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	$ 6.90				
BRICKLAYERS	9.35				
CARPENTERS & Soft floor layers	6.26				
CEMENT MASONS	5.77				
ELECTRICIANS	7.45	.30	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.47	1.195	.95	a + b	.035
Helpers	8.03	1.195	.95	a + b	.035
Probationary helpers	5.735				
GLAZIERS	4.22				
IRONWORKERS	4.92				
LABORERS	3.35				
LATHERS	6.50				
PAINTERS	5.36				
PLASTERERS	6.50				
PLUMBERS & PIPEFITTERS	7.47				
ROOFERS	4.00				
SHEET METAL WORKERS	6.71				
TRUCK DRIVERS	3.35				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Blade/motor grader	4.50				
Bulldozer	4.00				
Crane, derrick, dragline	6.00				
Front end loader	3.75				
Scraper	3.75				
Tractor	4.25				

FOOTNOTES:

a. SEVEN PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. VACATION PAY CREDIT: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

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: Minnesota
COUNTIES: See Below
DECISION NUMBER: MN81-2022
DATE: Date of Publication
Supersedes Decision No. MN78-2068, dated August 4, 1978 in 43 FR 34668
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Beltrami, Kittson, Clearwater, Lake-of-the-Woods, Mahnomen, Polk, Marshall, Norman, Red Lake, Pennington and Roseau	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.38				
CEMENT MASONS	10.62				
IRONWORKERS	12.12	.52	.70		.05
LABORERS:					
Unskilled	6.11				
Skilled	8.63				
Pipelayer	7.78				
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operator	9.92	.46	.40		
Asphalt Distributor Op.	9.54	.46	.40		
Backhoe	10.32	.75	.60		.05
Bulldozer	10.10	.75	.60		.05
Cranes, Derricks & Draglines	10.32	.75	.60		.05
Crushing & Sreening Plant	9.50	.75	.60		.05
Fireman	8.73	.75	.60		.05
Front End Loader	10.10	.75	.60		.05
Grader Operator	10.32	.75	.60		.05
Mechanic	10.10	.75	.60		.05
Motor Patrol	9.92	.46	.40		
Roller, Finish	9.54	.46	.40		
Packer Operator	8.05	.46	.40		
Scraper Operator	10.18	.75	.60		.05
Tractor Operator	8.11	.46	.40		
Turnapull Operator	10.10	.75	.60		.05
TRUCK DRIVERS:					
Bituminous Distributor Driver	8.73	.46	.40		
Dump Truck	6.47	.46	.40		
Truck Driver, Lowboy	9.13	.46	.40		
Truck Driver, 5 Axle	9.13	.46	.40		
Truck Driver, Tandem	8.73	.46	.40		
Truck Mechanic	9.13	.46	.40		
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)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
COUNTIES: Benton, DeSoto, Marshall, Tate, and Tunica
DECISION NUMBER: MS81-1232
DATE: Date of Publication
Supersedes Decision No. MS81-1156, January 6, 1981, 46 FR 1526
DESCRIPTION OF WORK: Residential Construction consisting of 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 MECHANIC	$ 7.00				
BRICKLAYERS	8.00				
CARPENTERS	5.81				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.385				
ELECTRICIANS	5.00				
FORM SETTERS	4.25				
IRONWORKERS: Reinforcing	4.86				
LABORERS:					
Asphalt Rakers	4.00				
Unskilled	3.84				
MORTAR MIXERS	5.00				
PAINTERS	6.25				
PLUMBERS & PIPEFITTERS	8.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.00				
Bulldozer	6.00				
Roller	5.83				
Tractor	4.75				
ROOFERS	9.00				
SHEET METAL WORKERS	7.00				
SOFT FLOOR LAYERS	6.00				
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft to which it 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)).

STATE: MISSOURI COUNTY: STATEWIDE
DECISION NO.: MO81-4034 DATE: DATE OF PUBLICATION
Supersedeas Decision No. MO81-4013 dated February 2, 1981 in 46 FR 14636
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Zone 1	$13.96	.90	.95	.50	.03
Zone 1A	13.56	.90	.95	.50	.03
Zone 2	13.41	.90	.95	.50	.03
Zone 3	14.40	.60	.50		.03
Zone 4	13.80	.60	.50		.03
Zone 5	12.55	.90	.95	.50	.03
Zone 6	14.22	.43	.25		.03
Zone 7	14.37	.53			.03
Zone 7A	14.07	.53	.30		.03
Zone 8	13.30	.70		.50	.10
Zone 9	14.05	.65	.75		.07
Zone 10	14.46	.90	.95		.18

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, ST. Francois & Washington Counties
Zone 3 - Cass and Lafayette Counties
Zone 4 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper & Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Boillinger, Butler, Cape Girardeau, Carter, Dunklin, Bowell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County & City

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CEMENT MASONS					
Zone 1	$11.075	.80	.70		
Zone 2	10.93				
Zone 3	14.11	.80	.85		
Zone 4	7.50	.85	.50	.55	
Zone 5	11.75				
Zone 6	12.83				
Zone 7	13.45				
Zone 8	7.40				
Zone 9	13.45				
Zone 10					
(a) Heavy Construction	13.30	.80	.85		
(b) Highway Construction	14.11	.80	.85		

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass, and Lafayette Counties
Zone 2 - Dent, Phelps, Pi.e, Pulaski, and Texas Counties
Zone 3 - Clay, Jackson, Platte and Ray Counties,
Zone 4 - Bollinger, Butler, Cape Giradeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 5 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster, & Wrights Counties
Zone 6 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 7 - Adair, Audrain, Boone, Charlton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
Zone 8 - Barry, Barton, Jasper, Lawrence, McDonald, Newton, and Vernon Counties
Zone 9 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties
Zone 10 - (a&b) - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone 1					
Electrical contract over $30,000.00	$13.36	.74	3%	11.5%	½%
Electrical contracts $30,000.00 & under	11.40	.74	3%	11.5%	½%
Zone 2	14.68	.69	3%+.90	7%	.12%
Zone 3					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12
Electrical contract 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 4					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12%
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 5					
Electrical contract not to exceed 2000 man hours	13.08	.69	3%+.90	7%	.12%
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 6	13.40	.83	3%+5½%	15½%	.12%
Zone 7					
Electrical contracts over $15,000.00	13.40	.83	3%+.5½%	15½%	.10
Zone 8					
Electrical Contract $15,000.00 and under	12.54	.83	3%+.5½%	15½%	.10
Zone 9					
Electrical contract $15,000.00 and under	9.69	.83	3%+.5½%	15½%	.10
Zone 10					
Electrical contract $15, 000.00 and under	6.85	.83	3%+.5½%	15½%	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS CONT'D:					
Zone 11	$13.40	.47	3%+1.00	6%	.02
Zone 12	13.89	.47	3%+1.00	6%	.02
Zone 13	13.11	.60	3%+1.00	7%	.01
Zone 14					
Electricians	11.56	.65	3%+.75	5%	.01
Cable splicers	11.91	.65	3%+.75	5%	.01
Zone 15					
Electricians	13.90	.54	3%+1.00	7%+.30	.01
Cable splicers	14.15	.54	3%+1.00	7%+.30	.01

AREAS COVERED BY ELECTRICIANS ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $15,000.00
Electrical contracts $15,000.00 and under

Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded

Zone 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

Zone 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.

Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counties

Zone 6 - St. Charles County, St. Louis County and City

Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
Electrical contract over $15,000.00

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ELECTRICIANS (CONT'D)

Zone 8 - Franklin, Jefferson, Lincoln, and Warren Counties.
Electrical contracts $15,000.00 and under
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contracts $15,000.00 and under
Zone 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties:
Electrical contracts $15,000.00 and under
Zone 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon. Ozark, Polk, Shannon, Stone, Teney, Texas, Webster, and Wright Counties
Zone 12 - Pulaski County
Zone 13 - Andrew, Buchanan, Clinton, and DeKalb Counties
Zone 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties
Zone 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
IRONWORKERS:					
Zone 1	$13.475	.65	1.05		.06
Zone 2	13.85	.80	1.50	1.00	.05
Zone 3	13.735	.80	1.50	1.00	.05
Zone 4	12.10	.75	.85		.12
Zone 5	13.80	.55	1.05		.06
Zone 6	11.55	.60	1.05		.06
Zone 7	12.45	.55	.95		.05

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Bollinger, Callaway, Camden, Carter, Cole, Crawford, Dent, Douglas, Franklin, Gasconade, Howell, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Monroe, Montgomery, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, St. Genevive, St. Louis, & City, Shannon, Texas, Warren, Washington, Wayne and Wright Counties.
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Lafayette, Laclede, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.
Zone 3 - Christian, Dade, Greene and Webster Cos.
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Schuyler, Scotland and Shelby Cos.
Zone 6 - Ozark and Taney Cos.
Zone 7 - Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1					
Zone 1	$11.08	.60	1.00	.80	.10
Zone 2	9.68	.60	1.00	.80	.10
Zone 3:					
(a)	12.70	.60	.50		.10
(b)	12.30	.60	.90		.10
Zone 4:					
(a)	11.90	.60	.50		.10
(b)	11.50	.60	.90		.10
GROUP 2					
Zone 1	11.23	.60	1.00	.80	.10
zone 2	9.83	.60	1.00	.80	.10
Zone 3					
(a)	13.20	.60	.50		.10
(b)	12.80	.60	.90		.10
Zone 4					
(a)	12.40	.60	.50		.10
(b)	12.00	.60	.90		.10
GROUP 3					
Zone 1	11.38	.60	1.00	.80	.10
Zone 2	9.98	.60	1.00	.80	.10
Zone 3					
(a)	13.45	.60	.50		.10
(b)	13.05	.60	.90		.10
Zone 4					
(a)	12.65	.60	.50		.10
(b)	12.25	.60	.90		.10
GROUP 4					
Zone 1	11.58	.60	1.00	.80	.10
Zone 2	10.18	.60	1.00	.80	.10
GROUP 5					
Zone 1	11.83	.60	1.00	.80	.10
Zone 2	10.43	.60	1.00	.80	.10

LABORERS CLASSIFICATION DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

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LABORERS CLASSIFICATION DEFINITIONS ZONES 3 and 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.

GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man

GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

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AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties

Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.

Zone 3 :

a - Franklin and Jefferson Counties

b - St. Charles County

Zone 4

a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties

b - Lincoln, Montgomery and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Zone 5					
Group 1	$11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

CLASSIFICATION DEFINITIONS CONT'D

Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline man on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS					
Zone 6 - St. Louis City and County:					
General laborer	$12.475	.65	1.05		.05
Dynamiter or powderman	12.975	.65	1.05		.05
LINE CONSTRUCTION:					
ZONE 1					
Lineman	15.75	.45	3%+.25		½%
Lineman operator	14.66	.45	3%+.25		½%
Groundman powderman	10.93	.45	3%+.25		½%
Groundman	10.38	.45	3%+.25		½%
ZONE 2					
Lineman	15.05	.45	3%+.25		½%
Lineman operator	14.34	.45	3%+.25		½%
Groundman powderman	10.43	.45	3%+.25		½%
Groundman	9.63	.45	3%+.25		½%
ZONE 3					
Lineman & cable splicers	13.78	.50	7%	12½%	½%
Groundman - winch driver	10.11	.50	7%	12½%	½%
Groundman - driver	9.75	.50	7%	12½%	½%
Equipment operator	12.32	.50	7%	12½%	½%
Groundman	9.75	.50	7%	12½%	½%
ZONE 4					
Lineman	14.10	.45	3%+8%		½%
Groundman equipment op.	12.51	.45	3%+8%		½%
Groundman - class A	8.87	.45	3%+8%		½%
ZONE 5 - Railroad and Cross Country Transmission Lines:					
Lineman	13.34	.45	3%+.25		½%
Lineman operator	12.34	.45	3%+.25		½%
Groundman powderman	9.17	.45	3%+.25		½%
Groundman	8.56	.45	3%+.25		½%
Pole treating specialist	14.00	.45	3%+.25		½%
Pole treating truck driver	9.17	.45	3%+.25		½%
Pole treating groundman	8.56	.45	3%+.25		½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
LINE CONSTRUCTION:					
ZONE 6 - Telephone and Telegraph Railroad Communications and C.A.T.V. Work:					
Cable splicer, air pressure technician, central office equipment man, & key system installer	$10.16	.50	3%	5%	½%
Telephone lineman, installer, CATV terminator, & equipment operator(D-4 or larger crawler, wheel trencher quarter yard backhoe or larger)	9.73	.50	3%	5%	½%
Equipment operator (all other small equipment	8.50	.50	3%	5%	½%
Groundman-winch driver	7.61	.50	3%	5%	½%
Groundman	6.67	.50	3%	5%	½%
ZONE 7 - Telephone and Telegraph and C.A.T.V. Work;					
Cable splicers, air pressure technician, central office equipment man	9.96	.45	3%		
Telephone lineman and installer repairman, CATV Terminator, equipment operator (½ yd. backhoe & larger & D-4 crawler & larger)	9.45	.45	3%		
Equipment operator (trenchers & all other equipment	8.28	.45	3%		
Groundman-winch driver	7.15	.45	3%		
Groundman	5.78	.45	3%		

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

AREA COVERED BY LINE CONSTRUCTION CONT'D

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Licoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, and Warren Counties

ZONE 4 - Boillinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Cos.

ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, Dekalb, Davies, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties

ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis & City Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties

ZONE 7 - Atchison, Nodaway, Worth, Harrison Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Benton, Vernon, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark, Gentry Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Brush and roller	$12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Bridge	12.94	.55	.70		.08
ZONE 2					
Brush	11.30	.50	.25		.01
Spray	12.05	.50	.25		.01
Sandblasting, bridges, towers, stacks, walkways, cables & tanks 15,000 gal. or more capacity)	12.80	.50	.25		.01
ZONE 3					
Brush	8.20				
Spray	8.70				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	12.25				
Bridge	13.00				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	13.25				
All structural steel over 50 ft. in height	13.00				
ZONE 6					
Brush	11.85	.85	.35		
Spray	12.85	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush, roller	10.82		.50		
	11.32		.50		
ZONE 8					
Brush	11.20		.20		
Spray & steel	11.70		.20		
ZONE 9					
Brush	12.99	.68	.37	.80	.15
Spray	14.99	.68	.37	.80	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS CONT'D:					
ZONE 10					
Brush	$ 9.90	.50			
Spray, Bridgemen, steelmen	10.40	.50			
ZONE 11					
Brush	9.10		.25		
Structural steel	9.60		.25		
Bridges	9.85		.25		
ZONE 12					
Brush	13.00				
Spray	14.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler, Carter, Shannon, Wayne, Oregon and Ripley Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 8 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 9 - Jefferson, St. Charles, St. Louis & City, Warren and Franklin Counties
ZONE 10 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 11 - St. Francois, Ste. Genevieve, Madison, Perry and Washington Counties
ZONE 12 - Marion County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1					
Group I	$13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20
ZONE 2					
Group I	14.32	1.05	1.25		.20
Group II	13.02	1.05	1.25		.20
Group III	12.57	1.05	1.25		.20
Group IV:					
(a)	15.02	1.05	1.25		.20
(b)	15.87	1.05	1.25		.20
(c)	16.32	1.05	1.25		.20
(d)	17.07	1.05	1.25		.20
(e)	14.82	1.05	1.25		.20
ZONE 3					
Group I	14.85	.90	1.00		.07
Group II	14.65	.90	1.00		.07
Group III	14.45	.90	1.00		.07
Group IV	13.85	.90	1.00		.07
Group V	13.95	.90	1.00		.07
Group VI	15.35	.90	1.00		.07
ZONE 4					
Group I	13.85	.90	1.00		.07
Group II	13.50	.90	1.00		.07
Group III	13.30	.90	1.00		.07
Group IV	12.45	.90	1.00		.07
Group V	14.10	.90	1.00		.07
Group VI	14.45	.90	1.00		.07
ZONE 5					
Group I	13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV:					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS CONT'D					
ZONE 6					
Group I	$12.60	1.00	1.25	1.05	.20
Group II	12.25	1.00	1.25	1.05	.20
Group III	12.05	1.00	1.25	1.05	.20
Group IV	10.25	1.00	1.25	1.05	.20
Group V	12.85	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20
Group VII	13.35	1.00	1.25	1.05	.20
ZONE 7					
Group I	13.00	.60	1.25	.71	
Group II	12.65	.60	1.25	.71	
Group III	12.45	.60	1.25	.71	
Group IV	10.40	.60	1.25	.71	
Group V	13.25	.60	1.25	.71	
Group VI	13.50	.60	1.25	.71	
Group VII	13.75	.60	1.25	.71	
ZONE 8					
Group I	13.00	.60	1.25	.71	
Group II	12.65	.60	1.25	.71	
Group III	12.45	.60	1.25	.71	
Group IV	10.40	.60	1.25	.71	
Group V	13.25	.60	1.25	.71	
Group VI	13.50	.60	1.25	.71	
Group VII	13.75	.60	1.25	.71	
ZONE 9					
Group I	14.30	.90	1.00		.07
Group II	14.10	.90	1.00		.07
Group III	13.90	.90	1.00		.07
Group IV	13.30	.90	1.00		.07
Group V	14.55	.90	1.00		.07
Group VI	14.80	.90	1.00		.07

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS ZONE 1 & 5

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2

Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS ZONE 1 & 5 CONT'D

Group IV:
(a) Oiler
(b) Oiler drivers, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull-float; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination : compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other

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POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP I CONT'D
sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; high-lift; hoist; concrete and brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

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POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

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POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator

GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom

GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1

GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clam-shell - 3 yds. & over; hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-1¢ per foot

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POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

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POWER EQUIPMENT OPERATORS ZONE 6, 7 and 8 CONT'D

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City and County

ZONE 3 - Franklin, Jefferson, St. Charles Counties

ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

ZONE 9 - Lincoln and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 1					
Group 1	$11.75	1.00	1.50	.75	
Group 2	11.95	1.00	1.50	.75	
Group 3	12.26	1.00	1.50	.75	
Group 4	12.41	1.00	1.50	.75	
Group 5	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics & welders
Group 5 - Oilers and greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 2					
Group 1	$15.54				
Group 2	15.69				
Group 3	15.76				
Group 4	15.65				
Group 5	15.44				
ZONE 3					
Group 1	14.49				
Group 2	14.64				
Group 3	14.71				
Group 4	14.60				
Group 5	14.39				
ZONE 4					
Group 1	13.33	1.00	1.50		
Group 2	13.48	1.00	1.50		
Group 3	13.55	1.00	1.50		
GRoup 4	13.44	1.00	1.50		
Group 5	13.23	1.00	1.50		
ZONE 5					
Group 1	12.12	1.00	1.50		
Group 2	12.27	1.00	1.50		
Group 3	12.39	1.00	1.50		
Group 4	12.28	1.00	1.50		
Group 5	12.02	1.00	1.50		
ZONE 6					
Group 1	11.39	1.00	1.50		
Group 2	11.54	1.00	1.50		
Group 3	11.66	1.00	1.50		
Group 4	11.55	1.00	1.50		
Group 5	11.29	1.00	1.50		

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem, axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitor and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

"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)".

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: MO81-4035

DATE: Date of Publication

Supersedes Decision No. MO80-4091 dated November 21, 1980 in 45 FR 77281

DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.74	1.05	1.75		.05
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS AND STONEMASONS	14.89	1.00	.45		
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri Johnson and Wyandotte Counties, Kansas					
Carpenter, Lathers, Millwrights and Pile-drivermen	14.05	.65	.75		.07
Zone 2 - Henry County, Missouri					
Carpenters	12.95	.65	.75		.07
Millwrights, Lathers & Piledrivermen	14.05	.65	.75		.07
Zone 3 - Johnson County, Missouri					
Carpenters	13.375	.65	.75		.07
Millwrights, Lathers & Piledrivermen	14.05	.65	.75		.07
CEMENT MASONS (Building Construction					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Cement Masons	13.925	.80	.85		
Zone 2 - Henry and Johnson Counties MIssouri	12.83				
CEMENT MASONS (Heavy and Highway Construction):					
Johnson & Wyandotte Counties, Kansas	14.11	.80	.85		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	$14.68	.69	3%+.90	7%	.12
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 200 man hours	13.68	.69	3%+.90	7%	.12
Zone 3 - Ray County, Missouri:					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 2000 man hours	13.08	.69	3%+.90	7%	.12
Zone 4 - Johnson and Wyandotte Counties, Kansas	14.68	.69	3%+.90	7%	.12
ELEVATOR CONSTRUCTORS	14.135	1.195	.95	8%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	8%+a	

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GLAZIERS	$12.35	.90	1.19	17.14%	.05
IRONWORKERS	13.85	.80	1.50	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, MIssouri; Johnson and Wyandotte Counties, Kansas					
Group 1	12.25	.60	.60		.10
Group 2	12.40	.60	.60		.10
Group 3	12.55	.60	.60		.10

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; hoseman; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Zone 3 - Henry and Johnson Counties, Missouri					
Group 1	$9.525	.60	.80		.10
Group 2	9.625	.60	.80		.10
Group 3	9.85	.60	.80		.10

CLASSIFICATION DEFINITIONS

LABORERS:
Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers
Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man
Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 4 - Johnson and Wyandotte Counties, Kansas					
Group 1	11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

LABORERS:
Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers
Group 2 - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)
Group 3 - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used
Group 4 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels
Group 5 - Manhole builder (brick or block); dynamite and powder man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	$15.75	.45	3% .25		½%
Lineman Operator	14.66	.45	3%+.25		½%
Groundman	10.38	.45	3%+.25		½%
Zone 2 - Western 3/4 of Johnson County, Kansas					
Lineman	13.07	.45	3%		½%
Cable Splicers	13.72	.45	3%		½%
Groundman	8.13	.45	3%		½%
Powderman	10.83	.45	3%		½%
Line Truck and Equipment operators	10.83	.45	3%		½%
Zone 3 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, MIssouri; Wyandotte County & Johnson Co. - that portion east of Monticello, Olathe & Spring Hill Townships Kansas.					
Line Construction (Telephone and Telegraph Work - including C.A.T.V. Work):					
Cable splicers; air pressure technicians; central office equipment man	9.96	.45	3%		
Telephone lineman & installer repairman; C.A.T.V. terminator; equipment operator (¾ yd. backhoe & larger & D-4 crawlers & larger)	9.45	.45	3%		
Equipment operator (trenchers & all other equipment)	8.28	.45	3%		
Groundman-winch driver	7.15	.45	3%		
Groundman	5.78	.45	3%		

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Line Construction (Railroad and Cross Country Transmission Lines)					
Zone 4 - Wyandotte County and Johnson County- that portion east of Monticello, Olathe & Spring Hill Townships:					
Lineman	$13.34	.45	3%+.25		½%
Lineman operator	12.34	.45	3%+.25		½%
Groundman, powderman	9.17	.45	3%+.25		½%
Groundman	8.56	.45	3%+.25		½%
Pole Treating:					
Pole treating specialist	14.00	.45	3%+.25		½%
Pole treating inspector	13.34	.45	3%+.25		½%
Pole treating truck driver	9.17	.45	3%+.25		½%
Pole treating groundman	8.56	.45	3%+.25		½%
MARBLE & TILE SETTERS	13.90	5%	5%		
Marble & tile setters' finishers	10.85				
PAINTERS:					
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	12.19	.55	.77		.08
Spray	13.19	.55	.70		.08
Zone 2 - Johnson Co., Missouri (Whitman Air Force Base only)					
Brush	11.25				
Spray	12.25				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLASTERERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri, Johnson and Wyandotte Counties, Kansas	$15.80				
Zone 2 - Henry and Johnson Counties, Missouri	12.51				
PIPEFITTERS	14.54	.72	1.60		.10
PLUMBERS	14.52	1.12	1.20		.12
POWER EQUIPMENT OPERATORS:					
Building Construction					
Group I	14.11	1.00	1.25	1.05	.20
Group II	13.76	1.00	1.25	1.05	.20
Group III:					
(a)	9.80	1.00	1.25	1.05	.20
(b)	11.86	1.00	1.25	1.05	.20
(c)	11.00	1.00	1.25	1.05	.20
(d)	12.11	1.00	1.25	1.05	.20
Group IV	14.36	1.00	1.25	1.05	.20
Group V	14.01	1.00	1.25	1.05	.20
Group VI	14.61	1.00	1.25	1.05	.20
Group VII:					
(a)	13.86	1.00	1.25	1.05	.20
(b)	13.61	1.00	1.25	1.05	.20
(c)	11.61	1.00	1.25	1.05	.20
Group VIII	15.11	1.00	1.25	1.05	.20
Group IX	14.61	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; harber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; purps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boor; skimer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; corpressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hamer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; corpressors-tander; compressors sigle, truck mounted; elevator; finishing machine

Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); purps (w/well points) dewatering systems, test or pressure purps; tractors (except when hauling material) less than 50 h.p.

Group IV -
Clarshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air track); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - (CONT'D)

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

Group IV

(a) Oilers

(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS:					
Roofers	$13.05	.75	.75		.14
SHEET METAL WORKERS	14.04	.75	1.20		.10
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	.1%
SOUND AND SIGNAL INSTALLER	9.69	.54	.27	.78	.02
SPRINKLER FITTERS	14.83	.85	1.20		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)	14.20	.85	1.20		.08
TERRAZZO WORKERS	12.31	5%	4.25%		
TRUCK DRIVERS:					
Building Construction:					
Group I	10.925	.75	1.00		
Group II	10.975	.75	1.00		
Group III	11.05	.75	1.00		
Group IV	11.175	.75	1.00		
Group V	11.075	.75	1.00		
Group VI	11.275	.75	1.00		
Group VII	11.125	.75	1.00		
Group VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - Warehousemen and stock man
Group II - Flat beds; pick-ups; drum trucks, under 10 yds.
Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers
Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumster, euclid, etc.); double bottom units (20 tons capacity and over)
Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers
Group VI - Mechanics
Group VII - Transit mix, 5 yds. and over
Group VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$11.75	1.00	1.50	.75	
Group II	11.95	1.00	1.50	.75	
Group III	12.26	1.00	1.50	.75	
Group IV	12.41	1.00	1.50	.75	
Group V	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle
Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
Group III - A-frame, lowboy, and boom truck driver
Group IV - Mechanics and welders
Group V - Oilers and greasers

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)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: Caswell, Durham, Granville, Orange, Person, & Wake

DECISION NUMBER: NC81-1234 DATE: Date of Publication
Supersedes Decision No.: NC79-1034 dated October 19,1979 in FR 44 60529.
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 MECHANIC	$6.00				
BRICKLAYERS	7.00				
CARPENTERS	6.00				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.84				
DRYWALL HANGERS	6.96				
DRYWALL SPRAYER	5.00				
ELECTRICIANS	5.56				
IRONWORKERS	5.84				
INSULATION INSTALLER	4.44				
LABORERS:					
Unskilled	3.77				
Mason tenders	3.86				
Pipelayers	5.30				
PAINTERS:					
Brush	5.00				
Spray	5.50				
PLUMBERS & PIPEFITTERS	6.42				
ROOFERS	5.86				
SHEET METAL WORKERS	5.24				
TILE SETTERS	7.00				
TRUCK DRIVERS	4.15				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.63				
Bulldozers	5.15				
Graders	5.50				
Pans - Scrapers	4.00				
Paving machine	5.00				
Roller	4.76				
Screed	4.88				
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: Ashtabula, Cuyahoga Lake, Lorain, Portage, Stark, and Summit

DECISION NUMBER: OH81-2015 DATE: Date of Publication
Supersedes Decision No.: OH80-2029, dated August 1, 1980 in 45 FR 51414
DESCRIPTION OF WORK: Building & Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake & Lorain Cos.	$16.29	.99	1.25		.02
Ashtabula (Rem. of Co.)	14.69	.55	1.50		.02
Remaining Cos.	14.56	.60	1.09		.03
BOILERMAKERS	14.68	1.20	1.40		.07
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	16.42	.95	1.50		75.00p/h
Cuyahoga Co.	14.83	1.21	1.33		.01
Lake Co.	16.72	.90	1.15	a	
Lorain Co.	16.45		.80		.02
Portage & Summit Cos.:					
Commercial Construction	15.92	1.02	.80		.02
Residential Construction	10.91	.88	.80		.01
Stark Co.	12.79	.95	1.05		
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers:					
Ashtabula, Cuyahoga, & Lake Cos.:					
Carpenters; Soft Floor Layers	15.67	1.20	1.85		.09
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Portage & Summit Cos.:					
Carpenters	14.40	.70	1.00		.02
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Soft Floor Layers	13.50	.70	1.50	b	
Stark Co.:					
Carpenters	12.63	.70	.80		.02
Millwrights; Piledrivermen	13.16	.65	.80		.02
Soft Floor Layers	12.51	.65	.80		.02
Lorain Co.:					
Carpenters; Soft Floor Layers	14.17	.80	1.00	c	.08
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
CEMENT MASONS:					
Ashtabula Co.	14.42	.95	1.50		.02
Cuyahoga Co.	16.72	.60	.60		75.00p/h
Lake Co.	16.72	.90	1.15		

CEMENT MASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr
Lorain Co.	$16.45		.80	a	.01
Portage, Stark, & Summit Cos.:					
Commercial Construction	15.19	.70	1.00		.02
Residential Construction	14.22	.70	1.00		.02
ELECTRICIANS:					
Cuyahoga & Lorain (Twp. of Columbia) Cos.	16.84	1.10	3%+.59		.05
Lake Co.:					
Commercial Construction	15.23	.85	3%+.70		.2%
Residential Construction	8.10	.70	3%		1%
Lorain (Except Columbia Twp.):					
Commercial Construction	15.35	.75	3%+1.00		.1%
Residential Construction	9.53	.75	3%		1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Commercial Construction	15.25	.74	3%+.76		.2%
Residential Construction	10.03	.74	3%+.35		.2%
Stark County:					
Commercial Construction	14.61	.79	3%+.80		.3%
Residential Construction	10.01	.79	3%+.50		.3%
Ashtabula Co. (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor) & Portage (Remainder of Co.) Co.	15.54	.75	7%		.7%
Ashtabula Co. (Rem. of Co.):					
Commercial Construction	15.30	1.00	3%+1.00		.5%
Residential Construction	8.10	1.00	3%		.002%
ELEVATOR CONSTRUCTORS:					
Ashtabula Co.:					
Mechanic	13.605	1.195	.95	d&e	.035
Helpers	70%JR	1.195	.95	d&e	.035
Helpers (Prob.)	50%JR				
Cuyahoga, Lake, & Lorain Cos.:					
Mechanic	15.25	1.195	.82	d&e	.035
Helpers	70%JR	1.195	.82	d&e	.035
Helpers (Prob.)	50%JR				

ELEVATOR CONSTRUCTORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Portage, Stark, & Summit Cos.:					
Mechanic	$14.425	1.195	.82	d&e	.035
Helpers	70%JR	1.195	.82	d&e	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Ashtabula, Cuyahoga, Lake & Lorain Cos.	15.53	.60	1.25		.01
Portage, Stark & Summit Cos.:					
Commercial	11.79	.71	1.01		
Residential	7.19	.64	.52		
IRONWORKERS:					
Ashtabula (NE ¼ of Co.) Co.	14.50	1.86	1.51		.15
Ashtabula (except NE ¼ of Co.), Cuyahoga, Lake, Lorain, Portage (excluding Ravenna Ordnance Depot), & Summit Cos.	16.22	1.05	1.45		.08
Portage (Ravenna Ordnance Depot) Co.:					
Ornamental; Reinforcing; & Structural	15.41	.85	1.30		.09
Stark Co.:					
Ornamental; Reinforcing; & Structural	13.48	.80	.95		.05
Bucker-up	13.605	.80	.95		.05
Sheeter-side	13.73	.80	.95		.05
Sheeter-roof	13.98	.80	.95		.05
LATHERS:					
Ashtabula, Cuyahoga, Lake, Lorain (Eastern portion), & Summit (No. part of Co.) Cos.	13.38		1.50		.01
Lorain (Rem. of Co.)	15.30				.01
Portage, Stark & Summit (So. part of Co.) Cos.	13.56	.88	.50		.01
LINE CONSTRUCTION:					
Ashtabula Co. (Twps. of Colebrook, Orwell, Wayne, Williamsfield & Windsor), Portage Co. (Twps. of Charleston, Edinburgh,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Freedom, Hiram, Nelson, Palmyra, Paris, & Windham):					
Cable Splicer Op.; Linemen; Pole Digging Equipment Op.	$16.21	.70	3%		4%
Groundmen	12.97	.70	3%		4%
Ashtabula Co. (Rem. of Co.):					
Cable Splicer; Equipment Op.; Line Truck Driver; Linemen	13.05	.90	3%+.85		4%
Groundmen	9.80	.90	3%+.85		4%
Cuyahoga & Lorain (Columbia Twp) Cos.:					
Cable Splicers; Equipment Ops; Linemen	17.93	.60	3%		4%
Truck Drivers (winch) Groundmen	11.65	.60	3%		4%
Lorain (Rem of Co.) Co.:					
Cable Splicers; Equipment Ops.; & Linemen	15.35	.75	3%+1.00		4%
Groundmen	9.98	.75	3%+1.00		4%
Lake Co.:					
Cable Splicers, Equipment Operators; Linemen	15.13	.95	3%+.70		4%
Groundmen	9.83	.95	3%+.70		4%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro, & Suffield, & Summit Cos.:					
Linemen	15.25	.74	3%+.76		4%
Cable Splicers	16.30	.74	3%+.76		4%
Groundmen; Truck Drivers Equipment Operators	7.63	.74	3%+.76		4%
	11.44	.74	3%+.76		4%
Stark Co.:					
Cable Splicers	13.50	.79	3%+.80		.3%
Linemen	14.61	.79	3%+.80		.3%
Truck Drivers; Groundmen Line Equipment Ops.	8.75	.79	3%+.80		.3%
	11.35	.79	3%+.80		.3%
MARBLE SETTERS; Terrazzo Workers; Tile Setters: Ashtabula Co.	14.42	.95	1.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE SETTERS (CONT'D)					
Cuyahoga Co.:					
Marble Setters; Terrazzo Workers	$14.83	1.21	1.33		.07
Tile Setters	15.905		2.25		
Lake Co.	16.72	.90	1.15		75.00p/y
Lorain Co.	16.45		.80	a	.01
Portage & Summit Cos.	14.97	.91	.70		
Stark Co.:					
Marble Setters	11.87	.95	1.05		
Terrazzo Workers	11.79	.95	1.05		
Tile Setters	11.70	.95	1.05		
MARBLE SETTERS' FINISHERS:					
Cuyahoga, Lake & Lorain Cos	14.51		2.50		
Portage & Summit Cos.	14.47	.91	.70		
PAINTERS:					
Ashtabula, Cuyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	15.06	.97	1.60		.05
Sandblasting; Spray; Closed Steel below 55 ft.	15.46	.97	1.60		.05
Tapers	15.76	.97	1.60		.05
Lorain (Except NE part):					
Commercial Construction:					
Brush	10.20	.85	.10	f	
Roller	10.70	.85	.10	f	
Taping	10.95	.85	.10	f	
Residential Construction:					
Brush	9.85	.85	.10	f	
Taping	10.60	.85	.10	f	
Portage Co. (Ravenna Ordnance Depot):					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro Jet Cleaning; Steam Cleaning	13.45	.85	1.15		
Spray; Epoxy-mastic (brush or roller)	13.95	.85	1.15		
Swing; Interior Scaffold Over 30 ft.); Window					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (CONT'D)					
Jacks & Safety Belts	$13.62	.85	1.15		
Drywall Taping	13.60	.85	1.15		
Open Structural Steel	13.66	.85	1.15		
Dipping (when permitted)	13.80	.85	1.15		
Epoxy- mastic (spray)	14.45	.85	1.15		
Paperhangers (furnishing own tools)	13.70	.85	1.15		
Portage & Summit Cos. (up to & inclu. Ohio Turnpike):					
Brush; Roller; & Paperhanger	13.15	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	13.75	1.07	.60		
Spray	13.85	1.07	.60		
Stark Co. (Commercial):					
Brush; Roller	11.64	1.00	.90		.02
Paperhangers	11.74	1.00	.90		.02
Drywall	12.04	1.00	.90		.02
Spray	12.14	1.00	.90		.02
Drywall with machines	12.39	1.00	.90		.02
Stark Co. (Residential):					
Brush; Roller	11.20	1.00	.90		.02
Paperhangers	11.30	1.00	.90		.02
Spray	11.70	1.00	.90		.02
Drywall	11.60	1.00	.90		.02
Drywall with machines	11.95	1.00	.90		.02
PIPEFITTERS; Steamfitters: Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of # 303 exclu. city of Hudson) Cos. and the C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
PIPEFITTERS; Plumbers; & Steamfitters:					
Lorain Co.	15.53	1.00	1.00		.05
Portage & Summit Cos. (S. of #303, except corporate limits of Hudson) Cos.:					
Commercial Building	14.19	.91	1.40		.05
Stark Co.	14.67	1.35	.70	g	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PIPEFITTERS; Plumbers (Residential):					
Lorain, Portage, Stark, & Summit (S ½) Cos.	$9.20	.60	.35		.03
PLASTERERS:					
Ashtabula Co.	14.42	.95	1.50		
Cuyahoga Co.:					
Commercial Building	18.74				.01
Residential	13.00				.01
Lake Co.	16.72	.90	1.15		75.00p/
Lorain Co.	16.45		.80	a	.01
Portage, Stark & Summit Cos.	15.06	.70	1.00		.01
PLUMBERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303) Cos.	16.03	1.20	1.40		.02
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	17.78	.25	.50		.05
Portage, Stark, & Summit Cos.	15.52	.94	.85		.04
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos.	14.69	.90	1.68		.06
Lorain Co.	13.91	.85	1.20		.06
Portage, Stark, & Summit Cos.:					
Commercial Building	15.17	.94&h	1.10		.10
Residential	9.55	.94&h	1.10		.10
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), Summit (N. of #303, excl. city of Hudson) Cos. & C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
Remaining Counties	15.04	.85	1.20		.08
TERRAZZO WORKERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	15.07		2.50		
Portage & Summit Cos.	14.47	.91	.70		
Stark Co.	10.91	.95	1.05		
TILE SETTERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	15.04		2.50		
Portage & Summit Cos.	14.47	.91	.70		
Stark Co.	10.79	.95	1.05		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day

FOOTNOTES:
a. 2 paid holidays: C & D
b. $150.00 per year
c. 2 paid holidays: C & D
d. 7 paid holidays A through F, & Day after Thanksgiving
e. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
f. 2 paid holidays: C & D
g. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
h. 3% of gross earnings to SASMI

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Ashtabula County:					
Stonemason Tenders	$14.60				
Sheeting & Shoring Men; Asphalt Rakers & Tampers; Dumpmen (Batch Truck); Concrete Workers; Building Wreckers; Tool Checkers; Carpenters Tenders; Construction Laborers; All work not mentioned in classifications below to be paid at the rate of Construction Laborers	14.95				
Spreader Box Men (Asphalt); Plasterers or Mortar Mixers; Squeegee man	15.10				
Air & Machine Driven Tool Op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of Floors	15.15				
Stackmen; Swinging Scaffold men	15.25				
Tunnel Laborers	15.35				
Gunnite Ops.	15.45				
Powder Blasters	15.50				
Cuyahoga County:					
Construction; Tenders	13.49	1.70	1.85		
Sewer & Utility; Power Driven Tools & Vibrators	13.64	1.70	1.85		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS: (CONT'D)					
Jackhammer; Acetylene Burners; Muckers	$13.69	1.70	1.85		
Swinging Scaffolds	13.74	1.70	1.85		
Gunnite Ops.; Blasters; Shooters; Caisson; Well Cylinders; Mine Workers w/o Air; & Cofferdams	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
Lake County:					
Building & Construction	13.65	.90	.90		
Gunnite Op.; Blasters & Shooters; Caissons; Wells; Cylinder Cofferdams; Mine Workers w/o Air; Swing Scaffolds; Acetylene Burners; Vibrators; Top Man on Free Standing Radial Stacks; Slip Forms Higher than 30'; Fire Brick Tenders	13.90	.90	.90		
Lorain County:					
Building & Construction; Tool Crib; Carpenter Tender; Finishers Tender; Concrete Tenders; Concrete Handler; Guard Rail Erector; & Utility Construction	12.83	.75	1.30		.05
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on Demolition Work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Man & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tenders; Plasterers' Tenders; Rod Carrier; Laser Beam Set Up Man	13.03	.75	1.30		.05
Gunnite Operator	13.43	.75	1.30		.05

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Portage & Summit Cos.:					
Residential Construction Common Laborers; Welders' Tenders; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender	$12.12	.75	1.30		.11
Air Driven Boring Machine Tamper Ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up Man On Demolition Work; Scaffold Erector; Structural Precast Erector; Power Tools, Air, Gas, or Electric	13.67	.75	1.30		.11
Pipe Layers; Rock Drillers; Muckers-Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bottom man; Hod Carrier; Power Buggy or Power Wheelbarrow	13.82	.75	1.30		.11
Gunnite Nozzlemen; Tunnel Miners; Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen	13.87	.75	1.30		.11
Stark Co.	14.17	.75	1.30		.11
Building & Construction; Tool Cribman; Carpenters' Tenders; Finishers Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	10.66	.75	1.10		.05
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on Demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Worker;					

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mortar Mixers; Form Setter; Mason Tenders; Hod Carrier; Laser Beam Setup Men	$10.66	.75	1.10		.05
Gunnite Operator	11.26	.75	1.10		.05
POWER EQUIPMENT OPERATORS:					
Well & Pump Work (Incl. Drilling & Repair of All Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day

b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation.

POWER EQUIPMENT OPERATORS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.:					
GROUP A	16.17	1.26	1.50		.11
GROUP B	16.02	1.26	1.50		.11
GROUP C	15.67	1.26	1.50		.11
GROUP D	14.89	1.26	1.50		.11
GROUP E	14.57	1.26	1.50		.11
GROUP F	12.39	1.26	1.50		.11
Portage, Stark, & Summit Cos.:					
GROUP A	15.89	1.26	1.50		.11
GROUP B	15.73	1.26	1.50		.11
GROUP C	15.38	1.26	1.50		.11
GROUP D	14.57	1.26	1.50		.11
GROUP E	14.24	1.26	1.50		.11
GROUP F	12.03	1.26	1.50		.11

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GROUP A- A-Frames; All Rotary Drills used on Caisson Work for Foundations & Sub-structure Work; Boiler Op. or Compressor Op. when Compressor or Boiler is mounted on Crane (piggyback operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer & Tower; Concrete Pumps; Cranes; Derricks; Draglines; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Op. (hoisting builders materials); Helicopter Winch Op. (hoisting builders materials); Hoes; Hoisting Engines (two or more drums); Lift Slab or Panel Jack Ops.; Locomotives; Maintenance Engineer (mechanic or welder); Mixer Paving (multiple drum); Mobile Concrete Pumps with Boom; Panelboard (all types on site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (building construction site); Tower Derricks; Trench Machines (over 24" wide)

GROUP B- Asphalt Paver; Bulldozer; CMI Type Equipment; Endloaders; Kohlman Type Loaders (dirt loading); Mucking Machines; Power Graders; Power Scoops; Power Scrapers; Push Cats

GROUP C- Air Compressor (pressurizing shafts or tunnels); All Asphalt Rollers; Fork Lifts; Hoist (one drum); House Elevators; Man Lift; Power Boiler (over 15 lbs., pressure); Pump Op. Installing or Operating Well Points or other Types of Dewatering System; Pumps (4" & over discharge); Submersible Pumps (4" & over discharge); Trenchers (24" & under)

GROUP D- Compressors on Building Construction; Conveyors (building material); Gunite Machines; Mixers (cap., more than on bag); Mixers (one bag cap., side loader); Post Driver; Post Hole Digger; Pavement Breaker (hydraulic or cable); Road Widening Trencher; Rollers; Welder Operator

GROUP E- Backfillers and Tampers; Batch Plant; Bar & Joint Installing Machine; Bull Floats; Burlap & Curing Machines; Clefplanes; Concrete Spreading Machines; Crushers; Drum Fireman (asphalt); Farm Type Tractors (pulling attachments); Finishing Machines; Form Trenchers; High Pressure Pumps (over ¾" discharge); Hydro Seeders; Self-propelled Power Spreader; Self-propelled Subgrader; Tractors (pulling sheep foot roller or grader); Tire Repairmen; Vibratory Compactors (with Integral power)

GROUP F- Oiler; Light Plant Op.; Power Driven Heaters (oil fired); Power Boilers (less than 15 lbs. pressure); Submersible Pumps (under 4" discharge); Pumps (under 4" discharge); Tenders

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: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD81-5121 DATE: Date of Publication
Supersedes Decision No. SD80-5105 dated February 1, 1980, in 45 FR 7471
DESCRIPTION OF WORK: Building Projects (does not include 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	$11.44	.50	$1.00		
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stoneamsons	12.70	.45	.50		.05
CARPENTERS:					
Carpenters, Piledrivers, Drywall, and Acoustical	11.86		.20		.05
Millwrights	12.82		.20		.05
CEMENT MASONS	12.20				
ELECTRICIANS:					
Electricians	11.55	.50	3%+1.00	6%	1%
Cable Splicers	12.71	.50	3%+1.00	6%	1%
GLAZIERS	8.54				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator (Nozzleman Gunite, Sandblast and Shotcrete)	4.60				
LATHERS	9.96				.01
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.99				.01
PLUMBERS; Steamfitters	11.49	.55	.65	.66	.03
SHEET METAL WORKERS	11.45		.51	1.25	.05
SPRINKLER FITTERS	13.93	.95	1.40		.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)).

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5122 DATE: Date of Publication
Supersedes Decision No. SD81-5105 dated February 20, 1981, in 46 FR 13490
DESCRIPTION OF WORK: Building Projects (does not include 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	$11.44	.50	$1.00		.0
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stoneamsons	12.45		.30		
CARPENTERS:					
Carpenters; Acoustical					
Drywall Apolicators	10.81	.30			.05
Piledrivermen	11.06	.30			.05
Millwrights	11.31	.30			.05
CEMENT MASONS	10.80	.65	.40		
ELECTRICIANS:					
Electricians	11.35	.60	.80	6%	1%
Cable Splicers	11.90	.60	.80	6%	1%
IRONWORKERS	11.05	.70	1.25		.25
LABORERS:					
Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	7.73	.65	.20		
Mortar Mixer, Mason Tender; Plaster Tender	8.00	.65	.20		
Gunnite Nozzleman, Powderman, Miner, Timberman	8.27	.65	.20		
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.20				
PLUMBERS; Steamfitters	12.09	.75	.60		.03
SHEET METAL WORKERS	11.85		.36	.72	.07
SPRINKLER FITTERS	13.93	.95	1.40		.08

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding or rigging 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)).

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY81-5123 DATE: Date of Publication
Supersedes Decision No. WY80-5127 dated September 5, 1980, in 45 FR 59115
DESCRIPTION OF WORK: Highway 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.
CARPENTERS	$ 9.93	.60			
CEMENT MASONS	10.70	.55			
IRONWORKERS:					
Structural	9.40				
Reinforcing	9.27	.40	.40		
PAINTERS:					
Brush and Spray	9.75				
LINE CONSTRUCTION:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	14.25	.45	3%+.50		.25%
Linemen	12.95	.45	3%+.50		.25%
Equipment Operators	11.64	.45	3%+.50		.25%
Groundmen	9.46	.45	3%+.50		.25%
All work 34.5 KV and under:					
Lineman	12.95	.45	3%+.50		.25%
Line Equipment Operator	11.12	.45	3%+.50		.25%
Groundman	9.46	.45	3%+.50		.25%

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1: Axeman and hand faller; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; General Labor; Heater Tender; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc.; Scissor Man or Bopper Man; Stake Jumper for equipment; Tar and Asphalt Pot Tender; Wrecking and demolition crews	$ 6.47				

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 2: Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher and Tender; Chuck Tender; Form Setter (paving); Hand Operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipe Wrapper; Power type concrete buggy (push or ride); Power Saw Operator (clearing); Vibrator - concrete	$ 6.57				
Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from Bos'n Chair, Swing Stage, Lift Belt or Block and Tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	6.72				

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	$ 6.99				
Group 5:					
Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	6.95				
Bull Gang; Dumpman; Mucker; Trackman	6.79				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powderman; Jackhammermen; Finishers	7.22				
Nipper; Chucktender; Topman; Toploader	7.06				

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$ 9.48	.53	.35		.10
Group 2	9.53	.53	.35		.10
Group 3	9.58	.53	.35		.10
Group 4	9.62	.53	.35		.10
Group 5	9.65	.53	.35		.10
Group 6	9.70	.53	.35		.10
Group 7	9.74	.53	.35		.10
Group 8	9.76	.53	.35		.10
Group 9	9.87	.53	.35		.10
Group 10	9.93	.53	.35		.10
Group 11	9.95	.53	.35		.10
Group 12	10.13	.53	.35		.10
Group 13	10.17	.53	.35		.10
Group 14	10.24	.53	.35		.10
Group 15	10.30	.53	.35		.10
Group 16	10.47	.53	.35		.10
Group 17	10.81	.53	.35		.10

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Brakeman; Crusher Oiler; Oiler Utility; Screed Operator; Tractor Operators (Farm, Crawler or wheel type, 60 HSP - drawbar) or less with or without use of power attachments, except for use of Backhoe or Bucket

Group 2: Broom Operators, self-propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Roller Operators (self-propelled pneumatic, rubber tired, sheep foot vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Stacker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP - drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motorman; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or Plant Operators; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine or similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator (Tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturers' rating) up to 3½ yds., all attachments; Hydro type cranes (15 tons and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Push-cat, Dozer, Tournadozer, etc. (The use of power attachments shall not include disking, pulling of rollers, or similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16; Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturer's rating) 3½ yds. to 7 cu. yds.; all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Pickup-up Truck Drivers (when used for hauling)	$ 7.78	.60	.56	.19	.02
Dump Truck Drivers (water level capacity box):					
7 cu. yds. and less	7.83	.60	.56	.19	.02
Over 7 cu. yds. to and including 10 cu. yds.	7.98	.60	.56	.19	.02
Over 10 cu. yds. to and including 13 cu. yds.	8.08	.60	.56	.19	.02
Over 13 cu. yds. to and including 20 cu. yds.	8.58	.60	.56	.19	.02
Over 20 cu. yds. to and including 25 cu. yds.	8.58	.60	.56	.19	.02
Over 25 cu. yds. to and including 30 cu. yds.	8.68	.60	.56	.19	.02
Over 30 cu. yds. to and including 35 cu. yds.	8.73	.60	.56	.19	.02
Over 35 cu. yds. to and including 40 cu. yds.	8.78	.60	.56	.19	.02
Over 40 cu. yds. to and including 45 cu. yds.	8.83	.60	.56	.19	.02
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	7.78	.60	.56	.19	.02
Gravel Spreader	7.83	.60	.56	.19	.02

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Flat Rack Material Truck Drivers:					
Less than 2 tons	$ 7.83	.60	.56	.19	.02
2 tons to 5 tons	7.98	.60	.56	.19	.02
Over 5 tons	8.08	.60	.56	.19	.02
Low Boy and Tandem Axle Float Drivers	8.58	.60	.56	.19	.02
Gany Truck Drivers	7.83	.60	.56	.19	.02
Stringing Truck Drivers:					
Single axle type truck	7.83	.60	.56	.19	.02
Multiple axle type truck, semi	8.58	.60	.56	.19	.02
Winch Trailer Truck Drivers (cable and hoist)	8.08	.60	.56	.19	.02
Utility Winch Truck Drivers	8.08	.60	.56	.19	.02
"A" Frame Truck Drivers	8.08	.60	.56	.19	.02
Warehousemen, Partsmen	7.83	.60	.56	.19	.02
Material Checkers	7.98	.60	.56	.19	.02
Transit Mix or Wet Mix Truck Drivers:					
Less than 5 cu. yds.: single axle	8.08	.60	.56	.19	.02
Over 5 cu. yds. to and including 10 cu.yds.:					
Tandem axle	8.18	.60	.56	.19	.02
Over 10 cu. yds.	8.28	.60	.56	.9	.02
Power Broom Drivers and/or Operators	7.98	.60	.56	.19	.02

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Water Truck Drivers:					
2500 gallons or less (straight truck)	$ 7.83	.60	.56	.19	.02
2500 gallons or less (semi truck)	7.98	.60	.56	.19	.02
Over 2500 gallons to and including 3600 gallons	8.08	.60	.56	.19	.02
Over 3600 gallons (straight truck)	8.18	.60	.56	.19	.02
Over 3600 gallons (semi truck)	8.28	.60	.56	.19	.02
Heavy Duty (Euclids, electric or similar type)	8.58	.60	.56	.19	.02
Fuel Service Truck Drivers	7.83	.60	.56	.19	.02
Greasemen, Tireman, Service Men	7.83	.60	.56	.19	.02
Truck Mechanics (shop and Field):					
Field Mechanics	8.78	.60	.56	.19	.02

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. 81-15054 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
May 22, 1981

Part III

Environmental Protection Agency

Eighth Report of the Interagency Testing Committee to the Administrator; Request for Comments Regarding Priority List of Chemicals

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 41007; TSH-FRL-1834-6]

Eighth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of TSCA, transmitted its Eighth Report to the Administrator of EPA on April 24, 1981. This report, which revises and updates the Committee's priority list of chemicals, adds three chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The Eighth Report is included in this Notice. The Agency invites interested persons to submit written comments on the Report and to participate in a scoping workshop.

DATES: Written comments should be submitted by June 22, 1981. The workshop will be held on July 15, 1981, from 9:00 a.m. to 4:00 p.m. and on July 16, 1981, from 9:00 a.m. to 12:00 p.m. The deadline for registration for the workshop is July 1, 1981. Documentation subsequent to the workshop should be submitted no later than August 17, 1981.

ADDRESSES: Send written submissions to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460.

Submissions should bear the Document Control Number OPTS-41007.

The workshop will be held at: Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Sec. 4(a) of TSCA authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances in order to develop data relevant to determining the risks that such chemical substances may present to health and the environment.

Sec. 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances for priority consideration for proposing test rules under sec. 4(a). Sec. 4(e) directs the Committee to revise its list of recommendatons every six months as it determines to be necessary. The total number of chemicals designated by the ITC for priority consideration may not exceed 50 at any one time. Within 12 months of the date of designation, EPA must initiate rulemaking to require testing or publish in the **Federal Register** its reasons for not doing so.

The ITC's Eighth Report was received by the Acting Administrator on April 24, 1981, and follows this notice.

II. Written Comments

EPA invites interested persons to submit comments on the ITC's new recommendations. In particular, the Agency would be interested in receiving information concerning additional health and safety data on the subject chemicals. The Agency requests submissions be received no later than June 22, 1981. All submissions received by that date will be considered by the Agency in determining whether to propose test rules in response to the Committee's new recommendations. Submissions should bear the identifying Docket No. OPTS-41007.

III. Scoping Workshop

EPA will conduct a scoping workshop on July 15 and 16, 1981, concerning the ITC's Eighth Report. The purpose of the scoping workshop is to provide an early opportunity for the academic community, labor, industry, environmental groups, and the general public to identify and discuss with EPA issues to be addressed by the agency in responding to the ITC's Eighth Report. In order that the workshop may focus on the issues of greatest concern, it is requested that comments submitted on the ITC Report include suggestions of the issues which should be highlighted in the scoping workshop.

A. Registration and Participation

The scoping workshop will be open to all who wish to attend. Anyone who is interested in participating in or attending the workshop or in receiving subsequent materials on the workshop should contact the Industry Assistance Office (see "For Further Information Contact"). All further information on the scoping workshop will be disseminated through the mail or by telephone contact. Those who are interested in actively participating in the workshop (i.e., making a presentation or participating in the workshop discussion) should inform EPA by registering with the Industry Assistance Office no later than July 1, 1981.

B. Schedule and Agenda

The workshop will consist of three separate, half-day sessions as follows:

Session I—diethylenetriamine—9:00 a.m. to 12:00 p.m. on July 15, 1981;

Session II—hexachloroethane—1:00 p.m. to 4:00 p.m. on July 15, 1981;

Session III—2-chlorotoluene—9:00 a.m. to 12:00 p.m. on July 16, 1981;

Each session will consist of (1) EPA's preliminary views on testing needs and issues, (2) presentations by other workshop participants, (3) question and answer period, (4) discussion of the issues, and (5) summary of major points. A specific agenda will be available 1 week prior to the workshop.

C. Workshop Report

Following the workshop, 4 weeks will be allowed for submission of additional information or documentation for inclusion in the workshop record. A final report on the workshop will be prepared on the basis of minutes taken during the meeting; there will be no recording or verbatim transcript of the workshop proceedings.

The final report of the scoping workshop, together with all written comments and materials submitted in connection with this notice, will be available for inspection under Docket No. OPTS-41007 at the Document Control Office, Rm. E-107, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 8:00 a.m. to 4:00 p.m. weekdays, except legal holidays.

Dated: May 14, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Congrol Act of 1976 (TSCA, Pub. L. 94-469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances or mixtures to which the Administrator of

the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules. The Committee makes such revisions in the List (the section 4(e) Priority List) as it determines to be necessary and transmits them to the EPA Administrator at least every 6 months.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of three chemicals. The chemicals being added to the List are presented alphabetically, together with the types of testing recommended, as follows:

Chemical and Recommended Studies

2-Chlorotoluene—Health Effects: Carcinogenicity/oncogenicity, mutagenicity, chronic effects, reproductive effects, teratogenicity. Environmental Effects: Chemical fate, bioconcentration, chronic toxicity to fish, chronic toxicity to aquatic invertebrates.

Diethylenetriamine—Health Effects: Chronic effects, reproductive effects, teratogenicity.

Hexachlorethane—Environmental Effects: Chemical fate, terrestrial plant uptake and toxicity, bioaccumulation, microbial toxicity, avian toxicity, toxicity to terrestrial invertebrates, chronic toxicity to fish and aquatic invertebrates.

Each of the new recommendations is being designated by the Committee for action by the EPA within 12 months of the date of this Eighth Report, as stipulated by section 4(e)(1)(B) of TSCA.

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

COUNCIL ON ENVIRONMENTAL QUALITY

No Representative

DEPARTMENT OF COMMERCE

Orville E. Paynter, Member
Bernard Greifer, Alternate

ENVIRONMENTAL PROTECTION AGENCY

Joseph Seifter, Member
Carl R. Morris, Alternate

NATIONAL CANCER INSTITUTE

Richard Adamson, Member (*1*)
Elizabeth K. Weisburger, Alternate (*2*)
Jerrold Ward, Alternate (*3*)

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Vacant, Member (*4*)
Dorothy Canter, Alternate

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Vera W. Hudson, Member and Chairperson
Herbert E. Christensen, Alternate (*5*)

NATIONAL SCIENCE FOUNDATION

Winston C. Nottingham, Member (*6*)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Patricia Marlow, Member and Vice Chairperson
Lucille Adamson, Alternate

Liaison Agencies and Their Representatives

CONSUMER PRODUCT SAFETY COMMISSION

Arthur Gregory (*7*) and Lakshmi Mishra (*8*)

DEPARTMENT OF AGRICULTURE

Homer E. Fairchild and Fred W. Clayton

DEPARTMENT OF DEFENSE

Arthur H. McCreesh (*9*)

DEPARTMENT OF THE INTERIOR

Charles R. Walker

FOOD AND DRUG ADMINISTRATION

Allen H. Heim and Winston deMonsabert

NATIONAL TOXICOLOGY PROGRAM

Dorothy Canter

Committee Staff

Martin Greif, Executive Secretary
Vacant, Administrative Technician

Support Staff

Ellen Siegler—Office of the General Counsel, EPA
Edward Zillioux—Office of Toxic Substances, EPA

References

(*1*) Dr. Adamson replaced Dr. James M. Sontag, whose 4-year term as a Member expired on February 5, 1981.
(*2*) Dr. Weisburger joined the Committee as an Alternate member on February 5, 1981.
(*3*) Dr. Ward joined the Committee as an Alternate member on February 5, 1981.
(*4*) Dr. Warren T. Piver's 4-year term as a Member expired on February 5, 1981.
(*5*) Dr. Christensen replaced Dr. Alfred N. Milbert as an Alternate member on February 5, 1981.
(*6*) Dr. Nottingham replaced Dr. Sidney Draggan as a Member on November 4, 1980.
(*7*) Dr. Gregory replaced Dr. Joseph McLaughlin as a Liaison representative on December 29, 1980.
(*8*) Dr. Mishra was appointed a Liaison representative on January 8, 1981.
(*9*) Dr. McCreesh replaced Dr. Bernard P. McNamara as a Liaison representative on December 29, 1980.

Chapter 1. Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Public Law 94-469). The specific mandate of the Committee is to identify and recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances or mixtures in commerce that should be tested to determine their potential hazard to human health and/or the environment. The Act specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register.** The Committee is directed to make revisions to the List, as it determines to be necessary, and to transmit such revisions to the EPA Administrator at least every 6 months after submission of the Initial List.

The Committee is comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. *1* through *8*).

1.2 *Committee's activities during this reporting period.*

The Committee has continued to review chemicals from its second round of scoring and has begun to review those from the third scoring exercise, which are high-production chemicals (in excess of 2 million pounds annually) listed in the TSCA Chemical Substances Inventory (see Ref. *2* for methodology).

The following steps have been taken to expand the Committee's information-gathering activities in developing its recommendations to the EPA for testing.

a. The names and CAS numbers of all 107 chemicals selected in the third round of scoring were published in the **Federal Register.** A public meeting to receive written or verbal comments on these chemicals was held in Washington, D.C. (Ref. *9*).

b. The Committee has asked the public and private sectors to contribute relevant information, particularly unpublished data, on exposure and effects of chemicals selected in the third scoring exercise.

c. The technical support contractor is including summaries of information received from industry in the Hazard Information Reviews of chemicals being prepared for the Committee.

The Committee believes that this process will broaden the data base relied upon for making recommendations to the EPA Administrator.

1.3 *Committee's previous reports.* Seven previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. *2* through *8*). Forty-three entries (i.e., chemical substances and categories of chemicals) have been designated for priority consideration by the EPA Administrator. One entry, chloromethane, was subsequently removed (Ref. *8*) after the EPA responded to the Committee's recommendation for testing.

1.4 *The TSCA section 4(e) priority list.* The entries and the dates of their designation by the Committee are presented in Table 1. With the additions from this report, and the deletion of chloromethane under Table 2, 45 entries now appear on the Priority List. The Committee considers each entry to be of equal priority.

Table 1.—*The TSCA Section 4(e) Priority List*

Entry	Date of designation
1. Acetonitrile	April 1979.
2. Acrylamide	April 1978 [1] [2].
3. Alkyl epoxides	October 1977 [3].
4. Alkyl phthalates	October 1977 [3].
5. alkyltin compounds	October 1980.
6. Aniline and bromo, chloro and/or nitro anilines.	April 1979.
7. Antimony (metal)	April 1979.
8. antimony sulfide	April 1979.
9. antimony trioxide	April 1979.
10. Aryl phosphates	April 1978 [1].
11. Benzidine-based dyes	November 1979.
10. Benzyl butyl phthalate	October 1980.
13. Butyl glycolyl butyl phthalate.	October 1980.
14. Chlorinated benzenes, mono- and di-.	October 1977 [3] [4].
15. Chlorinated benzenes, tri-, tetra-, and Penta-.	October 1978 [4].
16. Chlorinated naphthalenes	April 1978 [1].
17. Chlorinated paraffins	October 1977 [3].
18. 2-Chlorotoluene	April 1981.
19. Cresols	October 1977 [3].
20. Cyclohexanone	April 1979.
21. o-Dianisidine-based dyes	November 1979.
22. Dichloromethane	April 1978 [1].
23. 1,2-dichloropropane	October 1978.
24. Diethylenetriamine	April 1981.
25. Fluoroalkenes	October 1980.
26. Glycidol and its derivatives.	October 1978.
27. Halogenated alkyl epoxides.	April 1978 [1].
28. Hexachloro-1,3-butadiene	October 1977 [3].
29. Hexachlorocyclo- pentadiene.	April 1979.
30. Hexachloroethane	April 1981.
31. Hydroquinone	November 1979.
32. Isophorone	April 1979.
33. Mesityl oxide	April 1979.
34. 4,4'-Methylenedianiline	April 1979.
35. Methyl ethyl ketone	April 1979.
36. Methyl isobutyl ketone	April 1979.
37. Nitrobenzene	October 1977 [3].
38. Phenylenediamines	April 1980.
39. Polychlorinated terphenyls.	April 1978 [1].
40. Pyridine	April 1978 [1].
41. Quinone	November 1979.
42. o-Tolidine-based dyes	November 1979.
43. Toluene	October 1977 [3].
44. 1,1,1-Trichloroethane	April 1978 [1].
45. Xylene	October 1977 [3].

[1] Responded to by the EPA Administrator in 44 FR 28095–28097.
[2] Responded to by the EPA Administrator in 45 FR 48510–48512.
[3] Responded to by the EPA Administrator in 43 FR 50134–50138.
[4] Responded to by the EPA Administrator in 45 FR 48524–48564.

Table 2.—*Removal from the TSCA Section 4(e) Priority List*

Removal	Date of removal
1. Chloromethane	October 1980 [1].

[1] Responded to by the EPA Administrator in 45 FR 48524–48564.

References

(1) Preliminary List of Chemical Substances for Further Evaluation. Toxic Substances Control Act Interagency Testing Committee, July 1977.

(2) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the **Federal Register** of Wednesday, October 12, 1977, 42 FR 55026–55080. Corrections published in the **Federal Register** of November 11, 1977, 42 FR 58777–58778. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

(3) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register** of Wednesday, April 19, 1978, 43 FR 16684–16688. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

(4) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register** Monday, October 10, 1978, 43 FR 50630–50635. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–79/001, January 1979.

(5) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register** of Friday, June 1, 1979, 44 FR 31866–31889.

(6) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1979. Published in the **Federal Register** of Friday, December 7, 1979, 44 FR 70664–70674.

(7) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1980. Published in the **Federal Register** of Wednesday, May 28, 1980, 45 FR 35897–35910.

(8) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1980. Published in the **Federal Register** of Tuesday, November 25, 1980, 45 FR 78432–78446.

(9) Toxic Substances Control Act Interagency Testing Committee; Chemicals to be Reviewed by the TSCA Interagency Testing Committee; Notice of Public Meeting. Published in the **Federal Register**, Tuesday, October 7, 1980, 45 FR 66506–66513.

Chapter 2. Recommendations of the Committee

2.1 *Chemical substances designated for action by the EPA Administrator.* As directed by section 4(e)(1)(B) of TSCA, the Committee is adding the following three chemical substances to the section 4(e) Priority List: 2-chlorotoluene, diethylenetriamine, and hexachloroethane. The designation of these entries was determined after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The studies recommended for these entries and the rationales to support the recommendations are given in section 2.2 of this report. In accordance with section 4(e) of TSCA, the Committee designates these entries for action by the EPA within 12 months of the date of issuance of this Eighth Committee Report.

2.2 *Recommendation and rationales*

2.2.a *2-Chlorotoluene*

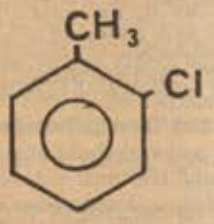
Summary of recommended studies. It is recommended that 2-chlorotoluene be tested for the following:

A. Health Effects:
Carcinogenicity/oncogenicity
Mutagenicity
Chronic effects
Reproductive effects
Teratogenicity

B. Environmental Effects:
Chemical fate studies
Bioconcentration studies
Chronic toxicity to fish
Chronic toxicity to aquatic invertebrates

Physical and Chemical Information

CAS Number: 95–49–8
Structural Formula:



Empirical Formula: C_7H_7Cl
Molecular Weight: 126.59
Melting Point: −37°C
Vapor Pressure: 2.7 mm Hg at 20°C; 5.0 mm Hg at 30°C
Log Octanol/Water Partition Coefficient: 3.42 Description of Chemical: 2-Chlorotoluene is a colorless aromatic, liquid at room temperature (22°C). It has a low solubility in water and is soluble in most organic solvents. Impurities that may be found with this chemical include other chlorotoluenes and toluene.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal information.* Between 11 and 60 million pounds of 2-chlorotoluene was produced in the

United States in 1977 (EPA, 1980). Mixtures with a high content of this chemical are used in solvent applications such as carriers for reaction mixtures, dye carrier formulations, and sludge solvents, as well as paint and rubber-stripping formulations. These use patterns suggest that human exposures may occur in the workplace as well as in consumer applications.

A threshold limit value (TLV®) of 50 ppm for skin exposure has been established by the American Conference of Governmental Industrial Hygienists (ACGIH) based upon the analogy of this chemical with other chlorinated aromatic compounds such as the chlorinated benzenes (ACGIH, 1980). 2-Chlorotoluene is expected to escape to the atmosphere and/or be discharged to aquatic systems in effluents as a result of solvent usage within chemical plants. Terrestrial nonhuman exposure is expected to be slight.

B. *Chemical fate information.* Little information on the transport or persistence of 2-chlorotoluene has been found. In water, some photolysis is anticipated at the surface and some biodegradation by bacteria and fungi is expected.

II. *Human population studies.* Human monitoring has been carried out in a limited study. Isomers of 2-chlorotoluene were reported in the breath of two of nine people (range 261–338 ng/m^3) in Niagara Falls, New York (Pellizzari et al., 1979).

III. *Biological effects of concern to human health*—A. *Toxicokinetic/metabolism studies.* Studies in the rat suggest that 2-chlorotoluene is metabolized and excreted in the urine as several metabolites, most notably as a glucuronide conjugate of a phenolic hydroxylation product of 2-chlorotoluene (Wold and Emmerson, 1974). No unchanged 2-chlorotoluene was present in the urine. These phenolic hydroxylation products may be produced via arene oxide intermediates of the parent compound. These latter intermediates have been associated with certain cellular mechanisms that produce tissue damage (necrosis) and, in some cases, carcinogenicity (Jerina and Daly, 1974).

B. *Short-term (acute) effects.* Little information has been identified concerning the short-term effects of 2-chlorotoluene.

C. *Long-term (subchronic/chronic) effects.* No information has been identified concerning the long-term effects of 2-chlorotoluene either in humans or experimental animals. However, the analog chlorobenzene is being tested for carcinogenicity in a 2-year gavage study by the National Toxicology Program (NTP).

D. *Teratogenicity/reproductive effects studies.* No information has been identified concerning either teratogenic or reproductive effects of 2-chlorotoluene.

E. *Mutagenicity studies.* No information has been identified concerning the mutagenicity of 2-chlorotoluene; however, the analog chlorobenzene has been tested by the NTP in two independent laboratories and found to be negative by both (NTP, 1980).

F. *Rationale for health effects recommendations.* Due to the lack of health-related data and the high human exposure potential within the workplace and in consumer applications, testing of 2-chlorotoluene is recommended for the following health effects: carcinogenicity/oncogenicity, mutagenicity, chronic effects, reproductive effects, and teratogenicity. The bioconcentration factor (see section IV.D.) suggests that delayed chronic toxicity may be of concern and, therefore, testing for chronic effects should be carried out to assess this potential hazard adequately.

IV. *Environmental considerations*—A. *Short-term (acute) effects.* The acute toxicity of 2-chlorotoluene appears to be quite low. The LC_{50} for a freshwater fish, the golden orfe (*Leuciscus idus melantus*), was reported at 78 mg/l (Juhnke and Luedemann, 1978) and the 24-hour LC_{50} for *Daphnia magna* was reported at 74 mg/l (Bringmann and Kuehn, 1977a). No acute toxicity data on terrestrial species have been identified.

B. *Long-term (subchronic/chronic) effects.* No studies on the long-term effects of 2-chlorotoluene have been found for either aquatic or terrestrial species.

C. *Other effects (physiological/behavioral/ecosystem processes).* Toxicity threshold values (from the cell multiplication inhibition and analogous tests) have been reported for bacteria (*Pseudomonas putida*) at 15 mg/l, blue-green algae (*Microcystis aeruginosa*) at 31 mg/l, and green algae (*Scenedesmus quadricauda*) at greater than 100 mg/l (Bringmann and Kuehn, 1977b; 1978).

D. *Bioaccumulation and food-chain transport.* The log of the octanol/water partition coefficient is 3.42, as measured by Leo et al. (1976). Using the method of Veith et al. (1980), the bioconcentration factor (BCF) is calculated to be 234. This potential for 2-chlorotoluene to bioaccumulate may lead to substantial chronic effects and food-chain transport. No information has been identified relating to either of these concerns.

E. *Rationale for specific environmental effects recommendations.* Chemical fate studies are recommended because of the paucity of chemical fate test data on 2-chlorotoluene. No toxicity tests are recommended for terrestrial animals or plants at this time because there is no indication that substantial terrestrial exposure exists. Industrial releases to the atmosphere should result in moderately rapid degradation by photo-oxidation. Bioaccumulation tests and chronic toxicity tests to fish and aquatic invertebrates are recommended because of the substantial aquatic exposure anticipated, the calculated bioconcentration factor, and the consequent potential for effects in aquatic organisms due to chronic exposure.

References

(*1*) ACGIH. 1980. American Conference of Governmental Industrial Hygienists. Documentation of Threshold Limit Values, 4th ed. Cincinnati, OH: American Conference of Governmental Industrial Hygienist.

(*2*) Bringmann G, Kuehn R. 1977a. Results of the damaging effects of water pollutants on *Daphnia magna*. Z. Wasser Abwasser Forsch. 10(5):161–166.

(*3*) Bringmann G, Kuehn R. 1977b. Limiting values for the damaging action of water pollutants to bacteria (*Pseudomonas putida*) and green algae (*Scenedesmus quadricauda*) in the cell multiplication inhibition test. Z. Wasser Abwasser Forsch. 10(3–4):87–98.

(*4*) Bringmann G, Kuehn R. 1978. Limiting values for the noxious effects of water pollutant material to blue-green algae (*Microcystis aeruginosa*) and green algae (*Scenedesmus quadricauda*) in cell propagation inhibition tests. Vom Wasser 50:45–60.

(*5*) EPA. 1980. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, D.C.: Environmental Protection Agency.

(*6*) Jerina DM, Daly JW. Arene oxides: A new aspect of drug metabolism. Science 1985:573–582.

(*7*) Juhnke I, Luedemann D. 1978. Results of the study of 200 chemical compounds on acute fish toxicity using the Golden Orfe test. Z. Wasser Abwasser Forsch. 11(5):161–164.

(*8*) Leo A, Hansch C, Jow PVC. 1976. Dependence of hydrophobicity of apolar molelcules on their molecular volume. J. Med. Chem. 19:611–615.

(*9*) NTP. 1980. National Toxicology Program. Fiscal Year 1981 Annual Plan. Washington, DC: Department of Health and Human Services, Public Health Service, National Toxicology Program, NTP–80–62.

(*10*) Pellizzari ED, Erickson MD, Zweidinger RA. 1979. Formulation of a preliminary assessment of halogenated organic compounds in man and environmental media. Washington, D.C.: Environmental Protection Agency. EPA 560/13–79–006.

(11) Veith GD, Macek KJ, Petrocellie SR, Carroll J. An evaluation of using partition coefficients and water solubility to estimate bioconcentration factors for organic chemicals in fish. Eaton JG, Parrish PR, Hendricks AC, eds. 1980. *Aquatic Toxicology:* proceedings of the third annual symposium on aquatic toxicology. ASTM Special Technical Publication 707, 1978 October 17–18, New Orleans, LA. Philadelphia, PA: Amercian Society for Testing and Materials, pp. 116–128.

(12) Wold JS, Emmerson JL. 1974. The metabolism of ^{14}C-*o*-Chlorotoluene in the rat. Pharmacologist 16:196.

2.2.b. *DIETHYLENETRIAMINE*

Summary of recommended studies. It is recommended that diethylenetriamine (DETA) be tested for the following:

A. Health Effects:
Chronic effects
Reproductive effects
Teratogenicity

PHYSICAL AND CHEMICAL INFORMATION

CAS Number: 111–40–0
Structural Formula:
$H_2NCH_2CH_2NHCH_2CH_2NH_2$
Empirical Formula: $C_4H_{13}N_3$
Molecular Weight: 103.17
Boiling Point: 206.9 [C at 760 mm Hg
Melting Point: −39 [C
Vapor Pressure: 0.37 mm Hg at 20 [C
Vapor Density: 3.5 (air=1.0)
Log Octanol/Water Partition Coefficient: −1.40 at 20 [C (estimated, Leo et al., 1971)
Description of Chemical: DETA is a strongly alkaline, hygroscopic, viscous, yellow liquid with a mild ammoniacal odor. It is highly soluble in water.

Rationale For Recommendations

I. *Exposure information—A. Production/use/disposal information.* The TSCA Inventory reports an aggregate production by five producers in 1977 in excess of 10 million pounds (EPA, 1980). DETA is used in the manufacture of a wide variety of products, including chelating agents, wet strength resins for paper goods, epoxy curing agents, polyamide resins for adhesives and coatings, surfactants in shampoos, fabric softeners, corrosion inhibitors in petroleum production, antirust and dispersal additives for high-quality motor oils and fuels, asphalt emulsifiers, and anti-static agents for synthetic fibers (Kirk-Othmer, 1979). It is also a component of high-energy fuels for rockets and military aircraft (Hawley, 1976). This use pattern indicates that significant exposure may occur in the workplace, and the National Occupational Hazard Survey estimates that 62,000 workers are potentially exposed to DETA (NIOSH, 1980). Release of DETA into the environment may occur during industrial use. A threshold limit value (TLVR) of 1 ppm for skin exposure was established by the American Conference of Governmental Industrial Hygienists based on the acute effects of this compound (ACGIH, 1980).

B. *Chemical fate information.* DETA is biodegradable and, due to its high solubility in water, is unlikely to bioaccumulate (Popp, 1977).

II. *Human population studies.* DETA is a skin, eye, and respiratory tract irritant and produces skin and probably pulmonary sensitization (ACGIH, 1980). Dernehl (1951) reported that certain polyamines induce asthmatic symptoms in man.

III. *Biological effects of concern to human health—A. Toxicokinetic/metabolism studies.* No information was found on the absorption, distribution, metabolism, and elimination of DETA in man.

B. *Short-term (acute) effects.* The acute intraperitoneal LD_{50} is 0.071 g/kg in mice and 0.074 g/kg in rats (Hine et al., 1958). When administered orally to male rats the LD_{50} after 14 days was 2.33 g/kg, and when administered percutaneously to rabbits the dermal LD_{50} was 1.09 g/kg (Smyth et al., 1949). No toxic signs were reported in a subacute inhalation study where rats were exposed for 15 days, 6 hours a day, to 130 ppm (Gage, 1970). Undiluted DETA tested in rabbits' eyes caused severe local injury with permanent loss of vision, whereas a 1-percent aqueous solution caused slight, transitory corneal damage and very slight conjunctivitis. The eye treated with a 1-percent solution was normal 2 days after exposure (Dow, 1981).

C. *Long-term (subchronic/chronic) effects.* The lifetime toxicity study in rats conducted by Fujino (1970) was determined to be inconclusive and cannot be used to assess the chronic toxicity of this chemical. However, pathologic changes were noted in the liver and kidney and to a lesser degree in the spleen and adrenal gland in the test animals. The Committee recommends studies to evaluate the chronic toxicity of this compound with particular emphasis on the renal and respiratory systems.

D. *Mutagenicity.* DETA was tested for mutagenicity in the *Salmonella* microbial assay. The TA 1535 and TA 100 tester strains were used, with and without metabolic activation. A direct mutagenic effect, which was not altered by activation, was seen. The authors suspect that activity was due to an alkylating impurity (Hedenstedt, 1978). Other assays using *Salmonella* and *Saccharomyces* organisms were negative with and without metabolic activation (Jagannath and Brusick, 1978).

E. *Teratogenicity and reproductive effects.* Due to the potential for high exposure and the lack of data on teratogenic and reproductive effects, the Committee recommends that appropriate tests be conducted for these effects.

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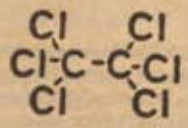
2.2.c. Hexachloroethane

Summary of recommended studies. It is recommended that hexachloroethane (HCE) be tested for the following:

a. Environmental Effects: Chemical fate, Terrestrial plant uptake and toxicity, Bioaccumulation, Microbial toxicity, Avian toxicity, Toxicity to terrestrial invertebrates, Chronic toxicity to fish and aquatic invertebrates.

Physical and Chemical Information

CAS Number: 67–72–1.
Structural Formula:



Empirical Formula: C_2Cl_6.
Molecular Weight: 236.7.
Melting Point: Sublimes above 186° C.
Vapor Pressure: 0.4 mm Hg at 20° C.
Specific Gravity: 2.09.
Solubility in Water: 50 mg/1 at 22° C.
Log Octanol/Water partition Coefficient: 3.93.
Description of Chemical: White solid.

Rationale for Recommendations

I. *Exposure information*—A. *Production information.* The public portion of the TSCA Inventory lists six U.S. manufacturers and three importers of HCE in 1977 (EPA, 1981). For those companies on this list that disclosed their figures, the aggregate production and importation was between 4.1 and 41.2 million pounds.

One of the two primary uses of HCE is in the manufacture of smoke bombs and other smoke munitions by the U.S. Army. The military is presently seeking a substitute for HCE and plans to discontinue use of the chemical (McCreesh, 1981). However, a substitute has not been designated at this time. The second primary application is in aluminum foundries, where it is used in degassing magnesium.

A wide variety of additional applications for HCE include: an additive for extreme pressure lubricants; a plasticizer for nitrocellulose; an accelerator for rubber vulcanization; a retarding agent for pharmaceutical fermentation processes; and additive to fire extinguishing fluids; an additive to redue ignitability of combustible liquids; fungicidal and insecticidal components; a component of submarine paints; a fixer in photography and xerography; a softening agent in hair setting and styling; and an ingredient in synthetic diamonds. Past uses that apparently are now discontinued include: an anthelmintic for cattle and sheep; and a moth repellent.

B. *Release and exposure.* It is expected that substantial quantities of HCE would be released to the atmosphere as well as to land and water compartments during use and disposal of HCE-containing materials. Although little information is available on the amount of HCE released to the environment as an intermediate or byproduct waste (hex-wastes), this is likely to be the most significant and persistent source of contamination. For example, HCE is one of a group of coproducts in production of trichloroethylene, perchloroethylene, and carbon tetrachloride. Disposal of hex-wastes is usually through landfill operations or incineration; in one major incineration operation, the exhaust gases are scrubbed with sodium hydroxide solution and this solution is then discharged directly to the environment. Some hex-waste samples have contained as much as 15 percent hexachloroethane. Since millions of pounds of hex-wastes are generated each year, this could result in a substantial release of HCE to the environment. It is relevant to any concern over HCE release from hex-wastes that three carbon tetrachloride plants, one trichloroethylene plant, and three perchlroethylene plants have been recommended to the Environmental Protection Agency as monitoring sites (Mumma and Lawless, 1975).

HCE has been detected in rivers, municipal water supplies, and industrial effluent streams at concentrations from 1 to 40 ppb (EPA, 1979).

C. *Chemical fate information.* The chemical fate of HCE is complicated and not clearly defined.

The ratio of the vapor pressure to solubility in water of HCE indicates the molecule is lilkely to evaporate from aqueous solutions if it is not sorbed to the hydrosoil. The rate of evaporation would depend upon the amount of agitation and depth of the body of water. Since HCE is heavier than water, it has the tendency to sink to the bottom of rivers, lakes, wells, and streams. Using the method of Kenaga (1980) for predicting the sorption of chemicals in agricultural soil, it is predicted that HCE is likely to be sorbed to hydrophobic materials present in bottom sediments. Any chemical that has been trapped on the bottom of a body of water by sorption is likely to be available for interactions with microorganisms. In the case of perchlorinated compounds, however, the biochemical reaction rates are so slow that the mocroorganisms tend to accumulate the compound without any substantial degradation.

Since HCE also may sublime readily without melting, the potential for atmospheric release from terrestrial sources may be considerable.

II. *Environmental considerations*—A. *Short-term (acute) effects.* Test conducted for the development of the Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980) provide ample evidence that HCE at concentrations below 1 ppm can affect aquatic organisms. The following acute data were reported:

Daphnia, 48-hour LC_{50}=8,070 μg/l.

Midge *(Tanytarsus dissimilis)*, 48-hour LC_{50}=1,700 μg/l.

Mysid shrimp, 96-hour static LC_{50}=940 μg/l.

Fathead minnow, 96-hour flow-through LC_{50}=1,530 μg/l.

Bluegill, 96-hour static LC_{50}=980 μg/l.

Sheepshead minnow, 96-hour static LC_{50}=2,400 μg/l.

Rainbow trout, flow-through LC_{50}=980 μg/l.

Acute toxicity of HCE to mammals was reported by Weeks et al. (1979). The oral LD_{50} for the rat and guinea pig ranged from 4,460 to 7,690 mg/kg and and the dermal LD_{50} for the male rabbit was >32,000 mg/kg.

B. *Long-term (subchronic/chronic) effects.* The no-effect level, based on an embryo-larval test with fathead minnows, was 380 μg/l (EPA, 1980). The lowest measured toxic effect level in this study was 700 μg/l.

Subchronic vapor inhalation toxicity of HCE at 260 ppm was moderate to severe in guinea pigs, rats, and dogs, but minimal in Japanese quail after 6 weeks' exposure. Similar exposure of these species to HCE at 15 ppm showed no detectable toxicity (Weeks et al., 1979).

C. *Other effects (physiological/behavioral/ecosystem processes).* The following 96-hour EC_{50} values for algae exposed to HCE were reported in Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980):

Selenastrum (chlorophyll a)=87,000 μg/l.

Selenastrum (cell no.)=93,200 μg/l.

Skeletonema (chlorophyll a)=8,570 μg/l.

Skeletonema (cell no.)=7,750 μg/l.

Behavioral studies by Weeks et al. (1979) produced no measurable effects on either avoidance performance or spontaneous motor activity in rats at exposures to HCE of up to 6 weeks and 260 ppm.

D. *Bioaccumulation and food-chain transport.* Measured bioconcentration factors are 139 for bluegills (EPA, 1980) and 703 for fatheat minnows (Veith, 1981). This corresponds to total lipid contents in these fishes of 2 percent to 3

percent for the bluegill and about 8 percent for the fathead minnow. However, the fathead minnow is still a rather lean fish as compared with salmonids such as trout, which have lipid contents ranging from about 14 percent to as high as 50 percent. The very high bioconcentration factor expected for trout raises concern for high food-chain residues and consequently a possibility of significant human exposure, as well as latent physiological and reproductive effects in the trout itself that are typical for organochlorines.

E. *Reasons for specific environmental effects recommendations.* Although EPA has designated hexachloroethane as a priority pollutant under the Clean Water Act of 1977, no further studies beyond those reported in the Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980) (primarily acute toxicity studies) are underway or planned at this time. HCE was not among the list of priority pollutants, including 12 of highest concern and 16 of secondary concern, that have been selected for additional aquatic toxicity testing by the Office of Water Regulations and Standards.

Organochlorines in general are notorious for latent forms of toxicity, including reproductive toxicity, neural toxicity, and behavior modifications. Compounds suspected of latent forms of toxicity should not be judged for environmental hazard solely on the basis of acute toxicity tests. For an organochlorine, annual production of 40 million pounds must be considered very high (e.g., most organochlorine pesticides do not approach this level of production).

Chemical fate studies are recommended because of the almost complete absence of these data. The broad spectrum of opportunities for environmental release justify fate studies applicable to all environmental compartments.

Terrestrial plant uptake and toxicity studies are recommended because no information has been found. The likely exposure routes would be through atmospheric release and from irrigation by ground or surface water contaminated by runoff or leachates from landfill sites containing hex-wastes. Additional bioaccumulation studies are recommended. Bioconcentration factors for species in taxonomic groups other than fish should be determined. Benthic species would be preferred because high chronic exposures are more likely in this portion of the aquatic environment.

Microbial toxicity studies are recommended specifically for benthic decomposers since HCE sinks in aquatic systems, is likely to sorb to sediments, and may accumulate there at high concentrations.

The acute toxicity data for the rat, guinea pig, and rabbit suggest a low hazard to mammals from oral and dermal exposure to HCE. Similarly, subchronic vapor inhalation toxicity of HCE to guinea pigs, rats, and dogs is also low. For these reasons, testing is not recommended for mammalian species at this time. However, if latent forms of toxicity are demonstrated in other tests, the need for chronic mammalian testing should be evaluated.

Very few data are available for avian species. A single subchronic vapor inhalation test with Japanese quail showed almost no toxicity from HCE. However other tests, such as dietary and reproductive tests with other species, are needed. Avian toxicity tests are recommended due to the expected diversity of exposure routes and would be particularly appropriate if residues of HCE in the parts-per-billion range are found in food sources such as terrestrial annelids, insects, fish, and plant tissues.

Toxicity tests and residue measurements with terrestrial invertebrates, particularly annelids, are recommended because of their importance in the terrestrial food web.

Chronic toxicity studies with fish and aquatic invertebrates are recommended. In spite of evidence of acute toxicological concern, no full chronic studies with aquatic species have been conducted. The one partial chronic test with the embryo-larval stages of the fathead minnow does not indicate toxicity much greater than the acute toxicity value for this species. The fathead minnow is not a particularly sensitive species, however, and a partial chronic test with this fish is not adequate to assess the possibility of latent toxic effects, especially in species of higher lipid content.

Chronic studies with aquatic invertebrates such as benthic arthropods or polychaetes are particularly appropriate due to the possibility of greater exposure in the benthic environment and their critical role in the aquatic food web.

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[FR Doc. 81-15374 Filed 5-21-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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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 May 5, 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:

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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: June 12, 1981, at 9 a.m.

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