AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

6-16-81
Vol. 46 No. 115
Pages 31403-31634

federal register

Tuesday
June 16, 1981

Highlights

31403 **National P.O.W.-M.I.A. Recognition Day** Presidential proclamation.

31451 **Agricultural Commodities** USDA/ACSC announces "Target" prices, loan and purchase rates, land diversion and special grazing and hay programs determinations for 1981 crops of wheat, feed grains, soybeans and upland cotton.

31418 **Cable Television** FCC revises processing policies for waivers of telephone-cable television cross ownership rules.

31407 **Foreign Trade—Exports** Commerce/ITA revises licensing criteria for certain military commodities subject to foreign policy controls.

31630 **Iran** Treasury/FACO amends rules on transfer of assets to Federal Reserve Bank of New York. (Part IV of this issue)

31455 **Motor Vehicles** Commerce/BIE issues list of names and addresses of bona fide manufacturers.

31598 **Budget** OMB reports rescissions and deferrals as of June 1, 1981. (Part III of this issue)

31461 **Steel Prices** Commerce/ITA announces requests for changes in certain steel trigger price mechanism product coverage.

CONTINUED INSIDE

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.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

31409 **Discrimination Against Handicapped** Treasury/RSO defers effective date of revenue sharing regulations.

31415 **Amateur Radio Service** FCC revises power limitations in the 1800–2000 kHz band.

31549 **Sunshine Act Meetings**

Separate Parts of This Issue

31566 **Part II, IDCA/AID**
31598 **Part III, OMB**
31630 **Part IV, Treasury/FACO**

Contents

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

The President
PROCLAMATIONS
31403 P.O.W.-M.I.A. Recognition Day 1981, National (Proc. 4848)

Executive Agencies

Agency for International Development
RULES
Procurement:
31566 Appendices; reinstatement

Agricultural Marketing Service
PROPOSED RULES
Federal Seed Act:
31424 Botanical name changes, testing methods, and certification standards
Milk marketing orders:
31424 Puget Sound and Inland Empire; hearing
NOTICES
Stockyards; posting and deposting:
31453 Schricker's Livestock Auction, Inc., Oreg., et al.

Agricultural Stabilization and Conservation Service
NOTICES
31451 Wheat, feed grains, soybeans, and upland cotton; 1981 target prices, loan and purchase rates, etc.

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Rural Electrification Administration; Soil Conservation Service.

Commerce Department
See Industrial Economics Bureau, Commerce Department; International Trade Administration.

Consumer Product Safety Commission
NOTICES
31467 Refuse bins; Lorenzo Pucillo & Son, Inc., et al.; prehearing conference

Defense Department
NOTICES
Meetings:
31467 Science Board task forces

Economic Regulatory Administration
NOTICES
Consent orders:
31468 Skelton Brothers Oil Corp.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Meetings:
31470 National Petroleum Council (3 documents)
Remedial orders:
31468 Exxon Co., U.S.A.

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
31411 Carbon monoxide emission standards 1981–1982 model year light-duty vehicles; waiver granted
Water pollution control:
31412 Ocean dumping; five deep-ocean disposal sites off Hawaii, final designations
31413 Ocean dumping; New York Bight existing acid wastes dump site; designation as aqueous acid wastes disposal site
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
31446 Maryland
NOTICES
Marine sanitation device standards:
31511 Virginia
Toxic and hazardous substances control:
31510 Premanufacture notification requirements; test marketing exemption approvals

Equal Employment Opportunity Commission
NOTICES
31549 Meetings; Sunshine Act

Federal Communications Commission
RULES
Common carrier services:
31417 Public mobile radio services; cellular communications systems; use of frequency bands; correction
31418 Telephone company-cable television cross ownership rules, processing policies for waivers
Frequency allocations and radio treaty matters:
31414 Electronic equipment, importation; relaxation of rules
Radio services, special:
31415 Amateur service; power limitations revision
31422 Bio-medical telemetry operations; transmission of vital life signs for diagnosis and prescribed treatment; correction
Radio stations; table of assignments:
31422 Arkansas
31421 Kentucky

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
31471 Arkansas Louisiana Gas Co. (2 documents)
31473 Colorado Interstate Gas Co.
31475 Commonwealth of Massachusetts Public Utilities Department
31501 Distrigas Corp. et al.
31471 Florence, Ala., et al.
31501 Frankfort Electric & Water Plant Board
31502 Hydro Development, Inc.
31507 Kaster, Richard H.
31502 Louisiana Resources Co.

31503 Midwestern Gas Transmission Co. (2 documents)
31503, 31504 Montana-Dakota Utilities Co. (3 documents)
31504 Monterey Pipeline Co.
31504 Niagara Mohawk Power Corp.
31505 Northern Natural Gas Co.
31507 Northern States Power Co.
31472 Riverton, Wyo., et al.
31472 Rochester, N.Y., et al.
31507 Sea Robin Pipeline Co.
31508 South Georgia Natural Gas Co.
31508 Tennessee Gas Pipeline Co. (2 documents)
31509 Union Light, Heat & Power Co.
31509 Western Transmission Corp.
31509 Winnetka, Ill.
Natural Gas Policy Act of 1978:
31476, 31489, 31497 Jurisdictional agency determinations (3 documents)

Federal Maritime Commission
NOTICES
31511, 31513 Agreement filed, etc. (2 documents)
Energy and environmental statements; availability, etc.:
31513 International Association of NVOCC's et al.; fifty mile container rule; violated
Freight forwarder licenses:
31513 Yusen Air & Sea Service (U.S.A.) Inc. et al.

Federal Reserve System
RULES
Bank holding companies (Regulation Y):
31406 Real estate advisory and appraisal services; permissible activities; confirmation of final rule and termination of rulemaking proceeding
NOTICES
Applications, etc.:
31513 American Bancorp, Inc.
31515 AmSouth Bank International
31516 Braman Bancshares, Inc.
31516 Chester State Bancshares, Inc.
31514 Citizens National Bancshares, Inc.
31514 First Arkadelphia Bancshares, Inc.
31516 First International Bancshares, Inc.
31514 Franklin Bancorp, Inc.
31514 Grant S. Clark Investment Co.
31514 Hartman Bancshares, Inc.
31517 Oxford Bancshares, Inc.
31515 People's First National Bancshares, Inc.
31517 Peoples Investment Corp.
31515 Royalton Bancshares, Inc.
31515 York Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
31515 Chase Manhattan Corp. et al.
31549 Meetings; Sunshine Act

Food and Drug Administration
NOTICES
Food additives, petitions filed or withdrawn:
31519 Borg-Warner Chemicals
31519 Nebraska Department of Economic Development
31519 Springborn Institute for Bioresearch, Inc.
Meetings:
31517 Advisory committees, panels, etc.

Foreign Assets Control Office
RULES
31630 Iranian assets control regulations; transfer of financial assets to Federal Reserve Bank of New York

Health and Human Services Department
See Food and Drug Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
31468 Decisions and orders

Heritage Conservation and Recreation Service
See National Park Service.

Industrial Economics Bureau, Commerce Department
NOTICES
31455 Motor vehicle manufacturers, bona fide; list

Interior Department
See Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service Reclamation Bureau.

Internal Revenue Service
RULES
Income taxes:
31409 Withholding tax; Virgin Island inhabitants; exemption clarification; correction

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
Export licensing:
31407 Foreign policy export controls; crime control equipment; change in criteria
NOTICES
Countervailing duty petitions and preliminary determinations:
31462 Cap screws from Italy
31463 Compressors and parts from Italy
Meetings:
31460 Electronic Instrumentation Technical Advisory Committee
Scientific articles; duty free entry:
31464 University of California et al.
31465 University of Colorado et al.
Steel trigger price mechanism:
31461 Product coverage change requests; inquiry

Interstate Commerce Commission
PROPOSED RULES
Motor carriers:
31450 Commercial zones; expansion of Washington, D.C.
NOTICES
Motor carriers:
31522, 31523, 31535, 31536 Permanent authority applications (4 documents)
31526 Permanent authority applications; operating rights authority republication

31527 Permanent authority applications; restriction removals

Labor Department
See also Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
31542 Clinton Mills of Geneva et al.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
31520 Cook Inlet Region, Inc.
Meetings:
31520 Idaho Falls District Advisory Council
Wilderness areas; characteristics, inventories, etc.:
31521 Idaho
Withdrawal and reservation of lands, proposed, etc.:
31521 Wyoming; correction

Management and Budget Office
NOTICES
31598 Budget rescissions and deferrals; cumulative report

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
31542 G & A Coal Co.
31542 Mary Lou Coal Co.

National Park Service
NOTICES
Historic Places National Register; pending nominations:
31521 California et al.

National Railroad Passenger Corporation
NOTICES
31549 Meetings; Sunshine Act

National Transportation Safety Board
NOTICES
31549 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
31545 Consumers Power Co.
31545 Duke Power Co.
31545 Florida Power & Light Co.
31546 Nebraska Public Power District
31546 Rochester Gas & Electric Corp.
31546 Texas Utilities Generating Co. et al.
Meetings:
31544, 31545 Reactor Safeguards Advisory Committee (2 documents)

Oceans and Atmosphere, National Advisory Committee
NOTICES
31544 Meetings

Overseas Private Investment Corporation
NOTICES
31550 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
31543 Mead Retirement Master Trust

Personnel Management Office
RULES
31405 Administrative law judges; promotions
Excepted service:
31405 Schedule C temporary authority; positions during Presidential transition, department or agency head changes, or new department or agency creation; extension of appointments

Reclamation Bureau
NOTICES
Contract negotiations:
31521 Westlands Water District, San Luis Unit, Central Valley Project, Calif.

Revenue Sharing Office
RULES
Fiscal assistance to State and local governments:
31409 Nondiscrimination for handicapped in federally assisted programs; deferral of effective date

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
31453 Lower Valley Power & Light, Inc.
31451 Wabash Valley Power Association, Inc.

Securities and Exchange Commission
NOTICES
Hearings:
31546 Deltona Corp. et al.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
31453 Auds Creek Critical Area Treatment RC&D Measure, Tex.
31454 Corrales Watershed, N. Mex.
31454 Ewell Hollow Critical Area Treatment RC&D Measure, Tex.
31455 Pleasants County Park Flood Prevention RC&D Measure, W.Va.
31454 South Fork Licking River Watershed, Ohio

Treasury Department
See Internal Revenue Service; Revenue Sharing Office; Foreign Assets Control Office.

MEETING ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
31459 Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially open), 7-7-81

DEFENSE DEPARTMENT

31467 Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program, Washington, D.C., (closed), 7-6 and 7-7-81

ENERGY DEPARTMENT

31470 National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Washington, D.C., (open), 7-1-81

31470 National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation, (open), 6-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

31517 Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Washington, D.C. (open), 7-23 and 7-24-81

31517 Pulmonary-Allergy Drugs Advisory Committee, Bethesda, Md. (open), 7-20 and 7-21-81

INTERIOR DEPARTMENT

Land Management Bureau—

31520 Idaho Falls District Advisory Council, Idaho Falls, Idaho, (open), 7-24-81

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

31544 Washington, D.C., (open), 6-29 and 6-30-81

NUCLEAR REGULATORY COMMISSION

31545 Reactor Safeguards Advisory Committee, Subcommittee on Structural Engineers, Albuquerque, N.M., (open), 7-1-81

CANCELLED MEETINGS

ENERGY DEPARTMENT

31470 National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation, Denver, Colo., (open), 6-2-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4848 31403

5 CFR
213 31405
930 31405

7 CFR
Proposed Rules:
201 31424
1125 31424
1133 31424

12 CFR
Ch. II 31406

15 CFR
376 31407
385 31407
399 31407

26 CFR
1 31409

31 CFR
51 31409
535 31630

40 CFR
86 31411
228 (2 documents) 31412, 31413

Proposed Rules:
52 31446

41 CFR
7-1 31566

47 CFR
2 (2 documents) 31414, 31415
22 31417
63 31418
73 (2 documents) 31421, 31422
90 31422
97 31415

49 CFR
Proposed Rules:
1048 31450

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

Presidential Documents

Title 3—

The President

Proclamation 4848 of June 12, 1981

National P.O.W.-M.I.A. Recognition Day, 1981

By the President of the United States of America

A Proclamation

Throughout American history our prisoners of war have been called upon to make uncommon sacrifices. In fulfilling their duty as citizens of the United States they have defended American ideals while suffering unimaginable indignities under the absolute control of the enemy. They remained steadfast even while their treatment contravened international understandings and violated elementary considerations of compassion and morality.

All Americans ought to recognize the special debt we owe to our fellow citizens who, in the act of serving our Nation, relinquished their freedom that we might enjoy the blessings of peace and liberty. Likewise, we must remember the unresolved casualties of war—our servicemen who are still missing. The pain and bitterness of war endure for their families, relatives and friends—and for all of us. Our Nation will continue to seek answers to the many questions that remain about their fate.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, July 17, 1981, as National P.O.W.-M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I urge all Americans to join in honoring those who made the uncommon sacrifice of being held captive in war, and to honor as well their loved ones who have also suffered valiantly and patiently. I also call on appropriate officials of the Federal, State and local governments, as well as private organizations, to observe this day with appropriate ceremonies and activities.

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

Ronald Reagan

Editorial Note: The President's remarks of June 12, 1981, concerning National P.O.W.-M.I.A. Recognition Day, are printed in the *Weekly Compilation of Presidential Documents* (vol. 17, p. 618).

[FR Doc. 81-18026
Filed 6-12-81; 5:02 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Amendment to Regulation Authorizing Establishment of a New Temporary Schedule C Authority

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment permits agencies to extend appointments made to temporary Schedule C positions for one additional 120-day calendar period. Such temporary Schedule C positions may be established by agencies in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in Department or agency heads, or changes resulting from the creation of a new department or agency. One extension of 120 days is necessary since a number of key political officials have not yet been appointed to Federal agencies, thereby continuing the transition period for the new Administration.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: At 45 FR 26315 dated April 18, 1980, OPM published a new regulation which permits agencies to establish, without prior OPM approval, temporary Schedule C positions at the GS-15 grade level and below in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in department or agency heads, or changes resulting from the creation of a new department or agency. Such positions may be either (1) identical to existing Schedule C positions (ITC's) if intent to vacate these positions has been put in writing by management or the present incumbent(s), or (2) new temporary Schedule C positions (NTC's) when it has been determined that the department or agency heads' needs cannot be met through the establishment of a position identical to an existing Schedule C position. This amendment permits agencies to extend, for one additional 120-day calendar period, an appointment made to either an ITC or NTC position.

Pursuant to Sections 553(b)(3)(B) and 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking as well as to make this amendment effective in less than 30 days. The notice is being waived and the regulation made effective immediately because of the staffing activity/needs currently underway in the agencies as a result of the continuing transition to the new Administration.

E.O. 12291, Federal Regulation

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

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

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

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

Regulatory Flexibility Act

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

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising 5 CFR 213.3303(b) to read as follows:

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

* * * * *

(b) Individual appointments under this authority may be made for 120 days, with one additional extension of 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

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

[FR Doc. 81-17773 Filed 6-15-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 930

Programs for Specific Positions and Examinations; Administrative Law Judges

AGENCY: Office of Personnel Management (OPM).

ACTION: Final rulemaking.

SUMMARY: OPM is issuing this regulation to promote Administrative Law Judges (ALJs) within an agency. This regulation is necessary because there is currently no regulation governing the promotion of ALJs within their own agencies. This regulation would also provide greater equity and assist in more easily attracting and retaining well-qualified ALJs.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Judge Marvin H. Morse, 202-632-4604.

SUPPLEMENTARY INFORMATION: On November 18, 1980, OPM published proposed regulations (45 FR 76183) to promote ALJs within an agency.

A primary purpose of the Administrative Procedure Act (APA) is to assure the independence of the ALJs who preside at APA formal hearings.

Currently, the regulation governing transfers, 5 CFR 930.206, permits a GS-15 ALJ to transfer noncompetitively to another agency at the GS-16 grade level if the person has eligibility on the GS-16 ALJ register and has served as a GS-15 ALJ for at least one year. However, the agency cannot appoint one of its own ALJs to a vacancy unless the ALJ is "within reach" on the register. In short, there is no present regulation governing the promotion of an ALJ within his/her

own agency where there are ALJs at two (2) or more different grade levels.

The proposed regulation provides a practical management tool to meet problems arising from a two-grade structure in an agency. Under this regulation, the agency has discretion to decide that a certain number of vacancies should be filled from within the agency, while OPM retains the sole responsibility for selecting the most qualified ALJs to fill these positions.

Analysis of Comments: The proposed regulation provided a 60-day period for public comment. OPM received comments from two agencies, one organizational group and two individuals. Two of the comments (from one agency and one organizational group) concurred fully in the proposed regulation and two others (from one agency and one individual) concurred but made certain suggestions as to the wording of the proposed regulation. These suggestions have been adopted. Finally, one individual does not agree fully with the intent of the proposed regulation. This individual did make several suggestions, one of which has been adopted.

Section 930.204(a)—One agency expressed the concern that the proposed regulation would be erroneously interpreted as including promotions to ALJ positions having heavy managerial and administrative responsibilities. To meet this concern, language is being added to the regulation to make clear that the regulation pertains only to appointments to positions which because of their substantive and technical nature warrant a grade GS–16; the regulation does not pertain to positions which because of their managerial and administrative nature warrant a grade GS–16.

Section 930.204(b)—One individual suggested language to insure that the regulation does not appear to imply that the employing agency may have a residual authority to decide whether or not to promote an ALJ selected by OPM. To meet this point, the language has been adopted into the regulation. Another individual commented on the proposed statement "No more than twice a year * * *", and asked if it were to be a calendar or fiscal year, or a twelve month period. The text has been clarified to provide that "No more than twice during a calendar year * * *" This individual asks also why only twice and not three or four times. Our response is that it is administratively reasonable and practicable to contemplate two cycles in one calendar year. The same individual does not agree in principle with the thrust of the regulation generally and appears to suggest that the "status quo" be maintained. We do not agree for the reasons stated above.

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

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

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

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

Regulatory Flexibility Act: The Director, OPM, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising § 930.204 of Title 5 of the Code of Federal Regulations to read as follows:

§ 930.204 Promotion.

(a) When the Office of Personnel Management classifies an occupied administrative law judge position at a higher grade, the Office of Personnel Management shall direct the promotion of the incumbent administrative law judge and the promotion is effective on the date named by the Office of Personnel Management. This regulation pertains only to appointments to positions which because of their substantive and technical nature warrant a grade GS–16; the regulation does not pertain to positions which because of their managerial and administrative nature warrant a grade GS–16.

(b) No more than twice during a calendar year, an agency may notify the Office of Personnel Management that it wishes to fill a specific number of its grade GS–16 ALJ vacancies from among its grade GS–15 ALJs who are on the GS–16 ALJ register and who have served as judges at the agency for at least one year. The Office of Personnel Management shall select from the grade GS–15 ALJs of that agency those ALJs who it determines are best qualified for appointment to a grade GS–16 ALJ position and shall direct their appointment by the agency to such grade GS–16 ALJ positions.

Authority: 5 U.S.C. 1305, 3105, 5372.

[FR Doc. 81–17774 Filed 6–15–81; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

[Docket No. R–0310]

Regulation Y; Real Estate Appraisal Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Termination of rulemaking.

SUMMARY: On November 26, 1980, the Board adopted a final rule adding the performance of appraisals of real estate to the list of those activities permissible for bank holding companies. (45 FR 79750 (1980)). The Board modified the proposed rule by including appraisals of single-family residences in the final rule and invited public comment on this modification.

After considering all of the comments received, the Board has decided to confirm its final rule and terminate rulemaking on this matter.

FOR FURTHER INFORMATION CONTACT: Michael E. Bleier, Assistant General Counsel (202/452–3721), or Michael L. Kadish, Attorney (202/452–3428), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTAL INFORMATION: In conjunction with an application by First Chicago Corporation, Chicago, Illinois, the Board in June 1980, published notice of a proposed amendment to its Regulation Y that would add the performance of appraisals of real estate other than single-family residences to the list of activities permissible for bank holding companies and their nonbank subsidiaries (45 FR 44963 (1980)). On the basis of the record, the Board determined that the activity of performing appraisals of real estate, including single-family residences, is closely related to banking and that its performance by bank holding companies is likely, in general, to yield net benefits to the public. Accordingly, the Board issued a final rule permitting bank holding companies to perform appraisals of all types of real estate, including single-family residences. The Board requested interested persons to comment on the rule as modified.

After considering all of the comments received, the Board has decided to affirm its findings regarding the activity of performing appraisals of single-family residences and to terminate rulemaking on the matter. Accordingly, the final rule is affirmed.

Board of Governors of the Federal Reserve System, June 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-17775 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376, 385, and 399

Revisions to the Regulations Concerning Foreign Policy Export Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule changes the licensing criteria for certain commodities currently subject to foreign policy controls. Applications to export these commodities have been reviewed under the policy relating to crime control equipment. In order to reflect more accurately the foreign policy interests applicable to these commodities, this rule changes the criteria for review to relate to regional stability. The commodities and countries affected remain unchanged.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: Pursuant to Section 6 of the Export Administration Act of 1979 and following consultation with the Department of State, it has been determined that this rule is necessary to reflect more accurately the foreign policy interest and review criteria applicable to certain military items that, if exported, could adversely affect the stability of the region to which they are destined. These items presently are controlled for foreign policy reasons under criteria relating to crime control and detection equipment, but are being removed from consideration under these criteria to reflect more accurately the basis for control. The controls on these items for national security reasons remain unchanged.

Therefore, this rule amends relevant parts of the Export Administration Regulations to identify those commodities restricted for export in order to maintain stability in a region by doing the following:

Commodities controlled for regional stability are removed from § 376.14 (Crime Control and Detection Commodities) and are included in a new § 376.16 (Regional Stability Commodities and Equipment).

The Export Administration Regulations define specific crime control commodities. Therefore, the ambiguous phrase "particularly useful for crime control and detection" is deleted from paragraph 385.4(b)(2).

A new paragraph 385.4(b)(3) (Regional Stability Commodities and Equipment) is added to the Regulations to list those countries in Country Group V to which exports are *not* controlled for reasons of maintaining regional stability. (For a complete listing of Country Groups, see Supplement No. 1 to Part 370.)

Paragraph 385.4(d) is amended to specify that the commodities removed from crime control remain under anti-terrorist controls for export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria.

Section 385.5 is amended to differentiate between commodities restricted for export for reasons of crime control and those restricted for reasons of regional stability.

Supplement No. 1 to § 399.1 (the Commodity Control List) is amended by adding the number "3" (indicating export controls for reasons of foreign policy, *i.e.*, regional stability) to the Reason for Control column of pertinent commodities, and deleting the number "5" (indicating export controls for reasons of crime control) from the Reason for Control column for those commodities improperly classified as being controlled for reasons of crime control.

This rule will allow the Office of Export Administration to use more appropriate criteria in determining foreign policy impact when evaluating applications to export commodities.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

4. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Parts 368 *et seq.*) are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

1. Section 376.14 is amended by revising paragraph (a) to read as follows:

§ 376.14 Crime control and detection commodities.

(a) *Export License Requirements.* Pursuant to section 6(j) of the Export Administration Act of 1979, an individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data, except that authorized under General License *GTDA* (§ 379.3) to any destination except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. Commodities affected by this requirement are identified on the Commodity Control List under CCL listings 5480B, 1502A, 1505A, 1516A, 1585A(f)(3), 4585B(e), 4597B, 5597B, 5680B, 1746A(d) (protective garments and devices only), 4799B, 5998B, and 5999B. Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern

of such violations or in distancing the United States from such violations.

* * * * *

2. Part 376 is amended by adding a new § 376.16 reading as follows:

§ 376.16 Regional stability commodities and equipment.

Pursuant to section 6 of the Export Administration Act of 1979, a validated export license is required for foreign policy purposes to export:

(a) Military vehicles and certain commodities (specially designed) used to manufacture military equipment, identified on the Commodity Control List under CCL listings 2018A, 1118A, 2406A, and 2603A, to any destination except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. Applications for validated licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the exports would contribute significantly to the destabilization of the region to which the equipment is destined; and

(b) Off-highway wheel tractors, identified on the CCL under CCL listing 6490F, to Libya. (See paragraph 385.4(e) of this chapter.)

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

3. Section 385.4 is amended by revising paragraph (b)(2), adding a new paragraph (b)(3), and revising paragraph (d) to read as follows:

§ 385.4 Country Group V.

* * * * *

(b) * * *

(1) * * *

(2) Crime control and detection commodities. In support of U.S. foreign policy to promote the observance of human rights throughout the world, an individual validated export license is required to export any crime control and detection equipment as defined in § 376.14 to any destination in this country group except Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

(3) Regional stability commodities and equipment. In support of U.S. foreign policy to maintain regional stability, an individual validated license is required to export military vehicles and certain commodities used to manufacture military equipment identified in § 376.16, to any destination in this country group (except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. (See paragraph 385.4(e) of this chapter for regional stability controls on exports to Libya.)

(c) * * *

(d) *Libya, Iraq, People's Democratic Republic of Yemen, and Syria.* As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy purposes for the export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria (countries that have repeatedly provided support for acts of international terrorism) of crime control and detection equipment (see § 376.14); of military vehicles and items specially designed to produce military equipment as defined in CCL entries 2018A, 1118A, 2406A, and 2603A (see § 376.16); of aircraft valued at $3 million each or more, and helicopters over 10,000 pounds empty weight as defined in CCL entries 1460A(a), 1460A(b) and 5460F; and of goods or technology subject to national security controls if the export is destined to military end-users or for military end-uses and is valued at $7 million or more. In the case of the use abroad of U.S.-origin parts, components, or materials (see § 376.12) the dollar limits set forth above apply to the U.S. content. Applications for validated export licenses will be considered on a case-by-case basis to determine whether issuance of a license would be consistent with the provisions of section 6 and the applicable policies set forth in section 3 of the Act (exports subject to national security controls also must meet the national security provisions of the Act). Pursuant to the requirements in subsection 6(i) of the Act, before any application valued at $7 million or more is approved, the appropriate Congressional Committees will be notified.

* * * * *

4. Part 385 is amended by revising § 385.5 to read as follows:

§ 385.5 Country Group T; North America, Central America and South America.

In support of U.S. foreign policy, an individual validated export license is required to export crime control and detection equipment, as identified in § 376.14, and military vehicles and certain machinery and commodities (specially designed) used to manufacture military equipment, as identified in § 376.16, to any destination in Country Group T.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 Commodity Control List incorporated by reference.

5. The Commodity Control List (Supplement No. 1 to § 399.1) is amended by revising the Reason for Control column for entries 2018A, 1118A, 2406A and 2603A to read as follows:

(a) The Reason for Control column of CCL entry 2018A is revised to read as follows (information in other columns is unchanged):

[2018A]

	Reason for control
.....	1,3

2018A Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of the arms, ammunition, appliances, machines, and implements of war.

* * * * *

(b) The Reason for Control column of CCL entry 1118A is revised to read as follows (information in other columns is unchanged):

[1118A]

	Reason for control
.....	1,3

1118A Equipment for the production of military explosives and solid propellants, as follows:

(a) Complete installations;

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants); or

(c) Nitrators, continuous types; and

(d) Specially designed parts and accessories therefor.

(c) The Reason for Control column of CCL entry 2406A is revised to read as follows (information in other colums is unchanged):

[2406A]

	Reason for control
.....	1,3

2406A Vehicles specially designed for military purposes, as follows:

* * * * *

(d) The Reason for Control column of CCL entry 2603A is revised to read as follows (information in other columns is unchanged):

[2603A]

	Reason for control
.....	1,3

2603A Specially designed components and parts for ammunition, *except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines.* (Specify by name.)

(Secs. 3, 6, 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980)

Dated: June 3, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-17802 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7777]

Withholding of Tax on Nonresident Aliens and Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction of final rule.

SUMMARY: This document corrects a typographical error in the publication of Treasury Decision 7777 on withholding of tax on nonresident aliens and foreign corporations.

EFFECTIVE DATE: This correction is effective as of May 21, 1981, the date that Treasury Decision 7777, was published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Catherine Kelly Banks of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T 202-566-3289.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1981, the **Federal Register** published Treasury Decision 7777 (46 FR 27635). That Treasury decision revoked a regulation under section 1441 of the Internal Revenue Code of 1954, concerning withholding of tax on nonresident aliens and foreign corporations.

Need for Correction

A typographical error was made in the published regulation concerning the effective date of the revocation of the regulation. This document corrects this error by changing the date in the regulation from "June 18, 1981" to "June 22, 1981".

Drafting Information

The principal author of this correction is Catherine Kelly Banks of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Effective Date of Treasury Decision

Accordingly, the effective date contained in Treasury Decision 7777 is corrected to read as follows:

In the published regulation on page 27636 of the **Federal Register** for May 21, 1981, T.D. 7777 is corrected in § 1.1441-4(d) by changing the date "June 18, 1981" to read "June 22, 1981".

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-17862 Filed 6-11-81; 4:18 pm]

BILLING CODE 4830-01-M

Office of Revenue Sharing

31 CFR Part 51

Deferral of Effective Date for Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of indefinite deferral of effective date of Revenue Sharing handicapped discrimination regulations.

SUMMARY: The effective date of the Revenue Sharing handicapped discrimination regulations which were published in the **Federal Register** on January 5, 1981, will be indefinitely delayed, pending government-wide reconsideration of the enforcement of Section 504 of the Rehabilitation Act of 1973, pursuant to Executive Order 12291, "Federal Regulation."

DATES: The effective date of the deferral of Section 51.55 is June 16, 1981. The effective date of Section 51.55 as published at 46 FR 1120, January 5, 1981, is deferred indefinitely.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Acting Chief Counsel, Office of Revenue Sharing; or Jacqueline L. Jackson, Attorney, Office of Chief Counsel, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226; Telephone: (202) 634-5182

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the **Federal Register** (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulations were due to take effect on February 4, 1981. On January 29, 1981, the President issued a Memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the Memorandum. Pursuant to that Memorandum, the ORS filed a notice with the **Federal Register** on February 2, 1981, which was published on February 5, 1981 (46 FR 10908), deferring the effective date of the regulations until March 30, 1981, to permit reconsideration by the new Administration.

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 12193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis.

On March 26, 1981, the ORS filed a notice with the **Federal Register**, which was published on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days. A companion notice was published in the **Federal Register** on April 3, 1981 (46 FR 20230) requesting public comment on whether to issue these regulations in interim form pending reconsideration. Comment was also requested on whether to delete Section 51.55(b)(1)(ix) of the regulation which prohibits discrimination by recipient governments in the exercise of their zoning authority. The ORS received 142 comments during the comment period. On June 1, 1981, the ORS published a notice in the **Federal Register** (46 FR 29261) further delaying the effective date until June 16, 1981, to provide additional time for review of the comments. These comments are discussed below:

Analysis of Comments

The majority of the comments were from organizations representing the handicapped, particularly mentally retarded persons. The next largest group

of comments were from private citizens who espoused the same point of view as the handicapped organizations. The third group of commenters consisted of local governments and organizations representing them.

The organizations and persons representing the handicapped requested that the regulations be issued as interim and that the zoning provision be retained. The local governments and organizations representing them requested that the revenue sharing handicapped discrimination regulations be indefinitely delayed pending completion of the reconsideration of Section 504. They further requested that the zoning provision be deleted.

Specific comments concerning these issues are set forth below:

I. Whether the Regulations Should Be Issued With Interim Effect

Recipient governments and their organizations stated the opinion that the regulations should be indefinitely delayed because issuance with interim effect may result in recipient governments undertaking a significant amount of planning and capital improvement prior to a determination, during the government-wide review, that they were necessary. They believe that local governments should not be subjected to a set of rules that would likely be amended.

The commenters stated their agreement with the purpose of Executive Order 12291, which is to come to grips with the massive amounts of Federal regulations. The commenters stated that unless there was a compelling reason involving the public good, the regulations should be withheld pending full and complete review of the costs and burdens to local governments that these regulations may require. Lastly, several local governments expressed concern about the fact that they were under serious budget constraints as a result of inflation. They believed these regulations would result in increased expenditures without providing additional revenue sharing funds to meet the cost. It was, therefore, believed to be in the best interest of all concerned for the regulations to be fully reviewed to determine on a government-wide basis how Section 504 can be implemented in the most cost effective manner, with a minimum of financial and administrative burdens.

Organizations representing the handicapped and some private citizens expressed the view that the issuance of the Revenue Sharing regulations was long overdue. They stated that recipient governments and beneficiaries alike have been without formal guidance as to the application of Section 504 to the General Revenue Sharing Program. Further delay was characterized as being unwarranted because the regulations have been subjected to the rule-making process involving extensive public comment. The commenters did not object to the reconsideration of the regulations, but objected to any further delay of the effective date for that purpose. The implementation of Section 504 was not deemed to be too costly because of the fact that most Revenue Sharing recipients are currently implementing Section 504 regulations issued by other Federal agencies.

The commenters felt that an Executive Order should not be able to abrogate statutory requirements that became effective more than four years ago. The commenters stated that the appropriate approach would be to seek a change in the law, not to have the regulations deferred indefinitely.

II. Whether Zoning Provision Should Be Deleted

Local government commenters stated the opinion that the zoning provision would be an unwarranted intrusion by the Federal government in the zoning authority of local governments, one of their most closely guarded police powers. The provision was alleged to be tantamount to abusing the system of Federalism.

Local government commenters further questioned the statutory authority of the ORS to enter into this area. The commenters expressed their opposition to use of the Revenue Sharing Program as a vehicle for Federal intervention in the zoning authority of local governments. Particular objection was expressed to ORS having the authority to review zoning decisions for possible discrimination, where no such authority currently exists. Local government commenters stated that a community's zoning authority is within the jurisdiction of the State legislatures and that it is, therefore, the State's role to police the legality of local government's use of their zoning authority. The nature of zoning was not deemed to easily lend itself to the prevention of discrimination because zoning is oriented towards the control of land use, not people.

Lastly, several commenters complained that the provision was too vague and might result in numerous interpretations and unnecessary Federal intervention in local zoning matters.

Organizations representing the handicapped considered the regulation to be a step forward in assuring full participation of handicapped citizens in residential communities. The opportunity to seek and obtain housing facilities of the same type available to the general public was deemed one of the most important benefits for which handicapped persons could hope. A denial of that benefit was considered a serious limitation ot efforts to share as normal an environment as is consistent with their capabilities and potential. One commenter pointed out that most States do not have laws which protect handicapped citizens from zoning discrimination, making it more difficult to bring actions in State courts. Several commenters stated that while they recognized zoning to be primarily within the jurisdiction of State and local governments, they did not believe there was an appropriate and effective recourse in State courts because it was expensive and impractical. Accordingly, the zoning provision provided a valuable legal tool to challenge use of restrictive residential zoning which might prohibit the placement of family-like group homes for handicapped citizens in residential areas.

A number of commenters stated that there was a corresponding Federal legal remedy available because most local governments are recipients of Federal funds. They did not believe that Federal funds should be used in a manner which would have the effect of countermanding the basic national policy expressed in Section 504.

One commenter suggested that the zoning provision was necessary to spur and assist local governments in providing for the development of group homes for handicapped people. The commenter stated that frequently, government officials wish to accommodate such homes, but are afraid to take a favorable position because of allegedly unfounded neighborhood opposition. The local officials would be able to justify their actions if they are acting under authority of the Federal government.

Several commenters pointed out that the purpose of Section 504 is to prohibit any action which has the effect of discriminating against the handicapped. They stated that the issue is not whether zoning actions are traditionally within the province of State and local governments, but whether zoning actions result in unlawful discrimination against handicapped individuals. The commenters stressed that handicapped individuals have a legal and moral right to live where they choose, as well as any other citizen of this country. A number of commenters analogized handicapped discrimination which discrimination against other protected classes. Inasmuch as recipient governments are required not to

discriminate against other minorities, the inclusion of provisions to protect the rights of the disabled was viewed as not being unduly intrusive into the sovereign authority of local governments. The commenters pointed out that restrictive zoning in residential neighborhoods and discrimination concerning access to public services or facilities on the basis of race have been prohibited by the Federal government, including ORS, for a long time. Section 504 is designed to provide the same protections for the disabled. ORS was deemed to be the one agency whose funds could be traced to the exercise by a recipient government of its zoning authority.

Indefinite Delay of Regulations

While the Department recognizes the need for final regulations to provide specific guidance to Revenue Sharing recipients and the public concerning the enforcement of Section 504 with respect to the General Revenue Sharing Program, we are persuaded that the regulations should not become effective at this time. The overall review of the government-wide enforcement of Section 504 should be completed prior to issuance of specific regulations. It is not known how extensive the revision to the HEW Guidelines, which provide the basis for government-wide enforcement of Section 504, will be. To require recipient governments to implement provisions which may be eliminated in the near future does not appear to be the most reasonable course of action at this time.

ORS has enforced Section 504 since January 1, 1977, as required by the 1976 Amendments to the Revenue Sharing Act. Pursuant to those Amendments, on April 6, 1977, the ORS issued interim regulations which contain a basic general prohibition against discrimination on the basis of handicap as provided in Section 504 of the Rehabilitation Act of 1973 (31 CFR Sections 51.50, 51.52). With this authority, the ORS has enforced the Revenue Sharing Act's prohibition against handicap discrimination in accordance with Executive Order 12250. While the specific guidance of subject final Revenue Sharing regulations would be useful, they are not essential for ORS to implement its statutory duty with respect to Section 504. Accordingly, the Department has decided to indefinitely defer the effective date of the final Revenue Sharing handicapped discrimination regulations pending reconsideration of government-wide enforcement of Section 504 pursuant to Executive Order 12291.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973) (33 FR 3342) as amended by Treasury Department Order No. 242 Revision No. 1, May 17, 1977.

Dated: June 11, 1981.

Kent Peterson,

Acting Director, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

[FR Doc. 81-17822 Filed 6-11-81; 3:40 pm]

BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1844-6]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 and 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for two Subaru of America, Inc. (Subaru) 1981 and 1982 model year light-duty vehicle engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. § 7521(b)(5). The effect of this regulation is to allow the affected manufacturer to introduce into commerce the vehicles in question under the higher waived CO emission standard prescribed here.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

PUBLIC DOCKET: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. Copies of this information, and the decision document itself, may be obtained in the Central Docket Section. Copies of the decision document may also be obtained from EPA's Manufacturers Operations Division at the address and phone number provided above. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (g/mi).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Subaru submitted an application for waivers for two of its light-duty vehicle models for the 1981 and 1982 model years which were denied waivers in a decision published at 44 FR 69417 (December 3, 1979). Subaru has now submitted a petition for reconsideration of those denials applicable to the same vehicle models for the same model years and has stated that these vehicles are experiencing severe driveability problems in use. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver application, and my decision to grant the waiver application appear in a decision available in the Public Docket and the Manufacturers Operations Division, as stated above. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the model years in question:

Manufacturer	Engine family (liter(s))	Model year
Subaru of America, Inc.	1.6	1981, 1982
	1.8	1981, 1982

The basis for my decision is that Subaru has established that effective control technology is not available for its engine families in question, considering the severe driveability problems its 1981 model year vehicles have exhibited in use (and its 1982

model year vehicles are projected to exhibit) and which the record indicates there is no reasonable method of correcting while still meeting the statutory standard.

Once I have decided to grant the waiver application for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of the amendment contained in this rulemaking is impracticable and unnecessary.

I find that good cause exists to make this rule become effective immediately since it would avoid delaying further Subaru's planned changes in its 1981 model year vehicles and it would avoid the possibility of forcing Subaru to delay introducing its 1982 model year vehicles into commerce because it must wait to receive certificates of conformity for these models until this rule becomes effective. Moreover, this rule only relieves restrictions, and imposes no new requirements on Subaru.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

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

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

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

Subaru has submitted information indicating that it is willing to absorb the costs of making the necessary calibration changes, and the total costs it projects for these changes are substantially below $100 million. Also, granting this waiver request will not result in an increase in cost or prices to consumers, individual industries (other than Subaru, the applicant), or governmental bodies. Finally, this action could help make Subaru vehicles more competitive and thus reduce any adverse effects on U.S. Subaru dealerships, in particular, and the economy, in general, which could have resulted from a reduction in consumer demand for Subaru vehicles.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Public Docket EN-81-6 located in EPA's Central Docket Section (A-130), 401 M Street, S.W., Washington, D.C. 20460.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard amended by this notice directly affects only Subaru, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 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.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: June 9, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth above, 40 CFR 86.081-8(a)(1)(ii) is revised to read as follows:

§ 86.081-8 Emissions standards for 1981 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID.
	258 CID.
BL Cars, Ltd	215 CID.
	326 CID.
Chrysler Corp	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2-V.
	5.2 liter/4-V.
Excalibur Motors, Ltd., Ford Motor Co.	305 CID.
	1.3 liter.
	1.6L liter/2V overhead camshaft.
	2.3 liter/turbocharged.
General Motors Corp	1.6 liter.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
	3.8 liter/231 CID-4V turbocharged.
Lotus Cars, Ltd., Subaru of America, Inc.	2.0 liter.
	1.6 liter.
	1.8 liter
Toyo Kogyo Co., Ltd	91 CID.
	120 CID.
Toyota Motor Co., Ltd	88.6 CID.

* * * * *

40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID.
	258 CID.
BL Cars, Ltd	215 CID.
	316 CID.
Chrysler Corp	1.6 liter.
	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2-V.
	5.2 liter/4-V.
Excalibur Motors, Ltd., Ford Motor Co.	305 CID.
	1.6. liter
	2.3L/turbocharged.
	3.8 liter/V-6.
General Motors Corp	1.6 liter.
	1.6/2.0 liter.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
Subaru of America, Inc	1.6 liter.
	1.8 liter.
Toyota Motor Co., Ltd., Volkswagen of America.	88.6 CID.
	1.7 liter/FBC.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 81-17805 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

40 CFR Part 228

[WH-FRL 1853-4]

Ocean Dumping—Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates five ocean disposal sites off Hawaii for continuing use for the disposal of dredged material. This action is

necessary to provide ocean dumping sites for the disposal of dredged material from Hawaiian harbors. Dredging of these harbors is necessary to maintain adequate navigational depths. This action will change the interim designation of some sites to a permanent designation based upon environmental and other considerations and will also change the location of some sites to more environmentally acceptable locations.

DATE: These site designations shall become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq., (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. These proposed site designations are being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established these sites as interim sites, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping dredged material at those locations.

On November 14, 1980, EPA proposed designation of five sites off Hawaii for the disposal of dredged material resulting from maintenance dredging of six harbors in Hawaii. (45 FR 75241). The proposed rulemaking contained detailed information regarding these five sites. The public comment period expired on January 13, 1981. No comments were received.

The EPA has prepared a Final EIS entitled "Final Environmental Impact Statement for Hawaii Dredged Material Disposal Site Designation," which was prepared in accordance with EPA policy which provides for voluntary preparation of EIS's for certain specific regulatory actions. The Final EIS was filed with the EPA Office of Environmental Review on October 1, 1980, and a notice of availability for public review and comment was published in the **Federal Register** on October 10, 1980. The public comment period on this Final EIS closed November 10, 1980.

Based on the information reported in the Final EIS, EPA is designating these five sites for continuing disposal of dredged materials. These materials result from the maintenance dredging of six harbors in Hawaii, which generally becomes necessary in each harbor every five to ten years. For additional information regarding these sites and the anticipated environmental consequences of dumping dredged material at the sites, interested parties should examine the EIS.

The designation of the five Hawaii dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority on these sites will be delegated to the Regional Administrator of EPA Region IX.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Since this rule only establishes an option for disposal of dredged material from six harbors in Hawaii, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

The proposed site designation is hereby promulgated without change, as set forth below.

Authority: 33 U.S.C. Sections 1412 and 1418.

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to Section 228.12(b) (8) through (12) five ocean dumping sites for Region IX as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(8) South Oahu Site—Region IX.

Location (center point): Latitude—21°15'10" N. Longitude—157°56'50" W.
Size: 2 kilometers wide and 2.6 kilometers long.
Depth: Ranges from 400 to 475 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(9) Nawiliwili Site—Region IX.

Location (center point): Latitude—21°55'00" N. Longitude—159°17'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 840 to 1,120 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(10) Port Allen Site—Region IX.

Location (center point): Latitude—21°50'00" N. Longitude—159°35'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 1,460 to 1,610 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(11) Kahului Site—Region IX.

Location (center point): Latitude—21°04'42" N. Longitude—156°29'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 345 to 365 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(12) Hilo Site—Region IX.

Location (center point): Latitude—19°48'30" N. Longitude—154°58'30" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 330 to 340 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

[FR Doc. 81-17807 Filed 6-15-81; 8:45 am]
BILLING CODE 6560-29-M

---

40 CFR Part 228

[WH-FRL 1853-3]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates the existing acid wastes dumpsite located in the New York Bight as an EPA approved Ocean Dumping Site for the dumping of aqueous acid wastes. The current designation of this site as an "interim" dumpsite expires on December 31, 1982. This action is necessary to provide an

ocean dumping site for the disposal of these materials.

DATE: This site designation shall become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established this site as an interim site, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping material at this location.

On May 29, 1980, EPA proposed designation of this site for the disposal of aqueous industrial wastes (45 FR 36099). The public comment period expired on July 29, 1980.

A Final Environmental Impact Statement entitled "Environmental Impact Statement for New York Bight Acid Wastes Disposal Site Designation" was prepared in accordance with EPA policy which provides for the voluntary preparation of EIS's for certain specific regulatory actions. A notice of availability of the Final EIS was published in the **Federal Register** on November 28, 1980 (45 FR 79156). The public comment period expired on December 29, 1980.

Two comments were received in response to the proposed rule. One comment concerned the appropriateness of using the acid site for ocean dumping under an emergency permit. The Agency recognizes that there is another site available for emergency ocean dumping—the 106-mile site—and prefers to use that site in most instances. However, such a determination would be made on a case-by-case basis and would be in accordance with all statutory requirements for the issuance of emergency permits. Thus, in the final rule we have deleted the reference to dumping under emergency permits.

The other comment was related to the need to discuss alternatives other than ocean dumping. The Agency agrees that under the statute it is required to address the need for ocean dumping and the availability of alternative disposal methods. However, such review and evaluation is accomplished on a case-by-case basis during the permitting process.

The designation of the existing New York Bight acid wastes dumpsite as an EPA Approved Ocean Dumping Site is being published as final rulemaking. Management authority on this site will be delegated to the Regional Administrator of EPA Region II. The location of the acid site is approximately 27 kilometers east of Long Branch, New Jersey, and south of Long Beach, Long Island, positioned approximately in a rectangle with coordinates as follows: 40d 16′ N. to 40d 20′ N.; 73d 36′ W. to 73d 40′ W. The site occupies an area of approximately 41 square kilometers. Water depths within this area range from 22.6 meters to 28.3 meters. The site was selected in 1948 and has been used since for the disposal of aqueous acid wastes.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Since this rule only establishes an option for disposal by a small number of potential dumpers of aqueous acid wastes, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

(33 U.S.C. Sections 1412 and 1418)

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding § 228.12(b)(7), an ocean dumping site for Region II, as follows:

§ 228.12 Delegation of managment authority for interim ocean dumping sites.

* * * * *

(b) * * *

(7) Acid Waste Site—Region II.

Location: Latitude—40d 16′ N. to 40d 20′ N. Longitude—73d 36′ W. to 73d 40′ W.

Size: 41 square kilometers.

Depth: Ranges from 22.6 meters to 28.3 meters.

Primary Use: Aqueous acid waste (note restriction below).

Period of Use: Continuing use.

Restriction: Aqueous acid wastes are those that are miscible with sea water and will not form or include a significant solid phase.

(33 U.S.C. 1412 and 1418)

[FR Doc. 81-17808 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[FCC 81-249]

Relaxation of Rules Adopted in Final Rule Concerning Importation of Certain Electronic Equipment

AGENCY: Federal Communications Commission.

ACTION: Order waiving rules.

SUMMARY: The Commission has relaxed its rules to waive the requirement for use of FCC Form 740 with the entry papers of radio frequency (RF) devices or subassemblies which are imported into the U.S. This requirement was originally established by the REPORT & ORDER in Docket No. 20194 adopted by the Commission on December 10, 1975 (FCC 75-1352). This action is taken due to the current funding and personnel limitations. This waiver is intended to be temporary as dictated by those limitations.

EFFECTIVE DATE: May 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Cobbs, Office of Science & Technology 301-725-1585.

Order

Adopted: May 21, 1981.

Released: May 28, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioners Quello and Washburn concurring in the result; Commissioner Jones absent.

In the matter of relaxation of rules adopted in report and order in Docket 20194, with respect to importation of certain electronic equipment; FCC 81-249.

1. On December 10, 1975, the Commission adopted a Report and Order in Docket No. 20194 (FCC 75-1352), which was published in the Federal Register (41 FR 25902) on June 23, 1976. The Report and Order adopted new rules (which became effective November 1, 1976) to require the importer of a radio frequency (RF)

device to attach an appropriately completed FCC Form 740 in duplicate to the entry papers of each shipment of each separately identified RF device or subassembly subject to FCC technical or equipment authorization requirements.

2. Since that time, the Commission in a joint effort with the U.S. Customs Service has enforced these rules intended to keep RF devices which have not demonstrated that they are capable of complying with our technical requirements from being imported and distributed to the general public. This program reduces the possibility that equipment that could cause harmful interference to authorized communications is not distributed in the U.S. without Commission scrutiny.

3. While we consider this program useful, it is necessary due to budgetary cutbacks to discontinue for the near future that portion concerning the U.S. Customs Service. This action will be effective at least through the balance of Fiscal Year 1981. It is, therefore appropriate that we waive the applicable FCC regulations which require the submission of FCC Form 740 for each radio frequency device, or subassembly thereof, which is imported into the Customs territory of the United States.

4. Authority for this action is contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended. This action affects only the manner and degree of enforcement by the U.S. Customs Service of the Commission's equipment marketing regulations as they apply to imported equipment. The general proscription of Section 302(b) of the Communications Act, and Subpart I of Part 2 of the FCC Rules against importation of non-authorized equipment, foreign and domestic, remain in effect. In addition, this action will reduce the paperwork required for imported equipment, until the resumption of the program. Accordingly, pursuant to Section 553(b)(3)(B) of the Administrative Procedures Act (5 U.S.C. 553(b)(3)(B), we find that prior notice of the attached rules waiver is not required.

5. The Administrative Procedures Act also permits agencies to dispense with the thirty-day waiting period between adoption and effective date of a regulation if good cause is found. (5 U.S.C. Sec. 553(d)(3)). As mentioned above, the funding to the U.S. Customs Service by the Commission for the balance of Fiscal Year 1981 is simply not available. We doubt that a notice requesting comments on the subject will produce additional funds. In addition, our action provides relief of some paperwork overhead to the private sector during this period of suspended operations. Therefore, it is found that good cause exists for the adoption date of this Order to be also the effective date of the subject rule waiver.

§§ 2.1202, 2.1203, 2.1205, 2.1207, 2.1209, 2.1211, 2.1215, 2.1219 [Waived].

6. In review of the above, it is Ordered effective May 31, 1981, that Sections 2.1202, 2.1203, 2.1205, 2.1207, 2.1209, 2.1211, 2.1215 and 2.1219 of the Commission's Rules and Regulations are waived until October 1, 1981.

7. For further information on this proceeding, contact Mr. Charles M. Cobbs of the Authorization and Standards Division, Office of Science and Technology (301) 725-1585.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17803 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Parts 2 and 97

[FCC 81-251]

Frequency Allocations and Radio Treaty Matters; Amateur Radio Service; Rules To Revise Power Limitations in a Specific Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to revise power and geographic restrictions for amateur radio stations operating in the 1800-2000 kHz band. This action was taken to relieve unnecessary operation restrictions.

EFFECTIVE DATES: June 10, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nancy A. Krieger, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964—Room 5202(H).

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 21, 1981.

Released: June 1, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioner Jones absent.

In the Matter of Amendment of Rule Sections 97.61(a) and (b)(2) of the amateur radio service rules to revise power limitations in the 1800-2000 kHz band; amendment of § 2.106, table of frequency allocations; FCC 81-251.

1. On July 17, 1980, the Commission received a *Request for Agency Action* from the American Radio Relay League, Inc. (ARRL). The ARRL, in its Request, asked the Commission to delete § 97.61 (b)(1) and (b)(2) of the Amateur Radio Service Rules by issuance of an Order. The ARRL believes that such an Order would greatly benefit the Amateur Radio Service community by encouraging innovation and experimentation in the 1800-2000 kHz band (also known at the 160 meter band). Also, the ARRL states that these rule sections currently provide protection to long-range aid to radio navigation (LORAN-A) systems from amateur radio interference. Since LORAN-A is being terminated, the League feels there is no longer a need for § 97.61 (b)(1) and (b)(2). The Amateur Radio Service shares the 160 meter band on a secondary basis. § 97.61(b) places transmitter power and geographic restrictions on amateur radio operations in the 160 meter band to prevent interference to LORAN-A. The ARRL states that the Commission can amend its rules by Order because "Footnote NG15(b) . . . empowers the Commission to terminate the restrictions of Section 97.61 (b)(1) and (b)(2) . . . without the necessity of rulemaking or other procedural steps prescribed by the Administrative Procedures Act."

2. On November 26, 1980, the United States Coast Guard sent a Memorandum to the Secretary for the interdepartment Radio Advisory Committee (IRAC) stating that the Coast Guard planned to cease LORAN-A operations in the United States by the end of 1980. However, LORAN-A operations by other countries may continue until December 31, 1982.[1] The Coast Guard recommended changes to Section 97.61 (b)(1) and (b)(2) of the Commission's Rules. The IRAC approved the Coast Guard plan and forwarded it to the Commission in December, 1980. The Commission can incorporate the Coast Guard recommendations for § 97.61(b)(2) into its Rules. However, we must retain Rule Section 97.61(b)(1) since protection should still be provided for LORAN-A stations operated by Canada.

3. Therefore, by this Order, Rule Section 97.61(a) is revised to reflect a reduction in the restrictions on amateur radio operation in the 160 meter band. Rule Section 97.61(b)(1) remains because amateur radio stations should not

[1] See discussion of results of 1979 World Administrative Radio Conference in paragraph 4.

interfere with the remaining LORAN–A operations. The Table in Rule Section 97.61(b)(2) is revised to reflect the new power limitations for amateur radio operation in the 160 meter band. In addition, we are amending Rule Section 2.106, Table of Frequency Allocations, Footnote NG15(a)(4) to reflect the new power limitations for amateur radio operation in the 160 meter band.

4. The 1979 World Administrative Radio Conference (WARC) in Geneva, decided that Loran–A operations in the 160 meter band in Region 2 (the Americas) would terminate by December 31, 1982. It made an exclusive allocation to the amateur radio service at 1800–1850 kHz and a shared allocation to the service as one of five primary services at 1850–2000 kHz. However, the Final Acts of the Conference are not scheduled to become effective until January, 1982 for those countries who have ratified the treaty. Further, after the United States does ratify the treaty, public consultation may be necessary through the rulemaking process before specific provisions can be incorporated into the domestic Rules. Therefore, the rule amendments adopted in this Order may be effective only for a short interim period.[2] Consequently, Amateur radio operators are cautioned not to invest heavily in equipment which can only be used for this frequency band because there is no guarantee as to the final provisions for the Amateur Radio Service in the 160 meter band.

5. The specific rule amendments that we are adopting are set forth in the Appendix. Authority for the amendments is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. We are dispensing with the prior notice and public procedures provisions of the Administrative Procedures Act as impracticable (see 5 U.S.C. 553(b)(3)(B) in view of the short period of time that these frequencies are likely to be available.

6. Accordingly, it is ordered effective June 10, 1981 that Parts 2 and 97 of the Commission's Rules are amended as set forth in the attached Appendix.

7. It is further ordered that this proceeding is terminated.

8. Information concerning these rule changes may be obtained from John B. Johnston, (202) 632–4964.

(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.

[2] The First Notice of Inquiry in Docket No. 80–739, Implementation of the Final Acts of the World Administrative Radio Conference, proposed an exclusive allocation to the amateur service at 1800–1900 kHz and an exclusive allocation to the radiolocation service at 1900–2000 kHz, along with suppression of the footnote NG15.

PART 2—FREQUENCY ALLOCATIONS AND TREATY MATTERS; GENERAL RULES AND REGULATIONS

Appendix

A. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

In Section 2.106, under the heading NG Footnotes, amend Footnote NG 15 subparagraph (a)(4) by the existing Table and adding the following Table:

§ 2.106 Table of frequency allocations.

* * * * *

NG Footnotes

* * * * *

NG 15 (a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

State(s)	Maximum DC plate input power in watts (kilohertz)			
	1900 to 1925	1925 to 1950	1950 to 1975	1975 to 2000
	Day/night	Day/night	Day/night	Day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and territories	1000/200	1000/200	1000/200	1000/200

* * * * *

PART 97—AMATEUR RADIO SERVICE

B. Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In Section 97.61 paragraph (a) is amended by removing the first line of the Table and replacing it with the following two lines:

§ 97.61 Authorized frequencies and emissions.

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
1800 to 1900	A1, A3	
1900 to 2000	A1, A3	1, 2

* * * * *

2. In Section 97.61 subparagraph (b)(2) is amended by removing the existing Table and replacing it with the following Table:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) * * *

(1) * * *

(2) * * *

State(s)	Maximum DC plate input power in watts (kilohertz)			
	1900 to 1925	1925 to 1950	1950 to 1975	1975 to 2000
	Day/night	Day/night	Day/night	Day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and territories	1000/200	1000/200	1000/200	1000/200

[FR Doc. 81–17830 Filed 6–15–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 22

[CC Docket No. 79-318; FCC 81-161]

Inquiry Into the Use of Certain Frequency Bands for Cellular Communications Systems; and Amendment of Rules Relative to Cellular Communications Systems

Correction

In FR Doc. 81-14610, appearing in the issue of Thursday, May 21, 1981, at page 27655 make the following changes:

1. On page 27681, in the first column, the second paragraph, the ninth sentence now reading "interference in controlled by proper" should be changed to read "interference is controlled by proper".

2. On page 27682, in the first column the fifth heading now reading "$MAXSZIR_{sl}$" should be changed to read "$MAXSZTR_{sl}$".

3. On page 27684 in the middle column, "• MIN2" and "• MIN1" should read:

"• MIN2. The 10-bit MIN2 is derived from the first three digits of the telephone number (i.e., 321):

i. $D_1 = 3$; $D_2 = 2$; $D_3 = 1$.

ii. $100\ D_1 + 10\ D_2 + D_3 - 111 = 100(3) + 10(2) + (1) - 111 = 210$.

iii. 210 in binary is '00 1101 0010'.

Therefore MIN2 is '00 1101 0010'.

• MIN1. The 10 most significant bits of MIN1 are derived from the second three digits of the telephone number (i.e., 456):

i. $D_1 = 4$; $D_2 = 5$; $D_3 = 6$.

iii..e. $100\ D_1 + 10\ D_2 + D_3 - 111 = 100(4) + 10(5) + (6) - 111 = 345$.

iii. 345 in binary is '0101 0110 01'.

The next four most significant bits of MIN1 are derived from the thousands digit of the telephone number (i.e., 7) by BCD conversion:

7 in BCD is '01 11'.

The 10 least significant bits of MIN1 are derived from the last three digits of the telephone number (i.e., 890):

i. $D_1 = 8$; $D_2 = 9$; $D_3 = 10$.

ii. $100\ D_1 + 10\ D_2 + D_3 - 111 = 100(8) + 10(9) + (10) - 111 = 789$.

iii. 789 is binary in '11 0001 0101'.

Therefore MIN1 is '0101 0110 0101 1111 0001 0101'.".

4. On page 27685 in the first column, the table in 2.4.1.1 *SAT Detection* should be changed to read:

"Measured frequency of incoming signal	Measured SAT determination	where
$f < f_5$	No valid SAT	$f_5 = 5955 \pm 5$Hz.
$f_5 < f < f_6$	SAT = 5970	$f_6 = 5985 \pm 5$Hz.
$f_6 < f < f_7$	SAT = 6000	$f_7 = 6015 \pm 5$Hz.
$f_7 < f < f_8$	SAT = 6030	$f_8 = 6045 \pm 5$Hz.
$f_8 < f$	No valid SAT	
No SAT Received	No Valid SAT	

5. On page 27685 in the first column, in 2.4.2 change the last word to read "Rules".

6. On page 27685 in the third column, in 2.6.1.1. *ii.* and *iii.* change the equations now reading "$SID_s = SID_p$" to read "$SIS_s \neq SID_p$".

7. On page 27686 in the first column change paragraph "• ROAM status:" to read:

"• ROAM status: The mobile station must compare the received system identification (SID_r) with the stored system identification (SID_s). If $SID_r \neq SID_s$, the mobile station must compare SID_s with SID_p. If $SID_p \neq SID_s$, the mobile station must set the ROAM status to disabled. If $SID_p = SID_s$, the mobile station must set the ROAM status to enabled.

If $SID_r \neq SID_s$, the mobile station must enter the Retrieve System Parameters Task (see Section 2.6.1.1).".

8. On page 27686, in the second column, in 2.6.2.1 change the first paragraph to read:

"Whenever a mobile station receives an overhead message train (see Section 3.7.1.2), the mobile station must compare SID_s with SID_r. If $SID_s \neq SID_p$ the mobile station must exit the Idle Task and enter the Initialization Task (see Section 2.6.1).".

9. On page 27686 in the third column change I. c. to read:

"c. $LASTCHA_s = FIRSTCHA_s + C\ MAX_s - 1$.".

10. On page 27686 in the third column change II. c. to read:

"c. $LASTCHA_s = FIRSTCHA_s + C\ MAX_s - 1$.".

11. On page 27686 in the third column change 4. c. i. now reading, "• Otherwise do not change $NXTREG_{s,p}$." to read, "• Otherwise do not change $NXTREG_{s-p}$.".

12. On page 27689 in the second column in 2.6.3.11 change the line now reading, "next registration ID to: $NXTREG_{s,p} = REGID_s + REGINCR_s$." to read, "next registration ID to: $NXTREG_{s-p} = REGID_s + REGINCR_s$.".

13. On page 27689, in the second column, 2.6.3.11 change the line now reading, "the next registration ID to: $NXTREG_{s,p} = REGID_s + NRANDOM_{sv}$.". to read "the next registration ID to: $NXTREG_{s-p} = REGID_s + NRANDOM_{sv}$.".

14. On page 27690 in the first column in 2.6.4.3.1 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below (see Section 3.7.2), the mobile station must compare SCC_s to the present SAT color code (PSCC) field in the received message. If $SCC_s = PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:". to read, "• Within 100 ms of the receipt of any of the orders listed below (see Section 3.7.2), the mobile station must compare SCC_s to the present SAT color code (PSCC) field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:".

15. On page 27690 in the second column, in 2.6.4.3.2 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s = PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:" to read, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:".

16. On page 27690 in the third column in 2.6.4.4 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:" to read, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:"

17. On page 27695 in the first column, change 3.2.1.1 to read as follows:

"*3.2.1.1 Channel Spacing and Designation.*

The land station received channel at 825.030 MHz (and the corresponding mobile station receive channel at 870.030 MHz) shall be termed channel number 1.

See Section 22.902 of the Commission's Rules.

18. On page 27696 in the third column, in 3.6.3.3 change the paragraph now reading,

"• Origination message. Send one of the following orders:

—Initial voice channel designation,

Directed retry,
—Intercept,
—Reorder.",

To read,

"The following responses to mobile station messages may be sent:

• Origination message. Send one of the following orders:
—initial voice channel designation,
—directed retry,
—intercept,
—reorder.".

19. On page 27697 in the third column, change the heading now reading, "3.71" to read "3.7.1".

20. On page 27698 in the third column, the footnote was inadvertently left out, it should read,

"[1] 40 total bits, 28 information bits; distance 5.".

BILLING CODE 1505-01-M

---

47 CFR Part 63

[CC Docket No. 78-219; File No. W-602-58; FCC 81-262]

Extension of Lines and Discontinuance of Service by Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule (Memorandum Opinion and Order).

SUMMARY: The Federal Communications Commission adopted rules in 1970 which prohibit telephone companies from providing cable television service within their telephone service areas. The rules provide for waiver in those areas where cable television service cannot exist except through affiliation with the local telephone common carrier, or upon other showing of good cause. In 1979, the Commission established a rebuttable presumption that in areas with a density of less than thirty households per route mile of coaxial cable trunk and feeder line, independent cable television operation generally is not economically feasible. The presumption was applied separately for each franchise area. Such an application of the presumption would leave unserved those areas where the local telephone company is the only feasible provider of service. This order will make the presumption applicable to the entire cable television service area proposed by the telephone company. Applying the presumption to the entire proposed cable television service area will allow cable television service in areas which would otherwise go unserved.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Linda M. Trochim, Common Carrier Bureau, (202) 632-6920.

Memorandum Opinion and Order

Adopted: June 4, 1981.

Released: June 10, 1981.

By the Commission: Chairman Fowler not participating; Commissioner Fogarty issuing a separate statement.

In the matter of revision of the processing policies for waivers of the telephone company-cable television "Cross Ownership Rules," sections 63.54 and 64.601 of the Commission's rules and regulations; CC Docket No. 78-219. In re Petition of National Telephone Cooperative Association for a general waiver in rural areas of the telephone company-cable television cross-ownership rules, sections 63.54 and 64.601 of the Commission's rules and regulations; File No. W-602-58. Petitions for reconsideration.

1. On December 5, 1980, we released a *Memorandum Opinion and Order* in the above captioned proceeding, 82 FCC 2d 254 (1980), (hereinafter cited as *Memorandum Opinion and Order)* clarifying certain aspects of the procedure for waiver of the telephone-cable television cross-ownership rules, 47 CFR 63.54-63.57. We have before us petitions for reconsideration and petitions for stay filed by Verona Cable Company, Inc. and Mt. Vernon Telephone Co. (Verona), the National Telephone Cooperative Association (NTCA), and a joint petition filed by counsel for the Delta County Co-operative Telephone Company, Franklin Telephone Company, Missouri Telephone Company, Orwell Telephone Company, Platteville Telephone Company, and public Service Telephone Company (Telcos). The National Cable Television Association, Inc. (NCTA) filed an opposition to these petitions. Reply pleadings were filed by Verona, NTCA, and Telcos. For the reasons set forth *infra*, we believe that partial reconsideration and modification of the action taken in the *Memorandum Opinion and Order* would serve the public interest.

Background

2. On December 11, 1979, we issued the *Report and Order* in the above captioned matter, 82 FCC 2d 233 (1979), (hereinafter cited as *Report and Order)* setting forth revised standards for waiver of the telephone-cable television cross-ownership rules. Section 63.54 of the rules generally prohibits telephone common carriers from furnishing directly, or through affiliates, cable television service within their telephone service areas. Section 63.56 provides for waiver of this prohibition,

> [i]n those communities . . . where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon showing of good cause . . . .

In essence, we stated that when the waiver petitioner proposes service for an area with a density of less than 30 households per route mile, a rebuttable presumption arises in support of the waiver.

3. In the *Memorandum Opinion and Order* at paragraph 12, we clarified the definition of the area to be used for the measurement of household density. We said we would examine the density of each separate franchise area within a telephone company's proposed cable television service area to see if the presumption applied, *i.e.*, to determine if the density was less than thirty households per route mile. This decision was based on our belief that local franchising bodies were best equipped to judge how to divide up their communities. Therefore, we said we would look primarily to the local franchising bodies for determinations with respect to communities and areas.

Petitions

4. The petitioners request that the Commission use the proposed cable television service area, instead of franchise area, as the basis for measuring household density. They allege that the record in this proceeding did not support the change to franchise area. The claim that the *Clarification*,[1] the comments received from the parties, the studies done by the Commission, and the *Report and Order* contemplated the use of the cable system service area. They note that no party challenged the studies with evidence to the contrary.[2] They assert that there was no "basic agreement" concerning the need for clarification of "whether the 30 homes per mile standard would be measured on a community basis . . . ," [3] as the *Memorandum Opinion and Order* stated. Also, they argue that the goal of the proceeding, to lessen the telephone company's burden in proving that independent service is infeasible, is frustrated by the franchise area standard. The petitioners protest that although "gerrymandering" [4] was a

---

[1] Clarification and Notice of Proposed Rulemaking in Docket No. CC 78-219, 69 FCC 2d 1097 (1978).

[2] Notice of Proposed Rulemaking in the Elimination of the Telephone Company-Cable Television Cross-Ownership Rules for Rural Areas, FCC 80-780, 46 FR 9138, 9140 (1981) (hereinafter cited as *Notice in CC 80-767)*.

[3] *Memorandum Opinion and Order*, 82 FCC 2d at 257.

[4] "Gerrymandering" is a term used to describe the random combination of populous areas with low

Continued

primary concern in adopting the change, no instances of such practice have yet been observed. Therefore, they suggest that any infrequent occurrences of "gerrymandering" be dealt with on a case-by-case basis.

5. They also contend that the stated intent of the *Notice in CC 80-767* will be frustrated by the franchise area standard.[5] Since political boundaries have no relevance to the geographical limits of a feasible cable system, they claim that the rural territory outlying the core franchise area will be permanently denied service. They also maintain that the Commission has rejected the franchise area standard in its cable television rules [6] except for the limited purposes of access, signal carriage, and franchise. Therefore, the *Memorandum Opinion and Order* should not have quoted the *Cable Television Report and Order* [7] in support of the franchise area standard. They finally state that the Communications Act mandates the Commission to consider the availability of service to all the United States as a more important concern than diversity of ownership.[8]

Opposition

6. In its opposition, NCTA argues that the petitions for reconsideration are improper because all of the arguments therein have been previously considered. It further claims that the record in this proceeding, prior experience with the cross-ownership rules, and longstanding Commission policy all support the use of the franchise area standard. It points to several petitions and applications as examples of "gerrymandering,"[9] and contends that a case-by-case consideration of "gerrymandering" would be slow and burdensome. It also alleges that the Commission's cable rules are based upon a franchise area consideration.

7. NCTA further maintains that petitioners' allegations that outlying rural areas will go unserved merely proves that judging the 30 households per route mile standard on a franchise area basis correctly distinguishes feasible from infeasible areas, and that petitioners have therefore demonstrated no true economies. Lastly, it states that the presumption must be construed narrowly in order to protect against several abuses likely to occur with telephone company provided cable television service. It alleges that telephone companies will cross-subsidize between franchise area subscribers and rural subscribers, and between their telephone and cable television services. It fears the telephone companies will have a competitive advantage due to their dominant market power and the availability of more favorable Rural Electrification Administration (REA) loans. It also contends that the telephone companies may attempt to fashion massive service areas which a cable company will be unable to match merely because of the discrepancy in its relative financial capability.

Replies

8. In their reply pleadings, the petitioners provided further support for their earlier arguments, and deny most of NCTA's claims. Petitioners contend that the *Memorandum Opinion and Order* was, indeed, a rule change which is subject to petitions for reconsideration. Also, they suggest that it is the concern of local authorities, not the Commission, as to whether there is a cross-subsidization between urban and rural subscribers. They allege, in any case, that such cross-subsidization is necessary in most utility-type services, and is not disallowed for independent cable operators. Furthermore, petitioners assert that many MSOs are in a better position than the telephone companies to raise the capital needed for a massive cable system. They perceive a discrepancy in NCTA's position in that NCTA commented in the revision of the cable rules in favor of the service area standard. Finally, they reason that the results of the Rand studies [10] describe infeasibility of cable television systems, regardless of whether those systems extend beyond the boundaries of a single franchise area.

Discussion

9. The issue before us in this proceeding is a narrow one. Should household density be measured individually for each franchise area or should it be measured for the entire area which a telephone company proposes to serve? We have concluded that the franchise area approach is likely to deprive service to residents of sparsely populated areas, contrary to a long-standing concern of this Commission.

10. Since the adoption of the cross-ownership rules, we have been concerned about those situations where the rules would operate to deprive the public of cable television service. In the notice which preceded the adoption of the rules, we inquired:

> Will there be (and to what extent) cases where a substantial segment of the public would be deprived of CATV service unless a telephone company is permitted to [furnish] facilities to an affiliate?[11]

In the *Final Report and Order* which adopted the telephone-cable television cross-ownership rules, we recognized that in some rural areas or areas of low population density an affiliate of the local telephone company might be the only feasible source of cable television service.[12] We therefore provided a waiver mechanism for those cases where no practical alternative existed for making cable television service available.[13]

11. The *Clarification* which initiated this proceeding sought "to relieve telephone companies in rural areas of [the] need to demonstrate the infeasibility of independent cable television operation where such operation [might] be reasonably presumed to be economically infeasible because of low population density."[14] We recognized that our previous procedures may have discouraged the initiation of new rural cable television service by needlessly requiring complicated and extensive presentations by rural telephone companies. We therefore proposed procedures, including a rebuttable presumption of infeasibility, which were intended "to relieve rural telephone companies from [the] unnecessary

---

density areas in order to form a service proposal which qualifies for the presumption. *See Memorandum Opinion and Order*, 82 FCC 2d at 257.

[5] The *Notice in CC 80-767* examines criteria for *exempting* telephone companies in rural areas from our cable television cross-ownership rules. Telephone companies not entitled to exemption would be allowed to apply for a waiver of rules. In this proceeding we revise the standards for processing waiver applications.

[6] Section 76.5(a) of the rules, 47 CFR §76.5(a).

[7] *Memorandum Opinion and Order*, 82 FCC 2d at 258.

[8] Petitioners cite Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. § 151, and FCC v. National Citizens Committee for Broadcasting, 436 U.S. 775 (1978).

[9] Order and Certificate in File No. W-602-144 (released April 3, 1981) which granted the petition and application of Public Service Telephone Company; waiver petitions of Great Plains Broadband Services, Inc. and Pioneer Telephone Cooperative, Inc. (file No. W-602-83), and Orwell Cable TV Company and Orwell Telephone Company (File No. W-603-67); proposal of the Delta County Co-operative Telephone Company, d/b/a/ Delta County Telephone Company (Exhibit B attached to Telcos' petition for reconsideration), not yet filed with the Commission.

[10] *Report and Order*, 82 FCC 2d app. at 245.

[11] Notice of Proposed Rulemaking and Notice of Inquiry in the Applications of Telephone Companies for Section 214 Certificates for Channel Facilities furnished to Affiliated Community Antenna Television Systems, 34 FR 6290, 6292 (1969).

[12] Final report and Order in the Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television Systems, 21 FCC 2d 307, 326 (1970).

[13] *Id.* at 325.

[14] *Clarification*, 69 FCC 2d at 1097-1098.

administrative burden of demonstrating the impossibility of improbable developments while undertaking the expensive engineering planning necessary to institute rural cable television service."[15] These proposals remained consistent with our regulatory goal of encouraging a competitive environment in the development and use of broadband cable facilities. We hoped that the proposed procedures would help eliminate the impediments to the development of rural cable television service stemming from our rules.[16]

12. The following *Report and Order* incorporated a rebuttable presumption of infeasibility into the telephone-cable television cross-ownership rules. We reemphasized our belief that in area where competition was unlikely, rules premised upon potential adverse effects on competition were inappropriate.[17] By streamlining our procedures, we hoped to further our goal of allowing new service to clearly infeasible areas.

13. In light of the preceding historical analysis, we conclude that the franchise area standard adopted in the *Memorandum Opinion and Order* undermines the very purpose of the *Clarification*—to allow the development of new cable television service in areas where independent service clearly is economically infeasible. The franchise area standard bears no reasonable relationship to this goal.[18] Rather, it might preclude cable television service altogether in many areas. Our experience in dealing with waiver petitions only confirms this conclusion. Although some applications for waiver have proposed service to a single franchise area, others have included outlying areas in their service proposals. Most of the applications for service areas larger than a single franchise area have gone unopposed with respect to any outlying area.[19] The telephone companies in such cases have usually claimed that they will be unable to serve the outlying area if waiver for the more densely populated franchise area(s) is denied. Thus, application of the presumption of infeasibility by franchise area may well cause a denial of that presumption to many sparsely populated outlying areas, resulting in a denial of service to those areas in direct contravention of the purpose of this proceeding.[20]

14. We conclude that the presumption must be applied on a proposed cable television service area basis in order to facilitate service in areas which will otherwise go unserved. NCTA argues that use of a service area standard will result in instances of "gerrymandered" proposals. However, our rules still require that individual waiver requests be examined on a case-by-case basis.[21] NCTA has not demonstrated that we will be unable to detect improper practices when and if they occur and deal with them accordingly.

15. In addition, we want to ensure that the waiver recipients will indeed serve the outlying areas included in their proposals. To that end, our rules require that construction and operation under Section 214 authorizations be commenced within certain time frames.[22] We will further condition the Section 214 grants to require that the telephone companies provide service according to the schedules they have provided in their waiver petitions. We expect that when those schedules promise to commence construction or service sooner than the Section 214 authorization would normally require, the telephone company will abide by its own schedule as outlined in the waiver petition.

Petitions for Stay

16. In their requests for stay, petitioners assert that the *Memorandum Opinion and Order* will result in denial of the pending waiver requests prepared on a service area basis, and a permanent denial of cable television service to the rural areas outside of the franchise areas. As a consequence, petitioners urge that a stay is necessary to prevent denial of cable television service to the public in outlying areas, and to prevent the loss of cable television franchises held by telephone companies whose waiver petitions will be denied.

17. Since the adoption of the *Memorandum Opinion and Order*, no waiver petitions which relied upon the presumption of infeasibility have been denied.[23] Therefore, no party has been irreparably injured by lack of the requested relief. The petitioners requested that the stay be effective until Commission action on the petitions for reconsideration. We are taking such action today. Therefore, the need for stay is ended, and the petitions for stay will be dismissed as moot.

Other Matters

18. A number of opposed applications for waiver are pending. Cursory review of several of these files indicates that often the petitioners' proposed service areas are not identical to the opponents' proposed service areas. The change adopted in this Order will cause a need for opponents to demonstrate their "ability to institute essentially the same service to approximately the same number of households within the same time frame as proposed by the waiver petitioner."[24] For supplementation on this point only, we will allow additional time to all parties who have already filed in pending waiver petition proceedings. We will also provide additional time for replies.

19. Since we are revising rules which are now in constant use, and in order to avoid unnecessary delays in the processing of pending waiver petitions, we find that immediate implementation would be in the public interest. Accordingly, pursuant to Section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. § 553(d)(3), the revised rules will be effective on June 16, 1981.

20. Accordingly, it is ordered, That, pursuant to Sections 2, 3, 4 (i) and (j), 205, 214, 303, 307, 308, 309 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 152, 153, 154 (i) and (j), 205, 214, 303, 307, 308, 309 and 403, Part 63 of the Commission's Rules is amended as set forth in the attached Appendix, effective on June 16, 1981.

21. It is further ordered, That the Petitions for Reconsideration filed in this proceeding ARE GRANTED, to the

---

[15] *Id.* 1113–1114.

[16] *Id.* at 1114.

[17] *report and Order*, 82 FCC 2d at 234–235.

[18] Our decision to use a franchise area standard was based on our belief that the decision as to how to divide up communities was a matter for the local franchising authorities. However, in a number of cases, local officials have stated their preference for local telephone companies which plan to serve the outlying areas as well as the franchise areas. *See, e.g.*, Shenandoah Telephone Company, 84 FCC 2d 371 (1981). We believe these authorities can best judge the economic effects of such a combination on the various groups served. Therefore, our determination today is not a rejection of the recognized role of local or State government agencies in delineating franchise areas, but rather, a recognition that franchise areas bear no rational relationship to the Commission's waiver presumption. No facts before us suggest that the franchise area is congruent to the maximum area which can be feasibly served by a cable television system. The franchise area standard would discourage rather than expedite the provision of cable television service in sparsely populated outlying areas.

[19] Of the fifteen opposed waiver petitions now pending, twelve propose service to an area which extends beyond the boundaries of a single franchise area. In eight of these twelve cases, the opposition proposes to serve an area smaller than that proposed by the telephone company.

[20] *See Memorandum Opinion and Order*, 82 FCC 2d at 274–275 (Addendum to Separate Statement of Commissioner Joseph R. Fogarty).

[21] *Clarification*, 69 FCC 2d at 1109.

[22] Section 63.05 of the Commission's Rules, 47 CFR § 63.05.

[23] Only one waiver petition has been denied. It relied upon "other good cause." Deuel Telephone Cooperative Association, FCC 80–791 (released January 7, 1981).

[24] Section 63.56(d) of the Commission's Rules, 47 CFR § 63.56(d).

extent indicated above, and ARE DENIED, in all other respects.

22. It is further ordered, That the Petitions for Stay filed in this proceeding *are dismissed.*

23. It is further ordered, That parties who have already filed in pending waiver petition proceedings may file, on or before June 23, 1981, any supplement to earlier filings as authorized in paragraph 18, above. It is further ordered, That, in those waiver petitions in which supplements are filed, parties may file replies on or before June 30, 1981.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.[38]

William J. Tricarico,

Secretary.

Appendix

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended by revising § 63.56, paragraphs (a), (b)(2), (b)(3), and (c) to read as follows:

§ 63.56 Waivers.

(a) In those areas where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause, the provisions of §§ 63.54 and 63.55 may be waived, on the Commission's own motion or on petition for waiver, if the Commission finds that the public interest, convenience and necessity would be served thereby.

(b) * * *

(2) A demonstration that the proposed cable television service area has a density of less than thirty (30) households per route mile of coaxial cable trunk and feeder line;

(3) Evidence that notice was given, by newspaper advertisement(s) or other appropriate means, of waiver petitioner's intention to construct and/or operate the proposed cable television system, including the name of the newspaper, the date(s) of publication of the advertisement(s) and the area in which the newspaper is distributed; and

* * * * *

(c) Telephone company waiver requests shall not enjoy the rebuttable evidentiary presumption of paragraph (b) of this section, and shall contain the showings required by the Commission, including notice as specified in § 63.56 (b)(3), if the proposed cable television service area has a density of thirty (30) or more households per route mile of coaxial cable trunk and feeder line.

* * * * *

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Revision of the Processing Policies for Waiver of the Telephone Company—Cable Television "Cross Ownership" Rules (CC Docket No. 78–219), on Further Reconsideration.

I strongly support the Commission's reconsideration of the "Clarification" *Order* in this proceeding[1] and our decisison to apply the less-than-30-home-per-route-mile rebuttable waiver presumption on the basis of the cable television service area proposed, rather than franchise area by franchise area. As I stated in an Addendum to my separate Statement on the December 5, 1980 *Order*, I have been concerned that—

. . . this "clarification" may seriously undermine the salutary purpose of the Commission's waiver presumption—that is, to allow the development and offering of cable TV services by telephone companies in underserved rural and sparsely populated areas. The net effect of this action may be to facilitate telco cable service only in the outlying areas of essentially all-rural counties as telcos may still be precluded from serving the higher density areas of those counties which are subject to separate local franchising authorities. Such a "crazy-quilt" effect may preclude viable telco rural cable service proposals altogether, and may result in denial of the less-than-30-homes-per-route-mile presumption to a considerable number of the cable/telco cross-ownership rule waiver applications now pending.[2]

With this *Order* the Commission wisely remedies these defects and ensures that consumers in rural areas will not be held hostage to belated independent cable industry interest and will not be denied cable television service which can be provided now by telephone companies.[3] I hope that we can move with both expedition and finality on the numerous waiver applications which have been awaiting decision for nearly two years. Service this long delayed is service denied to the clear detriment of rural America.

[FR Doc. 81–17813 Filed 6–15–81; 8:45 am]

BILLING CODE 6712–01–M

[38] See attached statement of Commissioner Fogarty.

[1] 82 FCC 2d 254 (1980).

[2] 82 FCC 2d at 274.

[3] *See* Separate Statement of Commissioner Joseph R. Fogarty in CC Docket No. 78–219, 82 FCC 2d 266, 267.

---

47 CFR Part 73

[BC Docket No. 80–528; RM–3571]

Radio Broadcast Services; FM Broadcast Station, Owingsville, Ky.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Owingsville, Kentucky, in response to a petition filed by Bath Radio Works. The assignment could provide Owingsville with a first local aural service.

EFFECTIVE DATE: August 7, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1981.

Released: June 5, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Owingsville, Kentucky); BC Docket No. 80–528 RM–3571

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 Fed. Reg. 58617, published September 4, 1980, proposing the assignment of FM Channel 296A to Owingsville, Kentucky, as that community's first FM assignment, at the request of Bath Radio Works ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 5.2 kilometers (3.2 miles) northwest of Owingsville is required for this assignment to avoid short-spacing to an existing station. As indicated in the petitioner's proposal, the geographic coordinates for its transmitter site are compatible with this requirement.

2. Owingsville (population 1,381),[1] seat of Bath County (population 9,235), is located in northern Kentucky, approximately 220 kilometers (125 miles) east of Louisville, Kentucky. This community presently has no local aural service.

3. Petitioner has submitted information with respect to Owingsville which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 296A to Owingsville, Kentucky. An interest has been shown for its use, and such an assignment would provide the community with an FM station

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

which could render a first full-time local aural broadcast service.

5. The Canadian Government has given its concurrence to the assignment of Channel 296A to Owingsville, Kentucky.

6. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective August 7, 1981 § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Owingsville, Ky	296A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17809 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-516; RM-3592]

Radio Broadcast Services; FM Broadcast Station in Hampton, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Hampton, Arkansas, in response to a petition filed by Travis Carroll. The assignment could provide Hampton with a first local aural service.

EFFECTIVE DATE: August 7, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1981.

Released: June 9, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Hampton, Arkansas); BC Docket No. 80-516 RM-3592.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58611, published September 4, 1980, in response to a petition filed by Travis Carroll ("petitioner"), proposing the assignment of FM Channel 296A to Hampton, Arkansas, as the community's first FM assignment. Supporting comments were filed by petitioner in which it affirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Hampton (population 1,252), in Calhoun County (population 5,573), is located in the south central portion of the State.[1] Channel 296A could be assigned to Hampton, provided the transmitter site is located approximately 10 kilometers (6.1 miles) southwest of Hampton to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Hampton which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 296A to Hampton, Arkansas. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, that effective August 7, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Hampton, Ark	296A

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17810 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 80-422; RM-3199]

Bio-Medical Telemetry Operations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On April 21, 1981, the Federal Communications Commission published regulations amending the Special Emergency Radio Service rules to permit the use of F2 and F9 emission on certain frequencies in the 155 MHz range within 50 miles of cities having populations in excess of 600,000. This errata makes necessary corrections to those regulations because of omissions and inaccuracies which occurred in the production and printing.

EFFECTIVE DATE: May 15, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mr. Arthur C. King, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the Matter of amendment of Part 90 of the Commission's Rules concerning bio-medical telemetry operations; PR Docket No. 80-422; RM-3199.

Errata

Released: June 9, 1981.

Appendix B to the Report and Order in this proceeding (46 FR 22590, adopted March 26, 1981) detailed changes to the Special Emergency Radio Service Frequency Table and included limitation (26), a new limitation on five frequencies. It should have been numbered as (29) because during the pendancy of this rule making proceeding, limitation (26) was used in the Appendix to the Report and Order in Docket 79-192. This Errata makes the necessary corrections to the final rules which appeared on page 22592 of the April 20, 1981, **Federal Register.**

Appendix B also included a tabulation of 41 urbanized areas but omitted any reference to their geographical coordinates. This errata also provides the required reference.

1. On page 22592, column two, in Section 90.53(a), correct the Special Emergency Radio Service Frequency

Table to add limitation 25 and to change limitation 26 to 29 as follows:

§ 90.53 [Amended]

(a) * * *

Frequency or band	Class of station(s)	Limitations
155.325	do	8, 9, 25, 29
155.340	do	10, 25, 29
155.355	do	8, 9, 25, 29
155.385	do	8, 9, 25, 29
155.400	do	8, 9, 25, 29
* * * *	*	*

* * * * *

2. On page 22592, column two, correct at § 90.53(b), by adding new subparagraph (29) to read as follows:

§ 90.53 [Amended]

* * * * *

(b) * * *

(29) In addition to other authorized uses, the use of F2 or F9 emission is permitted on this frequency for the operation of bio-medical telemetry systems subject to the following limitations:

(1) Bio-medical telemetry operations may be conducted only in geographic areas beyond fifty miles from the centers of the following urbanized areas:

New York, N.Y.-Northeastern New Jersey; Los Angeles-Long Beach, California; Chicago, Ill.-Northwestern Indiana; Philadelphia, Pa.-N.J.; Detroit, Mich.; San Francisco-Oakland, Calif.; Boston, Mass.; Washington, D.C.-Md.-Va.; Cleveland, Ohio; St. Louis, Mo.-Ill.; Pittsburgh, Pa.; Minneapolis-St. Paul, Minn.; Houston, Tex.; Baltimore, Md.; Dallas, Tex.; Milwaukee, Wis.; Seattle-Everett, Wash.; Miami, Fla.; San Diego, Calif.; Atlanta, Ga.; Cincinnati, Ohio-Ky.; Kansas City, Mo.-Kans.; Buffalo, N.Y.; Denver, Colo.; San Jose, Calif.; New Orleans, La.; Phoenix, Ariz.; Portland, Oreg.-Wash.; Indianapolis, Ind.; Providence-Pawtucket-Warwick, R.I.-Mass.; Columbus, Ohio; San Antonio, Tex.; Louisville, Ky.-Ind.; Dayton, Ohio; Fort Worth, Tex.; Norfolk-Portsmouth, Va.; Memphis, Tenn.-Miss.; Sacramento, Calif.; Fort Lauderdale-Hollywood, Fla.; Rochester, N.Y.; Tampa-St. Petersburg, Fla.

(ii) The continuous carrier mode of operation may be used for telemetry transmissions on this frequency for periods up to two-minutes duration; following which there must be a break in the carrier for at least a one-minute period.

(iii) Geographical coordinates for the above-listed urbanized areas may be found at § 90.365(h).

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17829 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations: Update and Standardize Botanical Names, Testing Methods and Certification Standards; Notice of Public Hearings

Correction

In FR Doc. 81-17127, appearing in the issue of Wednesday, June 10, 1981, at page 30780, make the following change, on page 30787, in § 201.58d(b)(2), the third sentence should read, "Thoroughly moisten a layer of vermiculite at least 40 mm in depth with nitrogen-free nutrient solution, and level the surface with a 10 mm layer of washed sterile sand.".

BILLING CODE 1505-01-M

7 CFR Parts 1125 and 1133

[Docket Nos. AO-226-A29 and AO-275-A32]

Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider a proposal by a major cooperative association to merge the Puget Sound and Inland Empire marketing areas under one order. The proposal also would expand the proposed merged area to include 12 additional counties in the State of Washington. The Puget Sound order provisions would be used to a large extent as the basic regulatory provisions of the merged order. The merger proposal would not include a Class I base plan as now provided by the Puget Sound order. Proposals of other parties, however, would continue the base plan under a merged order. Other proposals would amend certain provisions of the Puget Sound order if applied to a merged order. Proponents, which include both handlers and producer groups, contend that the changes are needed to reflect changed marketing conditions.

DATES: July 7, 1981, and July 13, 1981.

ADDRESSES: Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, Seattle, Washington 98188, on July 7, 1981, and at the Ramada Inn, Spokane International Airport, Spokane, Washington 99219, on July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agriculture Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, Seattle, Washington, beginning at 9:30 a.m. on July 7, 1981, with an additional session also to be held at the Ramada Inn, Spokane International Airport, Spokane, Washington, beginning at 9:30 a.m. on July 13, 1981, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called 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).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Proposal No. 1, a proposal to combine the Puget Sound, Washington, and Inland Empire marketing areas under one order, raises the issue of whether the provisions set forth in that proposal would tend to effectuate the declared policy of the Act if they are applied to the proposed merged and expanded marketing area, and if not, what modifications of the proposal would be appropriate. Similarly, Proposal No. 2 relative to a redefinition of the Puget Sound, Washington, marketing area raises the issue whether the provisions of the proposal would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and if not, what modifications of the provisions of the proposed amended order would be appropriate.

Issues raised by the proposals set forth herein also include whether the declared policy of the Act would tend to be effectuated by:

(a) Merging under one order the Puget Sound, Washington, and Inland Empire marketing areas.

(b) The adoption of any of the proposed provisions, or appropriate modification thereof, for separate orders or a combined order, including a review of the appropriate pricing and pooling provisions of the order whether separate or combined. The issue of consolidation of the Puget Sound and Inland Empire marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds and administrative funds accumulated under the respective orders.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Northwest Dairymen's Association

Proposal No. 1

PART 1125—MILK IN THE PUGET SOUND-INLAND MARKETING AREA

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1125.2 Puget Sound-Inland marketing area.

"Puget Sound—Inland marketing area" (hereinafter called the "marketing area") means all territory geographically within the places listed below, including all territory wholly or partly therein occupied by government (Municipal, State or Federal) reservations, facilities, installations, or institutions:

Idaho Counties

Benewah, Bonner, Boundary, Kootenai, Latah, Shoshone.

Washington Counties

Adams, Chelan, Clallam, Douglas, Ferry, Grant, Grays, Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis (except the town of Vader), Lincoln, Mason, Okanogan, that portion of Pacific county north of township 11N (except Long Island and North Beach Peninsula), Pend Orielle, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Whatcom, Whitman.

§ 1125.3 Route disposition.

"Route disposition" means any delivery of fluid milk products (including delivery at a plant, plant store, or eating place and delivery by a vendor or through a distribution point), except:

(a) A delivery to a plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and classified as Class I under § 1125.42(a), shall be considered route disposition from the transferor-plant for the sole purpose of qualifying it as a pool distributing plant under § 1125.7(a), and the transferor-plant shall be assigned in-area dispositions but not in excess of the in-area dispositions of the transferee;

(b) A delivery in bulk to a commercial food processing establishment pursuant to § 1125.40(b)(3); or

(c) A delivery to a military or other ocean transport vessel leaving the marketing area, of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant.

§ 1125.4 Plant.

"Plant" means the building, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk or milk products (including filled milk).

The term "plant" (which does not include "bulk reload points") means buildings, and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by a duly constituted regulatory agency and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant. However, milk which is reloaded at such a facility in transit to another plant at which it is processed, shall, for purposes of pricing only, be considered a receipt at the plant at which it is processed.

§ 1125.5 Distributing plant.

"Distributing plant" means a plant in which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is processed or packaged and that has route disposition in the marketing area during the month.

§ 1125.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is transferred during the month to a pool distributing plant.

§ 1125.7 Pool plant.

Except as provided in paragraph (c) of this section "pool plant" means a plant specified in paragraph (a) or (b) of this section. For the purpose of determining a plant's pool status under paragraphs (a), (b), or (c) of this section, the receipts and disposition of filled milk shall be excluded from such computation.

(a) A distributing plant with route disposition in the marketing area during the month that averages more than 300 pounds daily and is also not less than 10 percent of receipts of Grade A milk at such plant. For purposes of this paragraph, route disposition shall not include receipts from a transferor-plant pursuant to the proviso of § 1125.3(a); or

(b) A supply plant from which there is transferred to a pool distributing plant fluid milk products that represent not less than the following percentages of the total quantity of Grade A milk that is physically received at such plant directly from dairy farmers, or a cooperative association pursuant to § 1125.9(c) or diverted therefrom as producer milk pursuant to § 1125.13:

Months and Applicable Percentage

January, February, or September—40
March through August—30
October through December—50

Any such plant that has transferred the applicable percentage of its receipts during the entire September through February period shall be a pool plant for the months of March through August immediately following. Any plant which otherwise meets the requirement of this paragraph may withdraw from pool supply plant status in the March through August period if the operator of the plant files with the market administrator prior to the first day of such month a written request for such withdrawal. The plant may regain pool status during such period only by meeting the applicable qualifying percentage.

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

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately proceding month it shall continue to be subject to all the provisions of this part until the fourth consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition in this marketing area than in such other marketing area but which plant maintains pooling status for the month under such other Federal order; or

(4) A plant pursuant to paragraph (b) of this section which also meets the pool plant requirements of another Federal order and from which greater shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order; or

(5) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk products for Grade A disposition.

§ 1125.8 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 300 pounds daily of fluid milk products is disposed of as route disposition in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

§ 1125.9 Handler.

"Handler" means:

(a) The operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which is caused to be diverted for the account of such cooperative association from a pool plant to a nonpool plant, or pursuant to § 1125.40(b)(3);

(c) Any cooperative association with respect to producer milk received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month of delivery that it elects to be the handler of such milk;

(d) The operator of a partially regulated distributing plant;

(e) A producer-handler; and

(f) The operator of an other order plant from which route disposition is made in the marketing area during the month.

§ 1125.10 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products, except filled milk, is disposed of as route disposition within the marketing area and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section. Any state institution shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to movements of milk to or from a pool plant.

(a) *Requirements for designation.*

(1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Designation of any person as a producer-handler following a cancallation of his prior designation shall be preceded by performance in accordance with paragraph (a) (1), (2), and (3) of this section for a period of 1 month.

(b) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk productioin resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler: Provided, That for purposes of this paragraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing within the marketing area any fluid milk product:

(1) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) *Cancellation.* The designation as a producer-handler shall be canceled under any of the conditions set forth in paragraph (c) (1) and (2) of this section or upon determination by the market administrator that any of the requirements of paragraph (a) (1), (2), and (3) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designation milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities and resources, with the exception of purchases from pool plants in the form of packaged fluid milk or fluid cream products other than whole milk, which do not exceed in the aggregate a daily average during the month of 100 pounds.

(d) *Public Announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been canceled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1000.5 of this chapter that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1125.11 [Reserved]

§ 1125.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at pool plant directly from such person;

(2) Received by a handler described in § 1125.9(c); or

(3) Diverted from a pool plant in accordance with § 1125.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1125.44(a)(8)(iii) and the corresponding step of § 1125.44(b).

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such order;

(4) Any person who during the month has disposed of as route distribution or to consumers at the farm an average of more than 110 pounds daily of fluid milk or fluid cream products; and

(5) Any person (to be known as a dairy farmer for other markets) who during the month delivers milk to a nonpool plant (except an other order plant) other than by diversion from a pool plant of this or another order.

§ 1125.13 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk diverted from such pool plant to a nonpool plant or pursuant to § 1125.40(b)(3) for the account of the operator of the pool plant, subject to the conditions set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk diverted from a pool plant to a nonpool plant or pursuant to § 1125.40(b)(3) for the account of the cooperative association, subject to the conditions set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.9(c) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.73(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) With respect to diversions to nonpool plants or pursuant to § 1125.40(b)(3):

(1) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool distributing plants to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk diverted may not exceed 80 percent during the months of September through April of the producer milk which the association or its agent causes to be delivered to pool distributing plants, or diverted therefrom. No percentage limit shall apply during the months of May through August;

(2) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool supply plants to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk so diverted may not exceed 50 percent of the producer milk which the association or its agent causes to be delivered to all such pool supply plants or diverted therefrom during the month;

(3) A handler, other than a cooperative association, operating a pool distributing plant may divert therefrom for his account to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk diverted may not exceed 80 percent during the months of September through April of the milk received at or diverted from such handler's pool distributing plant from any producer other than a member of a cooperative association which markets milk under paragraph (c)(1) or (c)(2) of this section and for which the operator of such plant is the handler during the month. No percentage limit shall apply during the months of May through August;

(4) A handler, other than a cooperative association, operating a pool supply plant may divert therefrom for his account to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk so diverted may not exceed 50 percent of the total milk received at or diverted from such pool plant during the month from any producer other than a member of a cooperative association which markets milk under paragraphs (c)(1) or (c)(2) of this section and for which the operator of such plant is the handler during the month;

(5) Milk diverted in excess of the limits specified shall not be considered producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler during the month;

(6) For purpose of location adjustments pursuant to §§ 1125.52 and 1125.75, milk diverted to a nonpool plant or pursuant to § 1125.40(b)(3) shall be priced at the location of the plant or commercial food processing establishment to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently divided among plants, the

proportion of the load received at each plant shall be prorated among the individual producers involved on the basis of their respective percentage of the total load.

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1125.40(b)(1) from any source other than producers, handlers described in § 1125.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1125.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1125.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1125.40(b)(1)) for which the handler fails to establish a disposition.

§ 1125.15 Fluid milk products.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: milk, skim milk, lowfat milk, milk drinks, buttermilk, mixtures of cream and milk or skim milk containing less than 18 percent butterfat (including those which are sterilized or aseptically packaged), filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plant or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1125.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 18 percent or more butterfat, with or without the addition of other ingredients.

§ 1125.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1125.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1125.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

Handler Reports

§ 1125.30 Reports of receipts and utilization.

On or before the 9th day of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association pursuant to § 1125.9(c);

(iii) Fluid milk products and bulk fluid cream products received from other pool plants showing filled milk separately;

(iv) Other source milk showing filled milk separately; and

(v) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1125.40(b)(1).

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities in route disposition inside and outside the marketing area.

(b) Each producer-handler shall report:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk of own-farm production;

(ii) Receipts of fluid milk products and fluid cream products from pool plants, showing separately receipts in packaged form and in bulk; and

(iii) Other source milk, showing separately any receipts from another dairy farmer.

(2) As specified in paragraph (a)(2) of this section.

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1125.9(b) or (c):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1125.9(b); and

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1125.9(c).

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a)(1) and (2) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

(e) Each handler who operates an other order plant with route disposition of fluid milk products in the marketing area shall report the quantities of skim milk and butterfat in such disposition.

§ 1125.31 Payroll reports.

On or before the 22nd day of each month handlers shall report to the market administrator as follows:

(a) Each handler with respect to each of his pool plants and each cooperative association which is a handler pursuant to § 1125.9(b) or (c) shall submit his producer payroll for deliveries (other than his own-farm production) in the preceding month which shall show:

(1) The total pounds of milk received from each producer, the pounds of

butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions or charges involved in such payments; and

(b) Each handler operating a partially regulated distributing plant who wishes computations pursuant to § 1125.76(a) to be considered in the computation of his obligation pursuant to § 1125.76 shall submit his payroll for deliveries of Grade A milk by dairy farmers which shall show:

(1) The total pounds of milk and the butterfat content thereof received from each dairy farmer;

(2) The amount of payment to each dairy farmer (or to a cooperative association on behalf of such dairy farmer); and

(3) The nature and amount of any deductions or charges involved in such payments.

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under §§ 1125.30 and 1125.31 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

Classification of Milk

§ 1125.40 Classes of utilization.

Except as provided in § 1125.42 all skim milk and butterfat required to be reported by a handler pursuant to § 1125.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section;

(2) In packaged inventory of fluid milk products at the end of the month; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt and any product containing 6 percent or more non-milk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In all bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment, or in producer milk diverted to a commercial food processing establishment in Pacific County, Washington, subject to the conditions of § 1125.42(e), (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids; frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section.

(iv) Plastic cream, frozen cream and anhydrous milkfat.

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed, glass, or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Use to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1125.15; and

(6) In shrinkage assigned pursuant to § 1125.41(a) to the receipts specified in § 1125.41(a)(2) and in shrinkage specified in § 1125.41 (b) and (c).

§ 1125.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1125.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product.

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1125.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1125.9(c), except that 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 under this paragraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant or to a commercial food processing extablishment pursuant to § 1125.40(b)(3), except that if the operator of the plant or establishment 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 under this paragraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid

milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operator of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1125.9(b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of a plant or a commercial food processing establishment pursuant to § 1125.40(b)(3) 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 under this paragraph for the cooperative association shall be zero.

§ 1125.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred 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 the operators of both plants request the same classification in another class. In either case, the classification of such transfers 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 after the computations pursuant to § 1125.44 (a)(12) and the corresponding step of § 1125.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44(a)(7) or the corresponding step of § 1125.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1125.44(a)(11) or (12) or the corresponding steps of § 1125.44(b), the skim milk or butterfat so transferred 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.

(b) *Transfers and diversions to other order 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 an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2) or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section;

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1125.40.

(c) *Transfers and diversions to producer-handlers.* Skim milk or butterfat transferred or diverted in the form of fluid milk product or a bulk fluid cream product from a pool plant to a producer-handler under this or any other Federal order shall be classified as Class I milk.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1125.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plants;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, plant; and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Diversions to a commercial food processing establishment.* Skim milk and butterfat diverted to a commercial food processing establishment shall be classified:

(1) Subject to the provisions of § 1125.13(c) and, except as provided in paragraph (e)(2) of this section, as Class II milk if diverted pursuant to § 1125.40(b)(3); or

(2) The diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the commercial food processing establishment for the purpose of verification.

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1125.30 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 § 1125.9 (b)(or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1125.40, 1125.41, and 1125.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to §§ 1125.40 through 1125.45 butterfat in skim milk either disposed or to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.060 percent unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1125.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1125.9(a) for each of his pool plants separately and of each handler described in § 1125.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1125.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class:

(i) The pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(a) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(b) From Class I milk, the pounds of skim milk in packaged fluid milk products in inventory at the beginning of the month, but not in excess of the pounds remaining in Class I;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to any product specified in § 1125.40(b) but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1125.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handling pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1125.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentages that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, beginning with Class III, the pounds of skim milk in packaged fluid milk products, in bulk fluid milk products and in products specified in § 1125.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(3), (5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro rata to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or divisions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this paragraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this paragraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted

first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1125.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(ii) or (i) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined that exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and the Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(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 § 1125.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, 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";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk 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.

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1125.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1125.50 Class prices.

Subject to the provisions of § 1125.52, the class prices for the month, per hundredweight of milk containing 3.5 percent butterfat, shall be as follows.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

(b) *Class II price.* The Class II price shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III price.* The Class III price shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price pursuant to § 1125.51 by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraph (c) (1) and (2) of this section subtract 48 cents, and round to the nearest cent.

§ 1125.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as

one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1125.52 Plant location adjustment for handlers.

(a) For milk received at a plant located inside the marketing area, or in the Washington counties of Yakima, Benton, Franklin or Walla Walla, or in the Idaho county of Nez Perce, there shall be no location adjustment.

(b) For locations not specified in subsection (a) above, the price specified in § 1125.50(a) shall be reduced by 1.5 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance that the plant is located from the nearer of the County Courthouse in Spokane or the County-City Building in Seattle.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that no price so adjusted shall be less than the Class III price.

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1125.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the pricing constituent that is required.

Uniform Price

§ 1125.60 Handler's value of milk for determining pool obligation

For the purpose of determining each handler's pool obligation, 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 § 1125.9 (b) and (c) with respect to milk that was not received at a pool plant, as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1125.44(c), by the applicable class prices (adjusted pursuant to § 1125.52) and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(14) and the corresponding step of § 1125.44(b) by the class prices applicable at the location of the pool plants, as adjusted by the butterfat differential specified in § 1125.74. In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, add an amount equal to the value of overage allocated to the transferred quantity at the class price applicable at the pool plant;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1125.44(b) excluding receipts of bulk fluid cream products from an other order plant;

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(7) (v) and (vi) and the corresponding step of § 1125.44(b);

(e) Add the amount obtained from multiplying the difference between the Class III price and the Class I price adjusted pursuant to § 1125.52, or the Class II price as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1125.44(a)(9) and the corresponding step of § 1125.44(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(11) and the corresponding step of § 1125.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by a handler fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order; and

(g) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

§ 1125.61 Computation of uniform price.

For each month the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1125.60 for all handlers who filed the reports prescribed by § 1125.30 for the month and who made the payments pursuant to § 1125.71 and § 1125.73 for the preceding month;

(b) Add an amount equal to the sum of the deductions for location adjustments computed pursuant to § 1125.75;

(c) Add an amount equal to not less than one-half of the unobilgated balance in producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1125.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1125.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 14th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1125.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.71, and 1125.76 and out of which he shall make all payments to handlers pursuant to § 1125.72: *Provided*, that the market administrator shall offset the payment due to a handler from such fund against payments due from such handler.

§ 1125.71 Payments to the producer-settlement fund.

(a) On or before the 16th after the end of the month during which the skim milk and butterfat were received each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the total amount specified in paragraph (a)(2) of this section:

(1) The sum of:

(i) The total value of milk of the handler for such month as determined pursuant to § 1125.60; and

(ii) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.73(d) but without adjustment for butterfat;

(2) The sum of:

(i) The value of milk received by such handler from producers at the applicable uniform price pursuant to § 1125.73(a)(2) but without adjustment for butterfat;

(ii) The amount to be paid to cooperative associations pursuant to § 1125.73(d) but without adjustment for butterfat; and

(iii) The value at the uniform price for all skim milk and buttermilk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1125.60(f); and

(b) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c)(2) and (3), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in paragraph (b)(1) of this section to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant (but not to be less than the Class III price) and subtract its value at the Class III price.

§ 1125.72 Payments from the producer-settlement fund.

On or before the 18th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.71(a)(2) exceeds the amount computed pursuant to § 1125.71(a)(1), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.71(a), 1125.77, 1125.85, and 1125.86: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1125.73 Payments to producers and to cooperative associations.

(a) Each handler shall make payments to each producer for milk received from such producer during the month:

(1) On or before the last day of the month to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer; and

(2) On or before the 19th day after the end of each month for milk received from such producers during such month:

(i) At not less than the uniform price for the quantity of milk received, adjusted by the butterfat differential computed pursuant to § 1125.74 and by any location adjustments applicable under § 1125.75;

(ii) Minus payments made pursuant to paragraph (a)(1) of this section: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1125.72, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to a cooperative association qualified under § 1125.18, or its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph, shall be made on or before 2 days prior to the dates specified in paragraph (a) of this section.

(c) Each handler shall pay to each cooperative association or its duly authorized agent which operates a pool plant for skim milk and butterfat received from such plant:

(1) On or before the 2nd day prior to the date specified in paragraph (a)(1) of this section for skim milk and butterfat received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the 15th day after the end of such month, an amount of money computed by multiplying the total punds of such skim milk and butterfat in each class pursuant to § 125.42(a) by the class price adjusted by the butterfat differential and taking into account any location adjustment as provided by § 1125.52 applicable at the pool plant of the cooperative association or its agent, minus payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler who received milk for which a cooperative association is the handler pursuant to § 1125.9(c) shall pay such cooperative association for such milk received:

(1) On or before the 2nd day prior to the date specified in paragraph (a)(1) of this section for such milk received during the first 15 days of that 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 the milk received at not less than the uniform price for all milk adjusted pursuant to §§ 1125.74 and 1125.75(b), minus payments made pursuant to paragraph (d)(1) of this section.

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

(f) In making payments to producer pursuant to this section, each handler, on or before the 19th day of each month shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

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

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate at which payment to the producer is required under the provisions of this section;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum price provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(g) In making payment to a cooperative association in aggregate pursuant to this section, each handler upon request shall furnish to the cooperative association, with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (f) of this section.

§ 1125.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago as reported by the Department for the month.

§ 1125.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payment to producers pursuant to § 1125.73(a) subject to the application of § 1125.13(c)(6) deduction may be made per hundredweight of milk received from producers at respective plant locations at the same rate as specified for Class I milk set forth in § 1125.52.

(b) In making payments to a cooperative association pursuant to § 1125.73(d) deductions may be made at the rates specified for Class I milk in § 1125.52 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.71(a) and 1125.72 the uniform price for all milk shall be adjusted at the rates set forth in § 1125.52 for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1125.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1125.30(d) and 1125.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) This obligation that would have been computed pursuant to § 1125.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation (receipts at such nonpool plant from a pool computation), receipts at such nonpool plant from a pool plant or another order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or another order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1125.60(f) and a credit in the amount specified in § 1125.71(a)(2)(iii) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1125.30(d) and 1125.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1125.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1125.74, and like payments made by the operator of a supply plant(s) included in the computations pursuant to paragraph (a)(1) of this section and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition of Class I milk within the marketing area;

(2) Deduct the respective amount of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not another order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) [Reserved]

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in paragraph (b) (3) of this section its value computed at the Class I price applicable at the location of the nonpool plant (but not to be less than the Class III price) less the value of such skim milk at the Class III price.

§ 1125.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the

market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

Administrative Assessment and Marketing Service Deduction

§ 1125.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1125.44(a) (7) and (11) and the corresponding steps of § 1125.44(b), except such other source milk on which no handler obligation applies pursuant to § 1125.60(f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1125.76(b)(2)(ii).

§ 1125.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1125.73(a)(2), shall make a deduction of 5 cents per hundredweight of milk or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association.

(2) [Reserved]

(3) All milk received at a plant operated by a cooperative association from producers for whom the marketing services set forth below in this subparagraph are not being performed by the cooperative association as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 16th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers, and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefore to, a cooperative association;

(2) Whose milk is received at a plant not operated by such association; and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1125.73 (a)(2) the amount per hundredweight on milk authorized by such producer and shall pay, on or before the 18th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

Proposed by Producers' Base Committee

Proposal No. 2

As an alternative to Proposal No. 1, amend the present Puget Sound, Washington order in the following manner:

Amend § 1125.2 Defining the Marketing Area:

By deleting from the captioned heading of § 1125.2 the words "Puget Sound, Washington," and by substituting in lieu of the deleted words the words "Puget Sound-Inland,".

By deleting from the opening words of § 1125.2 the words "Puget Sound, Washington.," and by substituting for the deleted words the words "Puget Sound-Inland,".

By adding to § 1125.2 following its first paragraph [ending with the word . . . "institutions:"] and above the centered caption "Washington Counties" the centered caption "Idaho Counties" followed by:

Benewah, Bonner, Boundary, Kootenai, Latah, Shoshone.

By adding to § 1125.2 beneath the centered caption "Washington Counties" and above the words "Grays Harbor" the words:

Adams, Chelan, Clallam, Douglas, Ferry, Grant.

By adding to § 1125.2 beneath the word "Island" and above the word "King" the word:

Jefferson.

By adding to § 1125.2 beneath the word "King" and above the words "Lewis (except the town of Vader)." the words:

Kitsap, Kittitas.

By adding to § 1125.2 beneath the words "Lewis (except the town of Vader)." and above the words "Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula)." the words:

Lincoln, Mason, Okanagan.

By adding to § 1125.2 beneath the words "Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula)." and above the words "Pierce (except Fox, NcNeil and Anderson Islands and the peninsulas adjacent to Ketsap County." the words:

Pend Oreille.

By deleting from § 1125.2 the words "(except Fox, McNeil and Anderson Islands and the peninsulas adjacent to Ketsap County)." that follow the word "Pierce" and that are above and precede the words "San Juan".

By adding to § 1125.2 beneath the word "Snohomish" and above the word "Thurston" the words:

Spokane, Stevens.

By adding to § 1125.2 beneath the word "Whatcom" (and as the last Washington County to be included in the marketing area) the word:

Whitman.

Amend § 1125.4 defining plant:

By deleting from the opening sentence of § 1125.4 the words "land" and "surroundings".

By deleting from subparagraph (a) of § 1125.4 the parenthesized letter "(a)" that precedes the opening words "Bulk reload points" and by changing the capital letter "B" in the word "Bulk" to a lower case "b".

By deleting from the first sentence of subparagraph (a) of § 1125.4 the words "comprise the" and by substituting for the deleted word the word "means".

By deleting all of subparagraph (b) of § 1125.4.

Amend § 1125.7 defining Pool plant:

By deleting from the opening sentence of § 1125.7(a) numerals "110" that follow the word "than" and that precede the word "pounds" and by substituting for the deleted numerals the numerals "300".

By deleting from § 1125.7(c)(2) the word "third" that follows the words "until the" and that precedes the words "consecutive month" and by substituting for the deleted word the word "fourth".

By deleting the period (.) following the last sentence of § 1125.7(c)(4) and by substituting for the deleted period (.) a semicolon (;) and by adding to § 1125.7(c) as a new, fifth and final subparagraph the following:

"(5) That portion of a plant that is physically separated from the Grade A

portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product from Grade A disposition."

Amend § 1125.8 defining nonpool plant by deleting from § 1125.8(c) the numerals "110" that follow the word "than" and that precede the word "pounds" and by substituting for the deleted numerals "300".

Amend § 1125.10 defining Producer-handler:

By deleting from § 1125.10 the opening words of the section's third sentence, *viz.*, "The Department of Institutions, State of Washington," and by substituting for the deleted words the words "A State institution".

By adding to § 1125.10(c)(2) after the words "in the form of packaged fluid milk" and before the word "products", the words "or fluid cream".

Amend § 1125.12 defining Producer by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1125.9(c); or

(3) Diverted from a pool plant in accordance with § 1125.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1125.44(a)(8)(iii) and the corresponding step of § 1125.44(b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order;

(4) Any person who during the month has disposed of as route distribution or to consumers at the farm an average of more than 110 pounds daily of fluid milk or fluid cream products; and

(5) Any person (to be known as a dairy farmer for other markets) who during the month delivers milk to a nonpool plant (except an other order plant) other than by diversion from a pool plant of this or another order."

Amend § 1125.13 defining producer milk:

By deleting from the opening words of § 1125.13(b)(1) the words "the pool plant of another handler" and by substituting for the deleted words the words "a pool plant".

By deleting from the second sentence of § 1125.13(c)(1) the numerals "70", and the words "January and 80 percent during the months of February through April" and by substituting for the deleted numerals the numerals "80" and by substituting for the deleted words commencing with "January" the word "April".

By deleting from the second sentence of § 1125.13(c)(3) the numerals "70", the words "January and 80 percent during the months of February through April" and the word "producers" and by substituting for the deleted numerals the numerals "80", by substituting for the deleted words commencing with "January" the word "April" and by substituting for the deleted word "producers" the words "any producer other than a member of a cooperative association which markets milk under paragraphs (c)(1) or (c)(2) of this Section."

By deleting from § 1125.13(c)(3) the next to last sentence of the subsection that reads: "The milk for which the operator of such plant is the handler during the month, however, shall not duplicate milk diverted pursuant to paragraph (c)(1) of this Section."

Amend § 1125.14 defining Other Source Milk by deleting the entire section and substituting in lieu thereof the following:

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1125.40(b)(1) from any source other than producers, handlers described in § 1125.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1125.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1125.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1125.40(b)(1)) for which the handler fails to establish a disposition.

Amend § 1125.15 defining Fluid Milk Products by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: milk, skim milk, lowfat milk, milk drinks, buttermilk, mixtures of cream and milk or skim milk containing less than 18 percent butterfat (including those which are sterilized or aseptically packaged), filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Add a new § 1125.16 defining Fluid Cream Products as follows:

§ 1125.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 18 percent or more butterfat, with or without the addition of other ingredients.

Amend § 1125.18 defining a Cooperative Association by pluralizing the word "sale" in subsection 1125.18(c) so that it shall read "sales".

Amend § 1125.30 entitled Reports of Receipts and Utilization:

By deleting from the first sentence of § 1125.30 the term "8th" and by substituting for the deleted term the term "9th".

By inserting in § 1125.30(a)(1)(iii) after the words "Fluid milk products" and before the words "received from other pool plants" the words "and bulk fluid cream products" and by deleting, as the

last word of § 1125.30(a)(1)(iii), the word "and".

By deleting from § 1125.30(a)(1)(iv) the period (.) following the word "separately" and by substituting for the deleted period (.) a semi-colon (;) followed by the word "and".

By adding to § 1125.30(a)(1) as a new subparagraph (v) the following:

"Inventories at the beginning and end of the month of fluid milk products and products specified in § 1125.40(b)(1)."

By deleting from the opening sentence of § 1125.30(a)(2) the colon (:) following the word "quantities", by deleting § 1125.30(a)(2) (i) and (ii) and by substituting for all of the deleted material the words "in route disposition inside and outside the marketing area."

By inserting in § 1125.30(b)(1)ii) after the words "fluid milk products" and before the words "from pool plants" the words "and fluid cream products."

By deleting from § 1125.30(b)(2) the numeral "(4)" and by substituting for the deleted numeral "(3)".

By adding as the last word of § 1125.30(c)(2) the word "and".

By deleting the semi-colon (;) and the word "and" at the end of § 1125.30(c)(3) and by substituting for the deleted semi-colon (;) a period (.).

By deleting all of subparagraph § 1125.30(c)(4).

By deleting from the first sentence of § 1125.30(d) the words "paragraph (a) (1), (2), and (4)" and by substituting for the deleted words the words "paragraph (a) (1) and (2)."

Amend § 1125.31 entitled Payroll Reports:

By deleting from the opening words of § 1125.31 the term "20th" and substitute in lieu thereof the term "22nd".

Amend § 1125.40 entitled Classes of Utilization by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.40 Classes of utilization.

Except as provided in § 1125.42 all skim milk and butterfat required to be reported by a handler pursuant to § 1125.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, *except as otherwise provided in paragraphs (b) and (c) of this section;*

(2) In packaged inventory of fluid milk products at the end of the month; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more non-milk fat (or oil) that resembles a fluid cream product eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In all bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment, or in producer milk diverted to a commercial food processing establishment in Pacific County, Washington, subject to the conditions of § 1125.42(e) (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids; frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1125.15; and

(6) In shrinkage assigned pursuant to § 1125.41(a) to the receipts specified in § 1125.41(a) (2) and in shrinkage specified in § 1125.41 (b) and (c).

Amend § 1125.41 entitled "Shrinkage" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1125.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product.

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1125.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1125.9(c), except that 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 under this paragraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant operator to another plant, or to a commercial food processing establishment pursuant to § 1125.40(b)(3), except that if the operator of such plant or establishment 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 under this paragraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1125.9(b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of a plant or a commercial food processing establishment pursuant to § 1125.4(b)(3) to which the milk is delivered purchases such milk on the basis of weights determined from its measurement as the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

Amend § 1125.42 entitled "Classification of transfers and diversions" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred 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 the operators of both plants request the same classification in another class. In either case, the classification of such transfers 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 after the computations pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b).

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44 (a)(7) or the corresponding step of § 1125.44 (b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1125.44 (a)(11) or (12) or the corresponding steps of § 1125.44(b), the skim milk or butterfat so transferred 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.

(b) *Transfers and diversions to other order 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 an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2) or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1125.40.

(c) *Transfers and diversions to producer-handlers.* 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 a producer-handler under this or any other Federal order shall be classified as Class I milk.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transfer-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1125.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Diversions to a commercial food processing establishment.* Skim milk and butterfat diverted to a commercial food processing establishment shall be classified:

(1) Subject to the provisions of § 1125.13(c) and, except as provided in paragraph (d)(2) of this section, as Class II milk if diverted pursuant to § 1125.40(b)(3); or

(2) The diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the commercial food processing establishment for the purpose of verification.

Amend § 1125.43 entitled "General classification rules" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1125.30 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 § 1125.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1125.40, 1125.41, and 1125.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to § 1125.40 through § 1125.45, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.060 percent unless the handler has adequate records of the actual butterfat content of such skim milk.

Amend § 1125.44 entitled "Classification of producer milk" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.44 Classification of producer milk.

"For each month the market administrator shall determine the classification of producer milk of each handler described in § 1125.9(a) for each of his pool plants separately and of each handler described in § 1125.9 (b) and (c) by allocating the handler's receipts of skim milk and butter fat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(2) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1125.41 (b);

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class:

(i) The pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(*a*) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(*b*) From Class I milk, the remainder of such receipts;

(ii) From Class I milk the pounds of skim milk in packaged fluid milk products in inventory at the beginning of the month, but not in excess of the pounds remaining in Class I;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products

specified § 1125.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to any product specified in § 1125.40(b) but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1125.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of the section:

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1125.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined:

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk (remaining) in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent or available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentages that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, beginning with Class III, the pounds of skim milk in packaged fluid milk products, in bulk fluid milk products and in products specified in § 1125.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(3), (b)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro rated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this paragraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this paragraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other

pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available.

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii) and (iv) of this section such subtraction shall be pro rata to the pounds of skim milk in Class I and Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1125.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants. The pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined that exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and the Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(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 § 1125.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, 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";

(b) Butterfat shall be allocated in accordance with the procedure oulined for skim milk in paragraph (a) of this section; and

(c) the quantity of producer milk 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."

Amend § 1125.45 entitled "Market Administrators reports and announcements concerning classification" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44 (b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1125.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Amend § 1125.50 entitled "Class Prices" by deleting from § 1125.50(a) everything after the word "plus" and by substituting for the deleted numerals and words the numerals "$1.95".

Amend § 1125.51 entitled "Basic formula price" by deleting the last sentence of the section.

Amend § 1125.52 entitled "Plant location adjustments for handlers" by deleting from the §§ 1125.52(a) and 1125.52(b) and by substituting in lieu thereof the following:

§ 1125.52 Plant location adjustments for handlers.

(a) For milk received at a plant located inside the marketing area, or in the Washington counties of Yakima, Benton, Franklin, or Walla Walla, or in

the Idaho county of Nez Perce, there shall be no location adjustment.

(b) For locations outside of the marketing area, the price specified in § 1125.50(a) shall be reduced by 1.5 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance that the plant is located from the nearer of the County Courthouse in Spokane or the County-City Building in Seattle.

Amend § 1125.53 entitled "Announcement of class prices" by deleting therefrom everything following the words "Class II and Class III prices for the preceding month" and by substituting for the deleted punctuation and words a period [.].

Amend § 1125.60 entitled "Handlers value of milk for computing uniform prices":

By deleting from the captions heading of § 1125.60 the words "computing uniform prices" and by substituting for the deleted words the words "Determining pool obligations."

By deleting from § 1125.60 the first full paragraph and by substituting in lieu thereof the following:

"For the purpose of determining each handler's pool obligation, 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 § 1125.9(b) and (c) with respect to milk that was not received at a pool plant, as follows:"

By deleting from § 1125.60(a) the expression "and (b)" following the reference to "§ 1125.52".

By deleting from § 1125.60(b) the reference to "§ 1125.44(a)(12)" and by substituting for the deleted reference a reference to "§ 1125.44(a)(14)".

By deleting from § 1125.60, 1125.60(b) through and including § 1125.60(e) and by substituting in lieu thereof:

§ 1125.60 Handler's value of milk for determining pool obligation.

* * * * *

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(14) and the corresponding step of § 1125..44(b) by the class prices applicable at the location of the pool plant, as adjusted by the butterfat differential specified in § 1125.74. In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, add an amount equal to the value of overage allocated to the transferred quantity at the class price applicable at the pool plant;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butter fat in other source milk subtracted from Class I pursuant to § 1125.44(a)(7)(i) through (iv) and (vii) and the corresponding step of § 1125.44(b) excluding receipts of bulk fluid cream products from another order plant;

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(7)(v) and (vi) and the corresponding step of § 1125.44(b);

(e) Add the amount obtained from multiplying the difference between the Class III price and the Class I price adjusted pursuant to § 1125.52, or the Class II price as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1125.44(a)(9) and the Corresponding step of § 1125.44(b)."

§ 1125.60 [Amended].

* * * * *

By deleting from § 1125.60(f) the reference to "§ 1125.44(a)(9)" and by substituting for the deleted reference a reference to "§ 1125.44(a)(11)".

By deleting from § 1125.60 the period [.] at the end of the subsection and by substituting for the deleted period [.] "; and".

By adding to § 1125.60 a new subsection designated § 1125.60(g) that shall read as follows:

(g) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

Amend § 1125.62 entitled "Announcement of uniform prices and butterfat differential" by deleting from § 1125.62(b) the expression "13th" and by substituting for it the expression "14th.".

Amend § 1125.70 entitled "Producer-settlement fund" by deleting the period [.] at the end of the section and by substituting in lieu thereof a semicolon [;] followed by:

"Provided, that the market administrator shall offset the payment due to a handler from such fund against payments due from such handler."

Amend § 1125.71 entitled "Payments to the producer-settlement fund." as follows:

By deleting from § 1125.71(a) the expression "15th" and by substituting for the deleted expression the expression "16th".

By adding to § 1125.71(a)(2)(iii) after the words "skim milk" and before the words "and butterfat" the words "and buttermilk".

Amend § 1125.72 entitled "Payments from the producer-settlement fund" by deleting from the opening words of the section the expression "17th" and by substituting for the deleted expression the expression "18th".

Amend § 1125.73 entitled "Payments to producers and to cooperative associations":

By deleting from § 1125.73(a) the word "or" that is located after the words "from milk received" and before the words "such producer" and by substituting for the deleted word the word "from".

By deleting from the opening words of § 1125.73(a)(1) the expression "25th" and by substituting for the deleted expression the word "last".

By deleting from § 1125.73(a)(1) the expression "15th" and by substituting for the deleted expression the expression "18th".

By deleting from § 1125.73(c) the part of § 1125.73(c)(1) that reads: "23rd day of each month" and by substituting for the deleted words the following: "2nd day prior to the date specified in paragraph (a)(1) of this section".

By deleting from § 1125.73(c)(2) the expression "17th" and by substituting for the deleted expression the expression "15th".

By deleting from the parenthetical expression in § 1125.73(c)(2) that reads "(pursuant to § 1125.42(a) or § 1125.42(b)" the word and numerals "or § 1125.42(b)" so that, as so amended, the parenthetical expression shall read "(pursuant to § 1125.42(a))".

By deleting from § 1125.73(d)(1) the words "23rd day of each month" and by substituting for the deleted words the following: "2nd day prior to the date specified in paragraph (a)(1) of this section".

By deleting from § 1125.73(d)(2) the expression "17th" and by substituting for the deleted expression the expression "18th".

Amend § 1125.75 entitled "Plant Location Adjustments for Producers and on Non-pool Milk":

By deleting from § 1125.75(a) after the words "per hundredweight of" and before the word "milk" the word "base".

By deleting as the final terms of § 1125.75(a) the alternative references "§ 1125.52(a) or § 1125.52(b)" and by

substituting for the deleted references the reference "§ 1125.52".

By deleting from § 1125.75(b) the references "§ 1125.52(a) and (b)" and by substituting for the deleted references the reference "§ 1125.52."

By deleting from § 1125.75(c) the references to § 1125.52(a) or § 1125.52(b) and by substituting for the deleted reference the reference "§ 1125.52."

Amend § 1125.85(b) entitled "Assessment for order administration" by changing the references therein from § 1125.44(a) (5) and (9) to references to "§ 1125.44(a) (7) and (11)."

Amend § 1125.86 entitled "Deduction for marketing services":

By deleting from § 1125.86(a)(3) the expression "15th" that follows the words "on or before the" and that precede the word "day" and by substituting for the deleted expression the expression "16th".

By deleting from § 1125.86(b)(3) the expression "15th" that follows the words "on or before the" and precedes the word "day" and by substituting for the deleted expression the expression "18th".

Proposed By Dari-Marketing Services

Proposal No. 3

Amend Proposal No. 1 to incorporate the entire Class I base plan provisions currently included in the Puget Sound, Washington, Federal Milk Order (§§ 1125.90 through 1125.96) in any amended order that may result from this proceeding. Make such conforming changes in other provisions of an amended order as may be necessary to effectuate this proposal.

Proposal No. 4

Amend Proposal No. 1 by renumbering the proposed § 1125.13(c)(6) as (c)(7) and inserting a new (c)(6) as follows:

* * * * *

(c) * * *

(6) Two or more cooperative associations may have their allowable diversions computed on the basis of their combined deliveries of producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning overdiverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator.

Proposal No. 5

Amend Proposal No. 1 by deleting the proposed language in § 1125.52 in its entirety and substituting the following:

§ 1125.52 Plant location adjustment for handlers.

(a) The price specified in § 1125.50(a) shall be reduced at plants located more than 75 miles from the nearer of the County-City Building in Seattle or the County Courthouse in Spokane by 1.5 cents for each 10 miles or fraction thereof as measured by the shortest hard-surfaced highway.

(b) The Class I price applicable to other source milk shall be adjusted as set forth in paragraph (a) of this section, except that no price so adjusted shall be less than the Class III price.

Make such conforming changes to § 1125.75 of an amended order as may be necessary to effectuate the proposed amendments to § 1125.52.

Proposed by Carnation—Fresh Milk and Ice Cream Division

Proposal No. 6

Amend Proposal No. 1 by deleting the proposed language in § 1125.53 in its entirety and substituting the following:

§ 1125.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before the 5th day of each month:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month;

(c) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month.

Proposal No. 7

Amend Proposal No. 1 by renumbering proposed § 1125.54 as § 1125.55 and inserting a new § 1125.54 as follows:

§ 1125.54 Handler butterfat differentials.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1125.43(a), for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator using the simple average of the wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago as reported by the Department as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.115 and round to the nearest tenth of a cent.

(b) *Class II milk and Class III milk.* Multiply the butter price for the month by 0.115 and round to the nearest tenth of a cent.

Make conforming changes to the proposed order in §§ 1125.44, 1125.60, 1125.61, 1125.62, 1125.71, 1125.74 and other sections as may be necessary.

Proposal No. 8

Retain a location adjustment as is currently in effect in the Puget Sound market order. Location adjustments should be computed from outside mileage zones of the market centers of Seattle and Spokane. Also, consider raising location adjustments to reflect hauling increases since location adjustments were established.

Proposed by Foremost Dairy Division—Foremost—McKesson Food Groups

Proposal No. 9

Revise § 1125.40(b)(4)(i) to read as follows:

§ 1125.40 Classes of utilization.

* * * * *

(b) * * *

(4) * * *

(i) Cottage cheese, lowfat cottage cheese, dry curd cottage cheese, and cottage cheese creaming mixtures;

* * * * *

Proposal No. 10

Amend Proposal No. 1 by deleting "$1.95" from § 1125.50(a) and insterting "$1.88".

Proposal No. 11

Amend Proposal No. 1 by deleting the proposed language in § 1125.50(c) in its entirety and substituting the following:

* * * * *

(c) Class III price. The Class III price shall be the basic formula price for the month.

Proposal No. 12

Amend Proposal No. 1 by deleting "15th" from § 1125.73(c)(2) and inserting the "17th".

Proposal No. 13

Amend Proposal No. 1 by deleting the proposed language in § 1125.53 in its entirety and inserting a new § 1125.53 as follows:

§ 1125.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before the 5th day of each month:

(a) The Class I price for the following month;

(b) The Class II and Class III prices for the preceding month;

(c) The Class I and Class II butterfat differentials for the following month;

(d) The Class III butterfat differentials for the preceding month.

Proposal No. 14

Amend Proposal No. 1 by adding § 1125.55 as follows:

§ 1125.55 Handler butterfat differentials.

If the average butterfat content of Class I milk, Class II milk, or Class III milk, computed pursuant to § 1125.43, for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.50) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I and Class II milk.* The simple average of the wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter at Chicago, as reported by the Department during the second preceding month, multiplying by 0.115 and round to the nearest tenth of a cent.

(b) *Class III milk.* The simple average of the wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter at Chicago as reported by the Department during the month, multiplying by 0.115 and round to the nearest tenth of a cent.

Proposal No. 15

Amend Proposal No. 1 by adding after the title of § 1125.61 "Computation of Uniform Price" the words "(Including Weighted Average Price)".

Proposal No. 16

Amend Proposal No. 1 by deleting the proposed language of § 1125.74 in its entirety and substituting the following:

§ 1125.74 Producer butterfat differential.

In making payments pursuant to § 1125.73 the applicable prices shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1125.44 by the butterfat differential for such class, dividing the sum of such values by the pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

Proposed by Lamar Millet, d/b/a Mil-Key Farm

Proposal No. 17

Amend Proposal No. 1 by deleting from § 1125.2 under the subtitle of "Washington Counties" the counties of "Clallam, Jefferson, Kitsap".

Proposal No. 18

Amend Proposal No. 1 by deleting the proposed language of § 1125.10(c)(2) in its entirety and substituting the following:

* * * * *

The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities or resources in excess of the amounts of fluid milk products derived from the designated milk production facilities and resources.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 19

Make such changes as may be necessary to make the entire marketing agreements an the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, James A. Burger, 16 West Harrison Street, Seattle, Washington 98119 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator, Puget Sound, Washington and Inland Empire marketing areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: June 11, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-17883 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A3 FRL 1813-1]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a proposed revision of its State Implementation Plan (SIP) for Total Suspended Particulate Matter and other miscellaneous changes. This revision is a result of action by the Maryland Legislature removing the authority of the Secretary of Health and Mental Hygiene to establish more restrictive standards for pollutants for which National Ambient Air Quality Standards already exist. In addition, existing regulations were required to be amended to be no more restrictive than necessary to attain and maintain ambient air quality standards, provided that there is no conflict with Federal requirements. Also, a new ambient air quality standard for lead was established, and the air quality episode criteria for the ozone alert stage has been changed to be consistent with the current Federal ozone standard.

This revision was accompanied by a demonstration from the State intended to show that National Ambient Air Quality Standards will not be violated as a result of the amendments and describing the techniques used in making this demonstration.

DATE: Comments must be submitted on or before July 16, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan

Air Quality Programs, State of Maryland, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri, Administrator

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision will be considered and should be directed to: Mr. James E. Sydnor, Chief, DC, MD, VA Section, Air Programs Branch (3AH11), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: (AH023aMD).

FOR FURTHER INFORMATION CONTACT: Gregory Ham (3AH12), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, (215) 597-2745.

SUPPLEMENTARY INFORMATION: On October 24, 1979, Governor Harry Hughes submitted to EPA, Region III, the proposed amendments to the Maryland Air Quality Control Regulations. Hearings were held on June 4, 5, and 8, 1979, and the regulations were adopted on October 9, 1979.

Description of the Changes

The Department of Health and Mental Hygiene (DHMH) has proposed amendments to Regulation .03, Air Pollution Episode System; and Regulation .04, Ambient Air Quality Standards, under COMAR 10.18.01, Control of Air Pollution in the State; Regulations .02, Control and Prohibition of Visible Emissions; .03, Control and Prohibition of Practiculate Matter Emissions; .04, Control and Prohibition of Gas and Vapor Emissions; .06, Control and Prohibition of Installations and Operations, under COMAR 10.18.02; Air Pollution in Area I, COMAR 10.18.03 Air Pollution in Area II, COMAR 10.18.06, Air Pollution in Area V, and COMAR 10.18.07, Air Pollution in Area VI; and Regulation .04, Control and Prohibition of Gas and Vapor Emissions, under COMAR 10.18.04, Air Pollution in Area III, and COMAR 10.18.05, Air Pollution in Area IV. The changes to each of these regulations are discussed below.

Regulation .03, Air Pollution Episode System, is changed to reflect the change in the Federal ozone standard (from .08 ppm .12 ppm), and the term "photochemical oxidant" is changed to the term "ozone."

The new episode criteria for the ozone alert stage is 0.2 ppm for a one hour average (previously 0.1 ppm). The warning and emergency stage ozone levels remain unchanged (at 0.4 ppm and 0.5 ppm, respectively).

Regulation .04, Ambient Air Quality Standards, has been completely revised to be consistent with the National Ambient Air Quality Standards, including the addition of an ambient standard for lead. The standards are contained in Chart 1. Chart 2 contains the previous ambient standards.

The following amendments have been made to the air pollution regulations in areas I, II, V, and VI. Regulation .02, Control and Prohibition of Visible Emissions, has been rewritten to prohibit the discharge of emissions from any installation at greater than 20 percent opacity (excluding water in an uncombined form). Exception to these are provided for short-term start up and maintenance procedures and process adjustments and for larger periods (up to five years) where the source can demonstrate that the limitation is not practical or technologically feasible. The previous regulation prohibited any visible emissions from new plants (built since January 17, 1972) or from specified sources. Other sources were limited to 20 percent opacity.

Regulation .03, Control and Prohibition of Particulate Matter Emissions, Section B, has been rewritten but allows particulate emissions from existing sources at the same levels as the previous regulation (a sliding scale from 0.6 lbs/mmBtu for sources up to 10 mmBtu/hour heat input to 0.12 lbs/mmBtu for sources of 10,000 mmBtu's/hour heat input). For new sources (built on or after January 17, 1972), the restrictions are on a sliding scale from 0.4 lbs/mmBtu for sources from 4 to 25 mmBtu/hour, to 0.1 lbs/mmBtu for sources 250 mmBtu/hour or more. The previous regulations had limited emissions to the levels in the following Chart 3:

Dust collection devices designed to result in emissions equal to or less than the above-listed levels were required for all these new sources burning fuel oil (greater than 13 mmBtu/hour) or solid fuel. Exemptions are provided from these revised regulations for two situations as described in Section (b)(4).

Section C, Particulate Matter from Incinerators, has been written to remove the differentiation between existing and modified incinerators and applies the regulation only to sources existing before January 17, 1972. In addition, the subsection for pathological waste incinerators (existing or modified) has been deleted. These regulations remain at 0.3 gr/SCFD for sources burning less than 200 lbs/hour, 0.2 gr/SCFD for sources 200 lbs/hour or more. For incinerators built since January 17, 1972, emissions are now limited to 0.10 gr/SCFD. For new incinerators smaller than 1 ton of refuse per hour, and for new pathological incinerators, the previous limitation was the same; but for new sources above one ton of refuse per hour capacity, or burning five tons or more per day, the limitation was 0.03 gr/SCFD.

Section E has been added and titled "Particulate Matter From Asphalt Concrete Plants" and limits those plants built before June 11, 1973 to emissions of 0.5 gr/SCFD or less.

Section F, Particulate Matter from Other Installations (formerly Section E), has been reworded but contains the same requirements except for sources greater than 60,000 pounds. Emissions can exceed that resulting from the equation in the regulation, but not exceeding .05 gr/SCFD for these sources. This is also the limit for other new sources. For any source for whith the Department determines compliance with these regulations will cause or exacerbate a violation of the National Ambient Air Quality Standards or Federal Prevention of Significant Deterioration increments, the applicable emission standard is 0.03 gr/SCFD. In a screening procedure used to assess the effect of these regulation changes, it was determined that localized problems could be expected in the vicinity of three major sources if they were controlled to levels allowed in the revised particulate matter regulations. Therefore, these three sources will be restricted to the current regulation of 0.03 gr/SCFD. These sources are:

Kelly-Springfield Tire Company (buffers, tire tread grinders)

Eastalco Aluminum Company (potline electro-cells, carbon anode furnace)

D.M. Stoltzfus and Sons (stone crushing)

Any change occurring in this list must be submitted to EPA as a revision to the Maryland SIP.

Regulation .04, Control and Prohibition of Gas and Vapor Emissions, Section G, Nitrogen Oxides from New Fuel Burning Equipment, Subsection C has been changed from a limit of 0.50 lb/mmBtu heat input maximum 2-hour average, to 0.70 lbs/mmBtu heat input for a 2-hour maximum average, expressed as NO_2 when solid fuel is burned.

Regulation .06, Section D, Prohibition of Certain New Fuel Burning Equipment, Subsection 2, has been changed to allow construction of solid fuel-fired equipment in which any furnace has a rated heat input equal to or greater than 13 mmBtu/hour (the previous lower limit was 50 mmBtu/hour). In Section E, several tables and figures have been renumbered, and one table was deleted. Citation changes have been made

throughout these amendments to reflect this renumbering.

In areas III and IV, Regulations .04, Control and Prohibition of Gas and Vapor Emissions, Subsection G, 1, C, the 2-hour maximum average limitation for nitrogen oxides is revised from 0.50 lbs/mmBtu heat input to 0.70 lbs/mmBtu heat input, expressed as NO_2.

The demonstration of air quality impacts resulting from this regulation change consisted of developing concentration estimates using emission rates based on the proposed emission limitations. Because of the large area affected by this revision, several methods were used in this demonstration. The impact analyses for isolated sources were performed according to the *Guidelines for air Quality Maintenance and Planning*, Vol. 10, Sec. 4.3. For most of the premises where more than one source was emitting, a modified CRSTER model was used. In addition, four sources had previously been modeled using the Valley model, and these results were adopted for the demonstration. Multi-source models capable of evaluating multi-source interaction in urban areas were used in areas of high source density, and nearby major sources were included. One of these models was the State's Multiple Source Dispersion Model, used for Frederick and Hagerstown. A version of EPA's model, C9M3D, was used for the Cumberland analysis. Major sources identified in the screening procedure used in this analysis as potentially causing or contributing to a violation of National Ambient Air Quality Standards or PSD increments under the revised regulations will be required to remain at emission levels required under existing regulations. Three sources are to be included in this exception for particulates. Concentrations resulting from other major sources and similar interacting sources were estimated at levels less than those causing or exacerbating air quality standards or increments.

The modeling approach used in this demonstration has been reviewed by the EPA and was found to be consistent with modeling guidelines. Modeling in accordance with EPA's Modeling Guideline shows that these emission limits would not cause or contribute to a violation of the NAAQS for total suspended particulates and would not cause significant degradation of air quality, in any other State. This emission limit, therefore, meets the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The State of Maryland submitted proof that public hearings were held in Hagerstown, Baltimore, and Salisbury, Maryland on June 4, June 5, and June 8, 1979 respectively, in accordance with the requirements of 40 CFR 51.4.

Based on the foregoing, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland SIP.

The public is invited to submit, to the address stated above, comments on whether the amendments of the State's regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendment meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709 (January 27, 1981)). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action would only approve State actions, and would impose no new requirements of its own. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

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

(42 U.S.C. 7401–642)

Dated: March 10, 1981.

Jack Schramm,

Regional Administrator.

Chart 1.—*Proposed Ambient Air Quality Standards for the State of Maryland*

Pollutant	Averaging time	Primary standards	Secondary standards
Sulfur oxides: Reg. (04)(B)	Annual arithmetic—mean	80 μg/m³ (.03 ppm)	
	24-hour[1]	365 μg/m³ (.140 ppm)	
	3-hour[1]	1,300 μg/m³ (.50 ppm)	
Particulate matter: Reg. (.04)(C)	Annual geometric—mean	75 μg/m³	
	24-hour[1]	260 μg/m³	150 μg/m³.
Carbon monoxide: Reg. (.04)(D)	8 hour[1]	10 mg/m³ (8 ppm)	10 mg/m³ (8 ppm).
	1 hour[1]	40 μg/m³ (35 ppm)	40 μg/m³ (35 ppm).
Ozone: Reg. (.04)(E)		235 μg/m³ (.12 ppm)	235 μg/m³ (.12 ppm).[2]
Hydrocarbons: Reg. (.04)(F)	3-hour[1] (6–9 a.m.)	160 μg/m³ (.24 ppm)	160 μg/m³ (.24 ppm).
Nitrogen dioxide: Reg. (.04)(G)	Annual arithmetic—mean	100 μg/m³ (.05 ppm)	
Lead: Reg. (.04)(H)	Calendar quarter—average	1.5 μg/m³	1.5 μg/m³.

[1] Maximum concentration not to be exceeded more than once per year.

[2] The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above .12 ppm is equal to or less than one.

BILLING CODE 6560-26-M

CHART 2

PREVIOUS AMBIENT AIR QUALITY STANDARDS

POLLUTANT	FREQUENCY	MORE ADVERSE RANGE				SERIOUS LEVEL	
	TIMES VALUES MAY BE EXCEEDED PER UNIT TIME	UG/M^3		PPM		UG/M^3	PPM
		LOWER LIMIT	UPPER LIMIT	LOWER LIMIT	UPPER LIMIT		
1. Particulate Matter a. Suspended Particulate Annual Arithmetic Average		65	75	---	---	75	---
Daily Average	Once Per Year	140	160			160	
2. Dustfall Annual Arithmetic Average	Values Not to Be Exceeded	MG/CM^2/Month .035	.050			MG/CM^2/Month 0.50	
Monthly Average		LOWER LIMIT 0.70	UPPER LIMIT 1.00			1.10	
3. Carbon Monoxide 8-hour Arithmetic Average[2]	Once Per Year	No Standard				MG/M^3 10	PPM 9
Hourly Average	Once Per Year	No Standard				40	35
4. Non-Methane Hydrocarbons[3] Three-Hour Average[4]	Once Per Year	No Standard				UG/M^3 160	PPM Carbon 0.24
5. Photochemical Oxidants Hourly Average	Once Per Year	No Standard				UG/M^3 160	PPM Ozone 0.08
6. Nitrogen Dioxide Annual Arithmetic Average	Values Not to Be Exceeded	No Standard				UG/M^3 100	PPM 0.05

REFERENCES

1. Annual averages shall be for the calendar year for all pollutants.

2. Applies in areas representing generalized atmospheric levels; 20 ppm applies in any other place where members of the public congregate for extended periods of time.

3. The standards set forth in this regulation for hydrocarbon s are not based upo n the direct adverse effects of hydrocarbons but upon an empirical relationship, based upon ambient air quality measurements, between morning hydrocarbon concentrations and oxidant concentrations occurring later the same day. The hydrocarbon standard is designed primarily to achieve the standard for photochemical oxidants. In view of the lack of an exact quantitative relationship, the uncertainties in existing measurement techniques and the lack of full identification of the photochemically reactive species of hydrocarbons occurri ng in the ambient air in the Region, these levels should be considered as tentative pending further scientific developments.

4. Three hour period: 6 a.m. to 9 a.m. Eastern Standard Time.

BILLING CODE 6560-26-C

Chart 3.—*Previous Emission Standards for New Fuel Burning Equipment*

Equipment description	Maximum rated input in million Btu (gigajoules) per hour per furnace	Effective date of standard	Maximum allowable emissions of part. matter—gr/SCFD (mg/dscm)	Maximum allowable emissions; Shell Bacharach Smoke Spot test No.
Residual oil burning [1]	Less than 13 (14)	1/1/75	(3)	4
	13-50 (14-53)	7/1/76	0.03 (69)	4
50-250 (53-265)	10/1/74	0.02 (46)	4	
	Greater than 250 (265)	1/17/72	0.01 (23)	
Distillate oil burning	All sizes	1/17/72	(3)	2
Solid fuel burning	Greater than 50 [2]	1/17/72	0.030 (69)	(3)

[1] Construction of residual oil fired units of less than 13 million Btu/hour is prohibited.
[2] Construction of solid fuel fired units of less than 50 million Btu/hour is prohibited.
[3] No requirement.

[FR Doc. 81-17767 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-26-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 35)]

Commercial Zones and Terminal Areas; Washington, D.C., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Commission has been requested to consider whether to amend its existing regulations set forth in 49 CFR 1048.10 to expand the Washington, D.C., commercial zone to include Prince William County, VA, the City of Manassas, VA, and the City of Manassas Park, VA, which constitute a specified area adjacent to the present zone. The proposed expansion would increase the zone within which interstate motor carrier operations would be exempt from Federal economic regulation.

DATES: Comments must be filed with the Commission or or before July 16, 1981.

ADDRESS: Send comments (an original and 15 copies where possible) to: Ex Parte No. MC-37 (Sub-No. 34), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Barbara Reideler, (202) 275-7982 or Edward E. Guthrie, (202) 275-7929.

SUPPLEMENTARY INFORMATION: The commercial zone of Washington, D.C., is defined specifically in 49 CFR 1048.10 to include the municipality of Washington, D.C., itself, all points within a line drawn 15 miles beyond the municipal limits of Washington, D.C., and all points in Fairfax and Loudon Counties, VA. The Prince William County Chamber of Commerce, the Prince William County Board of Supervisors, the City of Manassas, and the City of Manassas Park request that the limits of the Washington, D.C., commercial zone be expanded to include all points in Prince William County, including the independent cities of Manassas and Manassas Park which are located within the county.

Prince William County consists of an elongated area approximately 36 miles long and 12 miles wide that covers approximately 350 square miles in northeastern Virginia. It is contiguous to the southwestern boundary of the present Washington, D.C., commercial zone. No portion of the county presently is part of the Washington, D.C. commercial zone. Manassas and Manassas Park are adjacent independent jurisdictions which are located entirely within Prince William County. Manassas comprises an area of approximately eight square miles in the north-central portion of the county. Manassas Park is a smaller community located north of Manassas which is contiguous to the boundary of the present Washington, D.C., commercial zone.

Petitioners present various geographic, demographic, and economic information in support of their position that the area should be considered adjacent to and commercially a part of Washington, D.C. They state that since 1960 Prince William County and the communities of Manassas and Manassas Park have experienced one of the fastest rates of population growth in the nation and in the metropolitan Washington, D.C., area. As a result, retail and industrial activities are increasing within the county. Nevertheless, petitioners contend that the economic growth of the area is hampered by the area's exclusion from the Washington, D.C. commercial zone. They state that commercial and industrial establishments within the area are at a disadvantage in competing with those establishments within the zone, and that industries and other businesses are reluctant to relocate or expand to an area not included within the zone. Petitioners submit 54 verified statements from representatives of government agencies, commercial groups, and individual industries and businesses which favor expansion of the Washington, D.C., commercial zone to include Prince William County, the City of Manassas, and the City of Manassas Park.

Comments and procedural matters

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in the proceeding, in support of or in opposition to the proposal, is invited to submit written representations, views, and arguments. We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. In addition, we do not believe that the proposed action will have a significant economic impact on a substantial number of small entities, inasmuch as our action would result in the reduction of Federal regulation of certain small organizations, businesses, and governmental entities. Pursuant to 5 U.S.C. 605, a copy of this decision will be served on the Chief Counsel for Advocacy of the Small Business Administration. However, anyone may comment on these aspects of the proposal. Written material or suggestions submitted will be available for public inspection at the Office of the Secretary of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321, 49 U.S.C. 10526, and 5 U.S.C. 553.

Decided: June 1, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17771 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 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

Rural Electrification Administration

Wabash Valley Power Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Wabash Valley Power Association, Inc., (WVPA) of Indianapolis, Indiana, to continue to participate in the Marble Hill Generating Station (MHGS) in Jefferson County and to purchase the MHGS to Columbus 765 kV transmission line in Jefferson, Jackson, Scott, Jennings and Bartholomew Counties which will be constructed by the Public Service Company of Indiana.

WVPA prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, and all other potential impacts of the proposed project have been adequately investigated.

Based on REA's independent evaluation, the REA Environmental Assessment, and WVPA's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and WVPA's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Washington, D.C. 20250, and at the office of Wabash Valley Power Association, Inc., 700 North High School Road, P.O. Box 24700, Indianapolis, Indiana 46224.

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 8th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-17744 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-15-M

Office of the Secretary

1981 Wheat, feed grains, soybeans and upland cotton program determinations regarding established "Target" prices and loan and purchase rates; land diversion and special grazing and hay program for wheat

AGENCY: Agricultural Stabilization and Conservation Service, (ASCS) USDA.

ACTION: Notice of Determination of 1981-Crop Established "Target" Prices for Wheat, Corn, Sorghum, Barley and Upland Cotton; Loan and Purchase Rates for Wheat, Corn, Sorghum, Barley, Oats, Rye and Soybeans; Land Diversion and Special Grazing and Hay Program for Wheat.

SUMMARY: The purpose of this notice is to announce the following: the 1981-crop established "target" prices for wheat, corn, sorghum, barley and upland cotton; the loan and purchase rates for the 1981 crops of wheat, corn, sorghum, barley, oats, rye and soybeans; and that there will be no land diversion program and no special grazing and hay program for the 1981 crop of wheat. These determinations are required to be made in accordance with the provisions of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: June 15, 1981.

ADDRESS: Production Adjustment Division, ASCS/USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Lois G. Moe, Agricultural Program Specialist, Production Adjustment Division, ASCS/USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-8373. Final Impact Statements describing the options considered in developing this notice of determination and the impact of implementing each option are available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with the provisions of Executive Order 12291 and has been classified "major". The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Notices were published in the **Federal Register** at 45 FR 59363, 45 FR 41672 and 45 FR 65643 requesting comments with respect to various program determinations for the 1981 crops of feed grains and soybeans, wheat, and upland cotton, respectively. Notices of determinations regarding various program issues were published at 45 FR 77095, 45 FR 56118, and 45 FR 83643 at which time all comments received regarding these issues were discussed. It was noted that there would be a continuing review of various program decisions concerning (1) established "target" prices, (2) loan and purchase rates and (3) whether a land diversion program or special grazing and hay program for the 1981 crop of wheat would be implemented. This document sets forth the final program determination with respect to these issues.

The announcement of these determinations with respect to (1) the established "target" prices for the 1981 crops of wheat, corn, sorghum, barley and upland cotton; (2) the loan and purchase rates for the 1981 crops of wheat, corn, sorghum, barely, oats, rye and soybeans; and (3) that there will be no land diversion or special grazing and hay program for the 1981 crop of wheat must be made by the Secretary immediately so that producers are made aware of these program provisions in order that they may make their farming plans accordingly. Therefore, I have determined that compliance with any further public rulemaking requirements of Secretary's Memorandum No. 1955 and 5 U.S.C. 553 is impractical and contrary to the public interest. Thus, this notice of determination shall become effective upon date of filing with the Director, Office of the Federal Register.

The titles and numbers of the federal assistance programs that this notice applies to are: Title—Wheat Production Stabilization, Number 10-058; Title—Feed Grains Production Stabilization, Number 10.055; Title—Commodity Loans

and Purchases, Number 10.051, and Title—Cotton Production Stabilization, Number 10.052, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, a reveiw as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

The need for this notice is to satisfy the requirements governing determinations of loan and purchase rates and established "target" prices as provided for in Sections 103(f), 105A and 107A of the Agricultural Act of 1949, as amended, with respect to the 1981 crops of upland cotton, feed grains and wheat, respectively. This notice also sets forth determinations regarding the following: (1) the loan and purchase rate for the 1981 crop of soybeans as provided for by Section 201(e) of the Agricultural Act of 1949, as amended; (2) the loan for the 1981 crops of wheat and feed grains placed in the farmer-owned reserve program as authorized by Section 110(b) of the Agricultural Act of 1949, as amended; (3) whether a land diversion program will be offered for the 1981 crop of wheat as authorized by Section 107(f)(2) of the Agricultural Act of 1949, as amended; and (4) whether a special grazing and hay program authorized by Section 109 of the Agricultural Act of 1949, as amended, will be implemented for the 1981 crop of wheat.

Sections 105A and 107A of the Agricultural Act of 1949, as amended, provide that the 1981-crop established "target" prices for corn and wheat shall be not less than the established "target" prices for the 1980 crops of those commodities adjusted upward to reflect such changes in the cost of production as the Secretary finds necessary and appropriate for the purpose of establishing and maintaining a fair and equitable relationship between loan rates, established prices and production costs for those commodities and competing commodities. Section 105A of the 1949 Act also provides that the payment rate for sorghum and, if designated by the Secretary, barley and oats, shall be fair and reasonable in relation to the rate at which payments are made available for corn. Section 103(f) of the 1949 Act further provides that the 1981 established "target" price for upland cotton shall be based upon the established "target" price for 1980 adjusted to reflect any change in the average costs of production for crop years 1979 and 1980 from the average costs of production for crop years 1978 and 1979.

Section 105A of the Agricultural Act of 1949, as amended, provides that the loan and purchase rate for the 1981 crop of corn shall be not less than $2.25 per bushel. Loan and purchase rates are established at such levels as will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. The 1949 Act further provides that the loan rates for barley, oats and rye shall be established at such levels as the Secretary determines are fair and resonable in relation at such levels as the Secretary determines are fair and resonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of each commodity in relation to corn and other factors specified in Section 401(b) of the 1949 Act. The 1949 Act further provides that the Secretary make available to producers loans and purchases on the 1981 crop of sorghum, at such level as the Secretary determines is fair and reasonable in relation to that level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market for sorghum in relation to corn.

Section 107A of the Agricultural Act of 1949, as amended, provides that the loan and purchase rate for the 1981 crop of wheat shall be not less than $3.00 per bushel. Loan rates for wheat are established so that wheat will maintain its competitive relationship to other grains in domestic and export markets.

Section 110(b) of the Agricultural Act of 1949, as amended, provides that the 1981-crop loan rates for wheat and feed grains under the producer storage program (farmer-owned reserve) will be not less than $3.30 per bushel for wheat, $2.40 per bushel for corn and such levels (1) for barley, oats and rye as the Secretary determines fair and reasonable in relation to the feeding value in relation to corn and other factors as specified in Section 401(b) of the 1949 Act and (2) for sorghum, the feeding value and average transportation costs to market in relation to corn.

Furthermore, Section 201(e) of the Agricultural Act of 1949, as amended, provides the loan and purchase rate for the 1981 crop of soybeans shall be at such level as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors, but in no event shall the loan and purchase rate for the 1981 crop be less than $5.02 per bushel.

Section 107A(f)(2) of the Agricultural Act of 1949, as amended, provides that the Secretary may make land diversion payments for wheat if the Secretary determines that such payments are neceassary to assist in adjusting the total national acreage of wheat to desirable goals. Section 109 of the Agricultural Act of 1949, as amended, also provides that the Secretary has authority to administer a special wheat acreage grazing and hay program for the 1981 crop.

Accordingly, the Secretary has made determinations pertaining to the 1981 crops of wheat, feed grains, soybeans and upland cotton. The purpose of this Notice is to announce these determinations.

Final Determinations

1. *1981-Crop Established "Target" Prices:* Based on the statutory provisions of the Agricultural Act of 1949, as amended, it is hereby determined that the 1981-crop established "target" prices shall be:

Commodity	Established "target" price
Wheat (per bushel)	$3.81
Corn (per bushel)	2.40
Sorghum (per bushel)	2.55
Barley (per bushel)	2.60
Upland cotton (per pound)	.7087

The 1981-crop established "target" prices for corn and wheat are adjusted upward from the 1980-crop levels ($2.35 per bushel for corn; $3.63 per bushel for wheat) to reflect changes in the costs of producing these commodities and to maintain a fair and equitable relationship between loan rates, established prices and production costs for competing commodities. The sorghum and barley established "target" prices are set at rates that have been determined to be fair and reasonable in relation to the rate established for corn. Oats was not designated as a program crop for 1981, therefore, no target price was established for oats.

The established "target" price for the 1981-crop of upland cotton is adjusted from the 1980-crop level of $0.584 per pound reflecting the change in the two year moving average specified costs of production (variable, machinery ownership and general farm overhead costs).

2. *1981-Crop Loan and Purchase Levels:* Based on the statutory provisions of the Agricultural Act of 1949, as amended, it is hereby determined that 1981-crop loan and purchase rates shall be:

Commodity	Loan purchase levels	
	Regular loans [1]	Farmer-owned reserve [2]
Wheat (per bushel)	$3.20	$3.50
Corn (per bushel)	2.40	2.55
Sorghum (per bushel)	2.28	2.42
Sorghum (per hundredweight)	4.07	4.32
Barley (per bushel)	1.95	2.07
Oats (per bushel)	1.24	1.31
Rye (per bushel)	2.04	NA
Soybeans (per bushel)	5.02	NA

[1] Regular loan rates, as authorized by the Agricultural Act of 1949, as amended.
[2] Farmer-owned reserve loan rates, as authorized by Section 110 of the Agricultural Act of 1949, as amended.

Loan and purchase rates for wheat have been established so that wheat will maintain its competitive relationship to other grains in domestic and export markets.

Loan and purchase levels for corn have been established at such levels as will encourge the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. For sorghum, the feeding value and average transportation costs to market in relation to corn were considered. The levels announced for barley, oats and rye have been established at their feeding value relationship to corn and in accordance with other factors specified in Section 401(b) of the Agricultural Act of 1949, as amended. Loan and purchase rates for soybeans have been established at a level determined appropriate in relation to competing commodities taking into consideration domestic and foreign supply and demand factors.

3. *Wheat Land Diversion and Special Grazing and Hay Program:* Carryover stocks of U.S. wheat from the 1981 crop are expected to increase over a tenth from the 1980 crop level of about 910 million bushels. These projected stocks are slightly more than six percent of the estimated world consumption of wheat for the 1981/82 season, a level not considered excessive. Therefore, based on statutory authority of the Agricultural Act of 1949, as amended, it is hereby determined that no land diversion program will be necessary to assist in adjusting the total national acreage of wheat to meet desirable goals for the 1981 crop. It is further determined that no special grazing and hay program will be implemented for the 1981 crop of wheat.

Signed at Washington, D.C., on June 9, 1981.

John R. Block,

Secretary.

[FR Doc. 81-17592 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

Schricker's Livestock Auction, Inc., Sutherlin, Oreg., et al.; Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
OR-120 Schricker's Livestock Auction, Inc., Sutherlin, Oregon.	Oct. 10, 1959.
GA-183 Miller Livestock Company, Colquitte, Georgia.	Feb. 20, 1977
GA-151 County Line Milling Co., Inc., Pelham, Georgia.	Apr. 9, 1970.
GA-172 Waycross Livestock Market, Waycross, Georgia.	July 13, 1959.

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.**

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 11th day of June 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-17844 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Lower Valley Power & Light Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact in connection with the proposed financing assistance to Lower Valley Power and Light, Inc., (LVP&L) of Afton, Wyoming.

LVP&L has requested financing assistance to rehabilitate their existing Swift Creek Hydroelectric Project, the rehabilitation of the upper dam system involves the replacement of the penstock and all electrical equipment, the repairing of the generators, and dredging around the penstock intake structure. The lower dam system rehabilitation involves the replacing of the penstock and powerhouse, earthwork repair of the dam, and dredging around the penstock intake.

LVP&L prepared a Borrower's Environmental Report (BER) on the rehabilitation and REA prepared an Environmental Assessment (EA) on the rehabilitation.

After an independent evaluation of the BER, the EA, and information from other sources, REA has concluded the rehabilitation will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact." The "Finding of No Significant Impact," REA's EA, and LVP&L's BER may be reviewed in the office of the Director, Energy Management and Utilization Division, Rural Electrification Administration, Room 5908, South Agriculture Building, Washington, D.C. 20250, telephone (202) 447-6065 or at the office of the cooperative, Lower Valley Power and Light, Inc., north of Afton, Wyoming, on Highway 89, mailing address, P.O. Box 188, Afton, Wyoming 83110.

This Program is listed in the catalog of the Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-17895 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Auds Creek Critical Area Treatment R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501, telephone 817-774-1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Auds Creek

Critical Area Treatment R.C. & D. Measure, Lamar County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, smoothing, and establishing permanent vegetated cover on 399 acres of gullied areas; installing about 18 small grade stabilization structures that would occupy about 71 acres of eroded land; and fencing the treated areas where it is necessary to the establishment and management of vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17782 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

Corrales Watershed, New Mexico

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Raymundo T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, telephone number 505-766-3277.

NOTICE: Raymundo T. Margo, Jr., responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of New Mexico, is hereby providing notification that a record of decision to proceed with the installation of the Corrales Watershed project is available. Single copies of this record of decision may be obtained from Raymundo T. Margo, Jr., at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95, regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17778 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16

Four Winds R.C. & D. Area; Ewell Hollow Critical Area Treatment R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76501, telephone 817-774-1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environment Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ewell Hollow Critical Area Treatment R.C. & D. Measure, Hardeman County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The proposed action involves treatment of 104 acres of severely gullied lands and 125 acres of sandy cropland subject to severe wind erosion and water erosion. Vegetation is to be established on 70 acres of eroded land which will be shaped and smoothed, on 54 acres of eroded land shaped for waterways, and on the 125 acres of sandy cropland subject to wind erosion. Fences are to be installed to protect the vegetation, 5 grade stabilization structures are to be installed to stabilize outlets, and 38,300 feet of basin terraces are to be installed to help establish the needed vegetation.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated on or before July 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17781 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

South Fork Licking River Watershed, Ohio

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone (614) 469-6962.

NOTICE: Robert R. Shaw, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of Ohio, is hereby providing notification that a record of decision to proceed with installation of the South Fork Licking River Watershed project is available. Single copies of this record of decision may be obtained from Robert R. Shaw at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17779 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

Pleasants County Park Flood Prevention R.C.&D. Measure, West Virginia

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-599-7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pleasants County Park Flood Prevention RC&D Measure, Pleasants County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to correct excessive floodwater damage to recreation facilities. The planned works of improvement include installation of 545 feet of open channel, 255 feet of underground 48-inch diameter conduit, and 2 sediment basins.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: June 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17780 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of Industrial Economics

Bona Fide Motor-Vehicle Manufacturers; List of Names and Addresses

AGENCY: Bureau of Industrial Economics, Commerce.

ACTION: List of names and addresses of bona fide motor-vehicle manufacturers.

SUMMARY: In accordance with headnote 2 to subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 USC 1202) and 15 CFR Chapter VI Part 615, the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Director Bureau of Industrial Economics, Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rolf Nordlie, Director, Transportation Equipment Div., 566-7408.

United States Bona Fide Motor Vehicle Manufacturers List, May 1, 1981, With Date of Certification

Allentown Brake and Wheel Service, Inc.,
R.D. 3
P.O. Box 2088
Allentown, Pennsylvania 18001
October 15, 1980

Allied Truck Equipment
6280 S. Division
Grand Rapids, Michigan 49508
January 1, 1981

American Equipment and Trailer, Inc.
3707 Quirt
Lubbock, Texas 79408
December 1, 1980

American La France Div. of A-T-O, Inc.
100 East LaFrance Street
Elmira, New York 14902
July 8, 1980

American Motors Corporation
27777 Franklin Road
Southfield, Michigan 48034
January 1, 1981

American Trailer Service, Inc
2814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1981

American Transportation Corporation
Highway 65 South
Conway, Arkansas 72032
April 19, 1981

Amthor's Welding Service, Inc.
307 State Route 52 East
Walden, New York 12586
July 9, 1980

H. G. Anderson Equipment Corporation
213 Broadway
Menands, New York 12204
October 4, 1980

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1981

Arkansas Trailer Mfg., Inc.
P.O. Boc 4080
32nd & Elm Street
Little Rock, Arkansas 72214
January 1, 1981

Armored Vehicle Builder, Inc.
Route 41 Central Berkshire Blvd.
Pittsfield, Massachusetts 01201
April 30, 1981

Arrow Trailer & Equipment Co.
140 North Dirksen Parkway
Springfield, Illinois 62702
March 31, 1981

Artic Enterprises, Inc.
P.O. Boc 635
Thief River Falls, Minnesota 56701
August 1, 1980

Ateco Equipment, Inc.
1241 Rodi Road
Turtle Creek, Pennsylvania 15145
April 1, 1981

Attex International, Inc.
6168 Woodbine Avenue
Ravenna, Ohio 44266
August 1, 1980

Automated Waste Equipment Company, Incorporated
328 Fourth Street
Trenton, New Jersey 08638
September 1, 1980

Automotive Service Company
111-113 North Waterloo
Jackson, Michigan 49204
January 18, 1981

Avanti Motor Corporation
P.O. Boc 1916
South Bend, Indiana 46634
January 1, 1981

Aztec Products
P.O. Box 659
Mansfield, Texas 74808
December 1, 1980

Beam Truck and Body Inc.
433 Cumberland Hill Road
Woonsocket, Rhode Island 02895
September 1, 1980

Bender's Sales and Service, Inc.
4805 Holland
Saginaw, Michigan 48601

November 15, 1980
Bethlehem Fabricators, Inc.
1700 Riverside Drive
P.O. Box A
Bethlehem, Pennsylvania 18015
January 20, 1981
Allen U. Bevier, Inc.
1201 Ridgely Street
Baltimore, Maryland 21230
March 31, 1981
Bibeau Enterprises
Route 102
Londonderry, N.H. 03053
October 16, 1980
Blue Bird Body Company
P.O. Box 937
Fort Valley, Georgia 31030
January 18, 1981
Boone Trailers, Inc.
154 Park Street
Palmer, Massachusetts 01069
December 31, 1980
Boyertown Auto Body Works
Third & Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1980
Brake and Electric Sales Corp.
300 Mystic Avenue
Medford, Massachusetts 02155
December 1, 1980
Brake Service & Parts, Inc.
170 Washington Street
Bangor, Maine 04401
January 1, 1981
Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1981
Brown Cargo Van, Inc.
807 East 29th Street
Lawrence, Kansas 66044
April 30, 1981
Bud Industries, Inc.
100 Pulaski Street
West Warwick, Rhode Island 02893
December 5, 1980
Bus Andrews Equipment Sales and Service, Inc.
2828 E. Kearney Street
Springfield, Missouri 65803
January 1, 1981
Bush Hog Loadcraft
P.O. Box 431
Brady, Texas 76825
November 1, 1980
Caelter Industries, Inc.
Purdy Avenue
Watertown, New York 13601
April 1, 1981
Capacity of Texas, Inc.
P.O. Box 7848
Longview, Texas 75602
December 1, 1980
Capitol Trailer & Body Company
3420 E. Broadway
North Little Rock, Arkansas
December 1, 1980
The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 1, 1981
Carpenter Body Works, Inc.
1500 W. Main Street
Mitchell, Indiana 47446
January 1, 1981
C. E. Pollard Company
13575 Auburn
Detroit, Michigan 48223
July 27, 1980
Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 75061
October 20, 1980
Champion Home Builders, Co.
5573 E. North Street
Dryden, Michigan 48428
August 1, 1980
Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1981
Cherry Valley Tank Div., Inc.
75 Cantiague Road
Westbury, New York 11590
April 1, 1981
Chrysler Corporation
CIMS 416-1606
Chrysler Center
12000 Lynn Townsend Drive
Highland Park, Michigan 48288
January 18, 1981
B. M. Clark Company, Inc.
Route 17—P.O. Box 185
Union, Maine 04862
January 14, 1981
D. W. Clark Road Equipment
448 East Brighton avenue
Syracuse, New York 13205
May 1, 1981
Clark Engineering of Brownwood, Inc.
P.O. Drawer 1386
Brownwood, Texas 76801
January 1, 1981
Clark Truck Equipment Company
6821 Academy Parkway West, N.E.
Albuquerque, New Mexico 87190
January 1, 1981
Clemett and Company, Inc.
2020 Lemoyne Street
Syracuse, New York 13211
July 1, 1980
Collins Industries, Inc.
Box 58 H.A.B.I.T.
Hutchinson, Kansas 67501
January 1, 1981
Commercial Truck & Trailer, Inc.
313 N. State Street
Girard, Ohio 44420
January 1, 1981
Cook Body Company
3701 Harlee Avenue
Charlotte, North Carolina 28208
October 22, 1980
Correct Manufacturing Corporation
London Road Extension
Delaware, Ohio 43015
July 1, 1980
Crenshaw Corporation
P.O. Box 24217
1700 Commerce Road
Richmond, Virginia 23224
July 1, 1980
Crown Coach Corporation
2428 East 12th Street
Los Angeles, California 90021
March 20, 1981
Dakota Manufacturing Co., Inc.
1910 South Rowley
Mitchell, South Dakota 37301
November 1, 1981
Daleiden, Inc.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 31, 1981
Darby Equipment Company
P.O. Box 5698
3913 W. Marshall Avenue
Longview, Texas 75608
January 1, 1981
Dealers Truck Equipment Inc.
2123 Fern Valley Road
Louisville, Kentucky 40213
March 1, 1981
Dealers Truck Equipment Co., Inc.
2460 Midway Street
P.O. Box 31435
Shreveport, Louisiana 71130
January 1, 1981
Decker Tank Company
63 Royal Avenue
Hawthorne, New Jersey 07506
November 3, 1980
John Deere Horicon Works of Deere and Company
220 East Lake Street
Horicon, Wisconsin 53032
June 1, 1980
D. P. Way Corporation
3288 W. Elm Street
Milwaukee, Wisconsin 53209
December 31, 1980
Dunham Manufacturing Co., Inc.
P.O. Box 430
Minden, Louisiana 71055
January 1, 1981
Duralite Truck Body and Container Corporation
1300 Bush Street
Baltimore, Maryland 21230
January 1, 1981
Dutec, Incorporated
60 Lumber Street
Hopkington, Massachusetts 01748
January 15, 1981
Eagle International, Inc.
P.O. Box 4119
2045 Les Mauldin Blvd.
Brownsville, Texas 78520
January 1, 1981
Eastern Tank Corporation
290 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1981
Eggiman Motor and Equipment Sales, Inc.
1813 West Beltline Highway
P.O. Box 9432
Madison, Wisconsin 53715
December 31, 1980
Eight Point Trailer Corporation
6100 E. Washington Boulevard
Los Angeles, California 90040
January 18, 1981
Elder International
P.O. Box 2061
Houson, Texas 77001

August 1, 1980
Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1981
E. D. Etnyre and Company
200 Jefferson Street
Oregon, Illinois 61061
October 1, 1980
E. & R. Trailer Sales, Inc.
RFD #1
Middle Point, Ohio 45863
January 1, 1981
Euclid Incorporated
22221 St. Clair Avenue
Cleveland, Ohio 44117
August 1, 1980
Ewell Equipment Company
307 N. Timberland Drive
Lufkin, Texas 75901
Februrary 2, 1981
Excalibur Automobile Corporation
1735 South 106th Street
Milwaukee, Wisconsin 53214
May 22, 1980
Fifth Wheel, Incorporated
Box 15855
Tulsa, Oklahoma 74112
January 1, 1981
Fontaine Truck Equipment Company
653 Beale
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1981
Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1981
F&P Truck & Trailer Equip. Div.
264 Central Avenue
Newark, New Jersey 07103
October 12, 1980
Freightliner Corporation
4747 North Channel Avenue
Portland, Oregon 97217
December 14, 1980
Freuhauf Corporation
10900 Harper Avenue
Detroit, Michigan 48213
December 1, 1980
FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1981
Garnon Truck Equipment Company
1617 Peninsula Drive
P.O. Box 1358
Erie, Pennsylvania 16505
March 1, 1981
General Motors Corporation
3044 West Grand Boulevard
Detroit Michigan 48202
January 18, 1981
General Truck Equipment & Trailer Sales
5310 Broadway Avenue
Jacksonville, Florida 32205
January 1, 1981
Gilson Brothers Company
P.O. Box 152
Plymouth, Wisconsin 53073
September 26, 1980
Godfrey Brake Service & Supply, Inc.
Box 799
110 Poplar Street
Rapid City, South Dakota 57709
December 1, 1981
Gooch Brake & Equipment Company
506 Grand Avenue
Kansas City, Missouri 64106
January 1, 1981
Granning Service Corporation
3040 Wyoming Avenue
Dearborn, Michigan 48120
January 1, 1981
The Greyhound Corporation
Greyhound Tower
Phoenix, Arizona 85077 (doing business through)
Motor Coach Industries, Inc.
Pembina, North Dakota 58271 and
Transportation Mfg. Corp.
Roswell, New Mexico 88201
August 1, 1980
Grumman Flexible Corporation
970 Pittsburgh Drive
Delaware, Ohio 43015
January 1, 1981
Grumman Olson Division
Grumman Allied Industries
445 Broad Hollow Road
Melville, New York 11747
November 1, 1980
Hackney and Sons
400 Hackney Avenue
Washington, North Carolina 27889
January 1, 1981
Hackney & Sons (Midwest) Inc.
West Laurel Street and Hackney Avenue
Independence, Kansas 67301
September 23, 1980
Hallenberger, Inc.
5616 Booneville Highway
P.O. Box 5058
Evansville, Indiana 47715
December 31, 1980
Harley-Davidson Motor Co., Inc.
3700 West Juneau Avenue
Milwaukee, Wisconsin 53201
April 1, 1981
Harris Rim and Wheel, Inc.
415 St. Paul Avenue
Knoxville, Tennessee 37901
September 23, 1980
Harris Rim and Wheel, Inc.
525 Peters Street S.W.
P.O. Box 10995
Atlanta, Georgia 30310
September 24, 1980
Harris Truck and Trailer Sales, Incorporated
P.O. Box 619
Cape Girardeau, Missouri 63701
January 1, 1981
Heil Equipment Company of Philadelphia, Incorporated
1223 Ridge Pike
Conshohocken, Pennsylvania 19428
January 1, 1981
Hendrickson Manufacturing Co.
P.O. Box 249
Burr Ridge, Illinois 60521
January 1, 1981
Hews Body Company
190 Rumery Street
South Portland, Maine 04106
January 18, 1981

Hillbuilt Mfg. Company Division of Hill Equip. Co.
Route 7, Box 5089
Benton, Arkansas 72015
January 1, 1981

O. G. Hughes & Son, Inc.
4816 Rutledge Pike
P.O. Box 6277
Knoxville, Tennessee 37914
January 1, 1981

Ibex Manufacturing, Inc.
2331 South 2300 West
Salt Lake City, Utah 84125
August 1, 1980

Illinois Auto Central, Inc.
4750 S. Central Avenue
Chicago, Illinois 60638
October 1, 1980

International Harvester Co.
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1981

Iroquois Mfg. Co., Inc.
Richmond Road
Hinesburg, Vermont 05461
March 1, 1981

Isometrics, Inc.
P.O. Box 660
Reidsville, North Carolina 27320
March 31, 1981

IVECO Trucks of North America
P.O. Box 1102
1730 Walton Road
Blue Bell, Pennsylvania 19422
January 1, 1981

Janesville Truck Equipment Co.
P.O. Box 466
3032 Cooper Drive
Janesville, Wisconsin 53545
February 1, 1981

Jeep Corporation
27777 Franklin Road
Southfield, Michigan 48034
January 1, 1981

Kaffenbarger Welding Company
10100 Ballentine Pike
New Carisle, Ohio 45344
January 1, 1981

Kawasaki Motors Corporation
2009 E. Edinger Avenue
Santa Ana, California 92711
January 1, 1981

Kay Wheel Sales Co., Inc.
1771 Tomlinson Road
Philadelphia, Pennsylvania 19116
September 24, 1980

Kencar Equipment Company
1906 Lakeview Avenue
Dayton, Ohio 45408
January 1, 1981

Leland Equipment Company
5647 Southj 122 East Avenue
P.O. Box 45128
Tulsa, Oklahoma 74145
January 18, 1981

Loadcraft
P.O Box 12959
Houston, Texas 77017
December 1, 1980

Loadcraft, Division of Allied Products Corporation
P.O. Box 431
Brady, Texas 76825
December 31, 1980

Long Trailer Service, Inc.
P.O. Box 5105
Greenville, South Carolina 29606
January 1, 1981

Mack Trucks, Inc.
P.O. Box M
Allentown, Pennsylvania 18105
January 1, 1981

Maday Body & Equipment Corporation
575 Howard Street
Buffalo, New York 14206
January 1, 1981

Madison Truck Equipment, Inc.
2410 South Stoughton Road
Madison, Wisconsin 53716
October 22, 1980

Manning Equipment, Inc.
12000 Westport Road
P.O. Box 23229
Louisville, Kentucky 40223
April 16, 1981

Mark Body Division Core Industries
50625 Richard W. Boulevrd
Mt. Clemens, Michigan 48045
March 31, 1981

Maxon Industries, Inc.
5750 South Eastern Avenue
City of Commerce, California 90040
August 16, 1980

Meadows Hydraulics Sales and Service, Inc.
U.S. 13 and S. Division St.
Fruitland, Maryland 218265
September 23, 1980

Mickey Truck Bodies, Inc.
P.O. Box 2044
1305 Trinity Avenue
High Point, No. Carolina 27261
July 1, 1980

Middlehauff, Incorporated
1615 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1981

Mid West Truck Equipment Sales Corporation
4041 No. Brush College Road
R.R. 7 Box 463F
Decatur, Illinois 62521
February 22, 1981

M & M Equipment, Inc.
P.O. Box 152
Lebanaon, New Hampshire 03766
March 14, 1981

Moline Body Company
222 52nd Street
Moline, Illinois 61265
January 6, 1981

Monon Trailer, Division of Evans Transportation Co.
P.O. Box 655
Monon, Indiana 47959
April 8, 1981

Moore and Sons, Inc.
P.O. Box 30991
2900 Airways Boulevard
Memphis, Tennessee 38130
December 31, 1980

Morgan Trailer
Box 258
Morgantown, Pennsylvania 19543
January 1, 1981

Motor Truck Equipment Corp.
P.O. Box 47385
Dallas, Texas 75247
December 31, 1980

Nabors Trailer, Inc.
P.O. Box 979
Mansfield, Louisiana 71052
January 1, 1981

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49007
January 1, 1981

Nelson Manufacturing Company
6448 U.S. Route 224
Ottawa, Ohio 45875
January 1, 1981

The Ness Company
P.O. Box 607
270 N. Zarfoss Drive
York, Pennsylvania 17405
January 1, 1981

Newark Truck Parts, Inc.
560 Market Street
Newark, New Jersey 07105
January 1, 1981

New Method Equipment Company
P.O. Box 4638
707 27th Avenue, S.W.
Cedar Rapids, Iowa 52404
December 31, 1980

Novi Manufacturing Company
25701 Seeley Road
Novi, Michigan 48050
November 1, 1980

Ohio Truck Equipment, Inc.
4100 Rev Drive
Cincinnati, Ohio 45232
December 10, 1980

Olson Trailer & Body Builders Co.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 1, 1981

Omaha Standard, Inc.
2401 W. Broadway
Council Bluffs, Iowa 51501
January 1, 1981

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54903
January 18, 1981

Ottawa Truck Corporation
Gulf & Western Manufacturing Co.
415 East Dundee Street
Ottawa, Kansas 66067
December 10, 1980

Outboard Marine Corporation
100 Sea Horse Drive
Waukegan Illinois 60085
January 18, 1981

PACCAR, Incorporated
d/b/a Kenworth Truck Company
Peterbilt Motors Company
P.O. Box 1518
Bellevue, Washington 98009
January 18, 1981

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1981

Peabody Galion
P.O. Box 607
500 Sherman Street
Galion, Ohio 44833
October 31, 1980

Peerless Division—Lear Siegler Incorporated
18205 S.W. Boones Ferry Road
Tualatin, Oregon 97062
January 8, 1981

Perfection Equipment Company
P.O. Box 75540
5100 West Reno
Oklahoma City, Oklahoma 73147
January 12, 1981

Petroleum Equipment and Supply Company, Inc.
321 Forbes Avenue
New Haven, Connecticut 06512
September 27, 1980

Pheonix Manufacturing, Inc.
375 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1981

Polar Tank Trailer, Inc.
R.R. 1
Holdingford, Minnesota 56340
September 31, 1980

Polaris E-Z-Go
Division of Textron, Inc.
P.O. Box 1284
1225 North County Road 18
Minneapolis, Minnesota 55440
July 1, 1980

Power Brake Service & Equip. Co.
1022 Carnegie Avenue
Cleveland, Ohio 44115
December 31, 1980

Progress Industries, Inc.
400 East Progress Street
Arthur, Illinois 61911
October 1, 1980

PSI Mobile Products, Inc.
25 Eldridge
Mt. Clemens, Michigan 48043
July 1, 1980

Quality Truck Equipment Co.
P.O. Box 102
I-55 Beltline & Mercer Avenue
Bloomington, Illinois 61820
November 15, 1980

Recreative Industries, Inc.
60 Depot Street
Buffalo, New York 14206
July 13, 1980

Reynolds & Son, Inc.
P.O. Box 380
Bridge Street
South Barre, Vermont 05670
January 1, 1981

Rowland Truck Equipment, Inc.
2900 N.W. 73rd Street
Miami, Florida 33147
November 19, 1980

R/S Truck Body Company, Inc.
P.O. Box 420
Allen, Kentucky 41601
January 1, 1981

Ryder Truck Rental
P.O. Box 100
Pennsburg, Pennsylvania 18073
January 1, 1981

Ryder Truck Rental Inc.
4709 West 96th Street
P.O. Box 68490
Indianapolis, Indiana 46206
January 1, 1981

Schien Sody and Equip. Company
North on University
Carlinville, Illinois 62626
August 1, 1980

Scientific Brake and Equipment Co.
P.O. Box 840
314 W. Genesee Avenue
Saginaw, Michigan 48606
January 19, 1981

Sharpsville Steel Equip. Company
6th & Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1981

Skillcraft Industries, Inc.
1270 Ogden Road
Venice, Florida 33595
September 1, 1980

Smith-Moore Body Co., Inc.
P.O. Box 27287
Richmond, Virginia 23261
January 18, 1981

Somerset Welding & Steel, Inc.
P.O. Box 628
733 S. Center Avenue
Somerset, Pennsylvania 15501
January 1, 1981

South Florida Engineers, Inc.
5911 E. Buffalo Avenue
P.O. Box 11927
Tampa, Florida 33680
July 2, 1980

Spring Valley Dodge, Inc.
P.O. Box 419
19 South Main Street
Spring Valley, New York 10977
March 31, 1981

Steelfab, Incorporated
27 Marshall Street
P.O. Box 2305
Patterson, New Jersey 07509
June 1, 1980

Steffen Incorporated
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1980

Taylor-Dunn Mfg. Company
2114 West Ball Road
Anaheim, California 92804
October 3, 1980

Terex Corporation
State Route 91
Hudson, Ohio 44236
January 1, 1981

Toll Road Truck Equipment Co.
841 N. Bedford Street
East Bridgewater, Mass. 02333
February 1, 1981

Transport Equipment Company
3400—6th Avenue, South
P.O. Box 3817
Seattle, Washington 98124
January 18, 1981

Triangle Fleet Service
801 Coliseum Blvd. West
Fort Wayne, Indiana 46808
January 1, 1981

Truck Equipment Company, Inc.
1911 S.W. Washington Street
Peoria, Illinois 61602
January 18, 1981

Truck Equipment, Inc.
P.O. Box 1086

85 East Longfield Avenue
Mansfield, Ohio 44901
March 15, 1981

Truck Equipment, Inc.
680 Potts Avenue
Green Bay, Wisconsin 54304
January 1, 1981

Truck Equipment, Inc.
P.O. Box 3265
1560 N.E. 44th Avenue
Des Moines, Iowa 50316
January 1, 1981

Truck Equipment Service Company
800 Oak Street
Lincoln, Nebraska 68521
January 1, 1981

The Truck Engineering Co.
3200 East Pontiac Street
Fort Wayne, Indiana 46803
January 1, 1981

Truck Parts and Equipment
4501 West Esthner
Wichita, Kansas 67209
December 11, 1980

Truckers Equipment, Inc.
1501 N. Port Avenue
Corpus Christi, Texas 78408
December 1, 1980

Truckers Equipment, Inc.
2022 N. 77 Sunshine Strip
Harlingen, Texas 78550
December 1, 1980

T&T Parts Warehouse
5550 Clay Avenue S.W.
Grand Rapids, Michigan 49508
December 1, 1980

Twin Bay Industries, Inc.
8906 Cairn Highway
Elk Rapids, Michigan 49629
April 30, 1981

Union City Body Company, Inc.
1015 West Pearl Street
Union City, Indiana 47390
September 1, 1980

Unit Rig & Equipment Co.
P.O. Box 3107
5400 S. 49th W. Avenue
Tulsa, Oklahoma 74101
January 1, 1981

Universal Go Tract of Georgia Ltd.
963 Industrial Park Drive
Marietta, Georgia 30062
June 1, 1980

U.S. Truck Body Co., Inc.
37-21 24th Street
Long Island City, New York 11101
March 30, 1981

Valley Truck and Equipment Company, Inc.
P.O. Box 156
Trevett Road
Boston, New York 14025
October 15, 1980

Van Con, Incorporated
123 Williams Street
Middlesex, New Jersey 08846
September 1, 1980

Volkswagen of America, Inc.
27621 Parkview Boulevard
Warren, Michigan 48092
October 11, 1980

WABCO Construction & Mining Division of American Standard
2300 N.E. Adams Street
Peoria, Illinois 61639
February 1, 1981

Wayne Corporation (An Indian Head Company)
P.O. Box 1447
Industries Road
Richmond, Indiana 47374
November 1, 1980

Wayne Engineering Corporation
2412 West 27th Street
Cedar Falls, Iowa 50613
October 31, 1980

Western Equipment Co., Inc.
P.O. Box 1502
130 Railroad Hill Street
Waterbury, Connecticut 06721
January 3, 1981

W. F. Mickey Body Co., Inc.
P.O. Box 2044
1505 Bethel Drive
High Point, North Carolina 27261
September 24, 1980

White Motor Corporation
34500 Grand River Avenue
Farmington Hills, Michigan 48024
January 18, 1981

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1981

Wyman's Incorporated
P.O. Box 542
Northfield Road
Montpelier, Vermont 05602
July 1, 1980

Beatrice N. Vaccara,
Director, Bureau of Industrial Economics.

[FR Doc. 81-17758 Filed 6-15-81; 8:45 am]
BILLING CODE 3510-30-M

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 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 electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: July 7, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., NW, Washington, D.C.

AGENDA: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review assignments for the 1982 International List Review.

(4) Industry view of the licensing process.

(5) Review of drafts for automatic test equipment (ATE) control.

(6) New Business. Executive Session.

(7) 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 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, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, 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 OR COPIES OF THE MINUTES 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: June 10, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-17823 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Trigger Price Mechanism Product Coverage

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

ACTION: Notice of requests to expand and delete coverage under the steel trigger price mechanism (TPM).

SUMMARY: The Department of Commerce is publishing notice of requests for additions and deletions in the trigger price product coverage of certain specific steel products under the TPM. Interested parties are invited to comment on or before July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3529.

SUPPLEMENTARY INFORMATION: The Department of Commerce has previously announced requests for changes in trigger price product coverage on October 21, 1980 (45 FR 69527), November 20, 1980 (45 FR 76722), and January 27, 1981 (46 FR 8637). The Department is hereby announcing receipt of additional requests, as identified and described below.

I. Clad Plate

The Department has received a request to add trigger price coverage for clad plate. Clad plate has a stainless steel surface bonded to a base of carbon or low alloy plate. It is in AISI import category 5.

II. Mechanical Tubing

The Department has received requests for two changes in trigger price coverage of mechanical tubing:

A. ASTM A513 Mechanical Tubing

Current trigger price coverage of ASTM A513 mechanical tubing is on pages 14-26 through 14-28 of the *Second Quarter 1981 TPM Price Manual.* Current coverage includes only round tubing. The Department has received a request to expand trigger price coverage to include square and rectangular tubing in all standard sizes down to ½", and to include a cold sheet extra.

B. ASTM A519 Mechanical Tubing

The Department has received a request to add trigger price coverage for ASTM A519 seamless carbon and alloy mechanical tubing in the following AISI and SAE grades; 1021, 1026, 1030, 1035, 1040, 1045, 1330, 1335, 1340, 1345, 1524, 1541, 4130, 4135, 4137, 4140, 4142, 4145, 4340, 8620 and 8640.

III. ASTM A500 Structural Tubing

ASTM A500 square and rectangular structural tubing is currently covered on pages 14-14 through 14-19 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request to modify current trigger price coverage in the following ways:

A. Cold Strip Extra

Delete the cold strip extra; such product would then be trigger priced using the expanded A513 coverage noted in item II(A) above;

B. Wall Thickness of 0.120" or Less

Delete coverage for tubing with a wall thickness of 0.120" or less; and

C. Outside Periphery of 8" or Less

Delete coverage for tubing with an outside periphery of 8" or less.

The party requesting such changes contends that square and rectangular tubing in small dimensions, manufactured from cold finished material, currently being trigger priced as A500 structural tubing, is known commercially only as A513 mechanical tubing.

IV. Hot Rolled Sheet and Bands

Current trigger price coverage of hot rolled sheets and bands is on page 25-1 through 25-3 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request for deletion of current trigger price coverage of hot rolled sheets and bands in widths over 76 inches.

V. Bearing Quality Wire

On April 8, 1981, the Department announced the deletion of trigger price coverage of bearing quality wire (46 FR 21046, 21050). As indicated in the April 8 Federal Register notice, the Department considered continued trigger price coverage of bearing quality wire inconsistent with the Department's decision to delete trigger price coverage of bearing quality wire rod, from which bearing quality wire is drawn. Subsequent to the April 8 decision, a domestic bearing quality wire drawer has requested that the Department reconsider its decision to delete trigger price coverage of bearing quality wire. That firm asserts that, despite its dependence on foreign supplies for its bearing quality rod, it has been a significant, competitive supplier of bearing quality wire to domestic needle bearing manufacturers.

The firm asserts that deletion of trigger price coverage has threatened its continued existence and that the Department's decision to delete trigger price coverage of bearing quality wire rod is not relevant to the trigger price coverage of bearing quality wire.

VI. Seamless Steel Pressure Tubing

VI. Current trigger price coverage for seamless pressure tubing is on pages 15-11 through 15-30 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request to delete trigger price coverage by restricting the pressure tubing coverage to the following grades:

1. ASTM A335 Grades P1, P5, P11, P12, and P22;

2. ASTM A333 Grades 1, 3, 6, and 8; and

3. ASTM A106 Grades A, B, and C (currently covered as line pipe if in line pipe sizes).

Another request was received on ASTM A106 requesting the deletion of this product from coverage as pressure tubing if imported in other than line pipe sizes. The requester also urged that pressure tubing coverage be limited to the following grades: ASTM A161, ASTM A179, ASTM A192, ASTM A210, ASTM A334, and ASTM A556.

The Department will consider any comment on the limiting of seamless pressure tubing coverage to specific grades.

VII. Grade X-70 Line Pipe

The Department has received a request to expand coverage to include grade X-70 line pipe. The request, if granted, would result in an addition of this grade to the coverage on page 14-12 of the *Second Quarter 1981 TPM Price Manual.*

VIII. Electrolytic Tinplate, Single Reduced

The Department has received a request to expand trigger price coverage of electrolytic tinplate, single reduced, to include coating weights not currently covered. Coating weights are on page 23-2 of the *Second Quarter 1981 TPM Price Manual.* The additional coatings requested are #30/20 and #40/50.

IX. Hot-Dipped Galvanized Sheet

The Department has received a request to delete current trigger price coverage of hot-dipped galvanized sheet in thicknesses less than 0.015" and under, and in widths over 42". This coverage is found on page 27-5 of the

Second Quarter 1981 TPM Price Manual.

X. Electrical Sheets, Grain Oriented and Non-Oriented

The Department has received a request to expand coverage on grain oriented electrical sheets and non-oriented electrical sheets to include uncoated sheets. This coverage, on pages 26–1 and 26–2 in the *Second Quarter 1981 TPM Price Manual,* is currently limited to coated sheets.

XI. Galvanized Wire

The Department has received a request to expand coverage of galvanized wire to include Type III coating. Currently, regular or commercial coating and Type I are covered on pages 16–5 to 16–7 of the *Second Quarter 1981 TPM Price Manual.*

Interested parties are invited to submit comments on the trigger price product coverage issues identified above. Comments should be specific with respect to the product involved and should provide detailed information with respect to the domestic market, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request.

Comments should be submitted within thirty days of this notice to Stanley P. Gustafson, Import Administration, Room 1001, U.S. Department of Commerce, Washington, D.C. 20230

Dated: June 11, 1981.

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-17801 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Cap Screws from Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cap screws from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 13, 1976, a final countervailing duty determination on cap screws from Italy, T.D. 76-225, was published in the **Federal Register** (41 FR 34250). The notice stated that the Department of the Treasury had determined that exports of cap screws from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1980 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreement Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notifed the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31255) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on cap screws from Italy.

Scope of the Review

Imports covered by this review are iron or steel cap screws, ¼" in diameter and over, imported directly or indirectly from Italy. These imports are currently classifiable under item 646.63, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For cap screws the rebate is 15 lire per kilogram.

The Government of Italy provided no substantive response to our questionnaire of August 15, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rate legislated in Law 639 still applies in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebate is not countervailable, we preliminarily determine that the rate of net subsidy conferred upon producers exporting to the United States is 15 lire per kilogram.

The Department intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram, the amount set forth in T.D. 76-225, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980. In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram on all unliquidated entries of cap screws entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, a cash deposit of estimated countervailing duties of 15 lire per kilogram 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.

Pending publication of the final results of the present review, the existing deposit of estimated duties of 15 lire per

kilogram shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing. 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 § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 10, 1981.

[FR Doc. 81-17798 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Compressors and Parts Thereof From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on compressors and parts thereof from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebates for these products under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 3, 1972, a final countervailing duty determination on compressors and parts thereof from Italy, T.D. 72-122, was published in the **Federal Register** (37 FR 8948). The notice stated that the Department of the Treasury had determined that exports of compressors and parts thereof from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the Federal Register on May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on compressors and parts thereof from Italy.

Scope of the Review

Imports covered by this review are compressors and parts therof from Italy (see Appendix A). These imports are currently classifiable under item 661.12, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For compressors and parts thereof from Italy (see Appendix A), the rebates are between 15 and 80 lire per kilogram.

The Government of Italy provided no response to our questionnaire of July 15, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rates legislated in Law 639 still apply in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebates is not countervailable, we preliminarily determine that the rates of net subsidy conferred upon producers exporting to the United States are those listed in Appendix A.

The Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 in the amounts set forth in T.D. 71-122. (The lower rates are due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of compressors and parts thereof entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, as required by section 355.36(c) of the Commerce Regulations, a cash deposit of the estimated countervailing duties listed in Appendix A 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.

Pending publication of the final results of the present review, the existing deposit of estimated duties shall continue to be required, at the rates set forth in T.D. 72-122, on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

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 section 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 10, 1981.

Appendix A

	Per kilogram (lire)
Air or gas compressors (including compressors for refrigerating equipment presented separately); power driven vacuum pumps	35
Compressors and vacuum pumps, motor coupled sets	35
Parts of compressors:	
Blades, vanes and rotors:	
Of stainless steel	80
Other, made predominantly of cast iron, iron or steel	40
Cylinders and cylinder heads	20
Cylinder blocks, crankcases, baseplates and bodies of pumps and compressors: of cast iron or steel	15
Pistons, made predominantly of cast iron, iron or steel	20
Cylinder liners	15
Connecting rods	30
Crankshafts and camshafts, pump shafts	30
Piston rings	15
Oil pumps, water pumps and turbines, feed pumps	20
Gasoline lifting pumps, economizers, oil cleaners, oil and fuel filters, and their parts, made predominantly of cast iron, iron or steel	20
Injectors, injector holders, injection pumps and parts thereof, the latter limited to those made predominantly of cast iron, iron or steel	70
Pressure regulators	40
Gaskets, also presented in envelopes or like packages, made predominantly of iron or steel	20
Other parts, not elsewhere specified, made predominantly of iron or steel	30

[FR Doc. 81-17759 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of California et al.; for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00196. Applicant: University of California, Pathology Department, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to provide transmission electron microscopy as a service to research laboratories at UCLA. Examples of the experiments to be conducted include:

(1) Human tissue culture, detection of mycoplasma.

(2) Skin research—collagen injected introdermally, to detect new growth of collagen.

(3) Human pancreas—frozen tissue used for implants, to detect ultrastructural effects.

(4) Kidneys (dog)—detection of renal immune complexes.

(5) Sheep placenta (cell suspension)—ultrastructural features of organelles in aliquots of suspension.

Clinical investigations are carried out in the laboratory to clarify a particular diagnostic problem or category and to relate specific diagnosis to specific prognoses. The article will also be used to acquaint resident physicians in pathology with the techniques of transmission electron microscopy and to illustrate the application of the techniques to the diagnostic process. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00197. Applicant: University of Wisconsin, 1415 W. Johnson Drive, Department of Chemical Engineering, Madison, WI 53706. Article: Small-angle X-ray Camera System. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used for the study of the morphology of viruses, fibrin, photoreceptor membrane vesicles, segmented polyurethane elastomers, and amphoteric latex particles. Projects involving thermosetting resins and metal physics will also be carried out. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00198. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Excimer Multi-Gas Laser, Model EM 102 and Accessories. Manufacturer: Lambda Physics, Inc., West Germany. Intended use of article: The article is intended to be used for photoionization of aromatic compounds in hydrocarbon solvents that involves the study of short lived radicals and radical ions by electron parmagnetic resonance spectroscopy. This study aims to provide better understanding of photoionization and transient intermediates that are involved. Application received by commissioner of customs: April 20, 1981.

Docket No. 81-00199. Applicant: Princeton University, Department of Biology, Princeton, N.J. 08544. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research studies: ultrastructural analysis of ferratin-labeled desmosomes, serial section analysis of vertebrate neuron pathways specifically those that connect the eye to the visual centers of the central nervous system, and vesicle purification examination of the localized sites of bacteriophage on cell surface of *Caulobacter*. The purposes of those studies are to examine cellular and neurological development as well as to ascertain cellular organelles. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00200. Applicant: National Bureau of Standards, Route 270 and Quince Orchard Road, Gaithersburg, Maryland 20760. Article: Picosecond Camera System, Imacon 500. Manufacturer: Hadland Photonics, Ltd., United Kingdom. Intended use of article: The article is intended to be used to view very fast chemical and biological events. The samples will include large chemical and biochemical systems that will be excited by the laser which emits very weak pulses only a nanojoule in energy. Light emitted by the sample can then be detected with the streak camera synchroscan system, because even though the emission excited by a pulse is too weak to detect, the camera can be run at 82 MHz repetition rate of the pumping laser and so can add up millions of shots in synchronism with the excitation pulses. The synchronous streak camera facility allows viewing of numerous samples with different

excitation bands avoiding nonlinear effects due to high power laser excitation. Samples investigated will include photosynthetic and protein systems as well as organometallic complexes. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00215. Applicant: NASA Wallops Flight Center, Wallops Island, VA 23418. Article: Hydraulic Drive. Manufacturer: Field Aviation, Ltd., Canada. Intended use of article: The article is intended to be used in an assembly of hydraulic components which takes mechanical power from an aircraft powerplant and provides mechanical energy to an electrical alternator in the cabin of the aircraft. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00217. Applicant: University of California, San Diego, Geological Research Division A020A, La Jolla, California 92093. Article: GS VII Nude Ion Source. Manufacturer: Eidgenossiche Technische Hochschule, Switzerland. Intended use of article: The article is intended to be used for research on ^{3}HE and rare gases applied to studies of ocean circulation, earthquake prediction and geothermal energy exploration. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00218. Applicant: University of Hawaii, 2444 Dole Street, Honolulu, Hawaii 96822. Article: Electron Spectrometer, ESCLAB 5. Manufacturer: VG Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the atomic-level surface chemistry and surface structure of solid specimens of metals, metal alloys, semi-conductors, and inorganic compounds. The primary experiment to be done is angle-resolved photoelectron spectroscopy of valence and core electronic levels, from which atomic identities, atomic positions, and detailed bonding mechanisms are derived. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00219. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Oxford Mark II Transducer and Perfusion Unit. Manufacturer: Clinical Research Center, United Kingdom. Intended use of article: The article is to be used in conjunction with a portable tape recorder and together they allow the recording of arterial blood pressure and heart rate in research animals continuously for 24 hour periods. This research involves examination of the time course of changes that occur in blood pressure and heart rate after inducing high blood pressure by renal artery constriction or low blood pressure by decreasing the heart rate to one half of its normal value. The animal will try to adapt to these changes in levels of blood pressure over a certain time period following the change. These adaptations that occur over time: minute to minute, hour to hour and day to day will be investigated. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00220. Applicant: University of California, San Diego, Receiving Department, 3175 Mirarmar Road Bldg. 509, La Jolla, CA 92093. Article: Surface Balance. Manufacturer: Mayer Feintechnik, West Germany. Intended use of article: The article is intended to be used to measure the surface properties of phospholipids and proteins, the interactions between these two components as well as the effect of the composition of the aqueous subphase. The article will be used to study interactions of phospholipids with the following proteins: Rhodpsin, Bacterial reaction centers, acetylocholine receptor, Diptheria toxin.

In addition, the article will be used in research and training of undergraduate and graduate students as well as postgraduate research biophysicist in the technique of surface chemistry involving lipids and proteins. Application received by Commissioner of Customs: May 1, 1981.

Docket No. 81-00222. Applicant: The Maritime Institute of Technology & Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Article: Deviascope. Manufacturer: B. Cooke & Son, Ltd., United Kingdom. Intended use of article: The article is intended to be used for instruction in the Licensed Advancement Program. Application received by Commissioner of Customs: May 1, 1981.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-17796 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00085. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, Colorado 80309. Article: Excimer Laser-Pumped Dye Laser System, EMG 101. Manufacturer: Lambda Physik GmbH & Co., KG, West Germany. Intended use of article: The article is intended to be used to study the effect of intense laser radiation on atomic and molecular collision processes (initially alkali and alkali earths colliding with rare gases will be studied). The research is part of a program to develop efficient techniques for laser induced chemistry. Two graduate students will use the article for their research, during which they will learn the techniques of using laser radiation to manipulate collision processes for chemical and physical research. Application received by Commissioner of Customs: April 16, 1981.

Docket No.: 81-00201. Applicant: Sandia National Laboratories, Division 2516, P.O. Box 5800, Albuquerque, NM 87185. Article: ESCLAB 5 Spectrometer. Manufacturer: VG Scientific Limited, United Kingdom. Intended use of article: The article is intended to be used for the following studies of surface chemistry and physics of explosives and pyrotechnic materials:

I. Pyrotechnics

A. Single component behavior will be studied with emphasis on the oxidation and thin oxide dissolution of current and proposed pyrotechnic fuels (B, Ti, TiH_2, Zr, ZrH_2) as well as the reduction of pyrotechnic oxidants ($KC10_4$, $CaCrO_4$, NH_4C10_4, NH_4NO_3, KNO_3).

B. Characterization of pyrotechnic compositions will be undertaken to determine the influence of production processes on surface composition. The mechanism of thermal ignition in pyrotechnic systems will be characterized as well as the influence of surface composition and properties on pyrotechnic behavior (spark sensitivity, ignition sensitivity, RAF, burn rate).

C. Compatibility and aging studies to allow measurement of the uptake, interaction, and thermal desorption of H_2O from pyrotechnic mixtures to complement TDS data from a new system which is currently under construction. In addition the interaction of other reactive gases (such as those released during the aging of HE) with pyrotechnic constituents will be examined. The compatibility of pyrotechnics and HE at pellet interfaces and the corrosion of materials used to contain pyrotechnic and HE compositions are of further interest.

II. High Explosives

A. Valence band data is needed to corroborate molecular orbital calculations of HE which are currently in progress.

B. The detection of ion and free radical fragments from photon and electron stimulated desorption as well as inert ion sputtering of HE samples is necessary for experimental verification of emerging models of the shock initiation process.

C. Interaction of reactives gases (produced during aging or thermal decomposition of HE) with component materials (bridgewire, glass ceramic, alloys, epoxies, etc.) will be studied.

Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00202. Applicant: New York State Department of Health, Empire State Plaza Tower Bldg., Division of Labs and Research, Albany, New York 12201. Article: Compensating Coil (Choke). Manufacturer: Emile Haefely, Switzerland. Intended use of article: The article is intended to be used for high-voltage electron microscopy/elemental analysis of biological/materials science specimens. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00203. Applicant: New York State Department of Health, Empire State Plaza. Article: Mark II Microelectrophoresis Apparatus. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used in studying interactions of human pathogenic viruses with minerals and soils to obtain information that will enable the State to assist local government and utilities with selecting proper sites for land applications of sewage effluents and designing recharge methods for replenishing aquifers which are sources of drinking water. More specifically, the article is used to measure the electrophoretic mobility of various minerals and soils. Electrophoretic mobility is important because it is one of the best predictors of the capacities of minerals and soils to absorb viruses. After the study is completed, the instrument will be maintained as a resource for statewide evaluation of soils as to their capacity to absorb viruses which is valuable to understanding soil adsorbed behavior for other contaminants as well. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00204. Vanderbilt University, Nashville, Tennessee 37232. Article: Electron Microscope, Model H-600. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological tissues, cells or subcellular components. The tissues to examined will be primarily thin sections of tissues from reproductive organs derived from a variety of experimental animals. Objectives of individual projects will vary, but the overall goal will be advancement of scientific knowledge in terms of understanding and, possibly, regulating certain aspects of reproductive processes. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00205. Applicant: Naval Medical Research Institute, Bethesda, MD 20014. Article: Cryokit, Model 14800-3 Complete. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article is an accessory to an existing ultramicrotome that is required for sectioning of unembedded frozen tissue. This accessory will be used in a variety of research programs dealing with detection of trace elements in biological tissue. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00206. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Deuterium Thyratron Switching Electron Tube. Manufacturer: English Electric Valve Co., United Kingdom. Intended use of article: The articles are part of the extraction system for a proton synchrotron particle accelerator. The extracted protons strike a uranium target. Neutrons are liberated from the target and are used in a variety of ways to study materials used in the nation's basic energy science program. These materials will include $Hg_2A_sF_6$, $A1_2O_3$, $Pb_{1.37}$, $SnMo_6S_8$, RuO_xD_2O, RNA, HCOOH. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00207. Applicant: Mercy Hospital Medical Center, Sixth & University Avenues, Des Moines, IA 50314. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, viruses and cellular inclusions associated with disease. Experiments to be conducted will involve obtaining material from a variety of diseases and correlating the ultrastructural appearance of the tissue with aspects of the disease and with that seen under experimental conditions such as cultures. The objective to be pursued in the course of these investigations will be to obtain knowledge about the mechanism of a variety of diseases and, by examining changes in the cellular ultrastructure, document the course of these diseases during treatment. The article will also be used to instruct residents and staff in the ultrastructure of neoplastic and renal diseases and other medical disease. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00208. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, CA 92093. Article: Iatroscan TH-10 TLC/FID Analyzer. Manufacturer: Iatroscan Laboratories, United Kingdom. Intended use of article: The article is intended to be used for the study of the mechanism of action of an enzyme phospholipase A_2. This requires analyzing and quantitatively determining small amounts of phospholipids, lyso-phospholipid and fatty acids. Experiments will be conducted to determine the detailed mechanistic and specificity of the enzyme as it is responsible for generating prostaglandins and leukotrienes which are important in the control of many disease states especially those involved with inflammation. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00209. Applicant: University of Illinois Campus at Urbana-Champaign, Purchasing Division, 223 Administration, Urbana, Illinois 61801. Article: Bede Double Axis X-Ray Diffractometer System and Related Components. Manufacturer: Bede Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies

of: Quaternary, Indium gallium arsenide phosphide (InGaAsP) and ternary, Indium gallium arsenide (InGaAs) compound semiconductor crystal layers grown by liquid and vapor phase epitaxy on Indium phosphide (InP) substrates.

The objective of the investigation is the determination of the optimum crystal growth conditions to obtain high quality compositionally uniform epitaxial layers and examination and identification of crystalline defects of these layers. The article will also be used by students to conduct research in the course EE 499, Ph.D. Thesis Research. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00210. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Scanning Electron Microscope, Model JSM 35C with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of photovoltaic materials including raw materials including raw materials and devices at various stages of fabrication; and related materials such as metallizations, antireflective coatings, substrates and encapsulants. The phenomena to be studied include surface topography; crystal structure, orientation and recombination and lifetime; carrier diffusion; and x-ray fluorescence. The objectives pursued will be the evaluation of candidate PV materials and devices and providing information on fabrication procedures, degradation mechanisms, structural and chemical problems and identifying possible improvements in PV materials and devices. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00211. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: 4M Spherical Diffraction Grating. Manufacturer: Astron Developments, Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of various molecular species in gaseous form. Application received by Commissioner of Customs: April 23, 1981.

Docket No. 81-00212. Applicant: Brookhaven National Laboratory, Upton, New york 11973. Article: Torodial X-Ray Diffraction Gratings. Manufacturer: Ion Tech Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of atomically clean solid surfaces with and without absorbates. The properties to be investigated include the electronic structure of surface and bulk, surface geometry. Application received by Commissioner of Customs: April 23, 1981.

Docket No. 81-00213. Applicant: Standord University, 851 Welch Road, Palo Alto, CA 94304. Article: Tritium Meter with Accessories. Manufacturer: Hughes Whitlock, Ltd., United Kingdom. Intended use of article: The article is intended to be used to conduct assays for radioactive contamination resulting from the use of radioactive biochemicals in research and teaching laboratories throughout the University. The radioactivity will be primarily H-3, C-14, P-32, S-35, and I-125 used in biological and medical research. Application received by Commissioner of Customs: April 24, 1981.

Docket No. 81-00214. Applicant: Northwestern University, Materials Science Department, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Article: Electron Microscope, Hitachi Model H-700H and Accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of microstructure, mechanical properties and physical properties of various metals, alloys, ceramics and polymers. Experiments will be conducted in order to establish fundamental principles relating microstructure and properties, and generation of basic information on better usage of materials. The article will also be used for educational purposes in various courses. Application received by Commissioner of Customs: April 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-17795 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80-10]

Lorenzo Pucillo & Son, Inc. and Chester Pucillo, an officer of the Corporation: Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Prehearing Conference in a matter under the Consumer Product Safety Act.

DATE: June 22, 1981, at 11 a.m.,

ADDRESS: Courtroom Number 3 (Room 309), U.S. Court of Claims, 717 Madison Place, NW, Washington, DC.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, 1111-18th St., NW, Washington, DC 20207, telephone (202)634-7700.

SUMMARY: The prehearing conference in this matter will be held before Administrative Law Judge Joseph L. Clark. The issue presented in the complaint is whether the respondents distributed 142 refuse bins in commerce at the time or times and places alleged; the staff has alleged that these refuse bins did not comply with the Ban of Unstable Refuse Bins, 16 CFR Part 1301.

The agenda for the prehearing conference includes the following: (1) Pending discovery requests; (2) the possibility of settling the case; (3) establishing a schedule for the exchange of witness lists, summary of expected testimony, and exchange of copies of documentary evidence; and (4) selection of a date for convening the hearing.

June 11, 1981.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 81-17884 Filed 6-15-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program: Notice of Advisory Committee Meeting

The Defense Science Board Task Force on the Defense Nuclear Agency Technologly Base Program (DNA TBP) will meet in closed session on 6-7 July 1981 at Headquarters, Defense Nuclear Agency, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At its meeting on 6-7 July 1981 the Task Force will conduct a comprehensive review of the Defense Nuclear Agency NWE Technology Base Program including blast and shock, cratering, EMP, SGEMP, free-field environments, and the coupling effects and the response of generic systems to these effects.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force

meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: 11 June 1981.

M. S. Healy,

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

[FR Doc. 81-17843 Filed 6-15-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of settlement.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of May 1981. The Concent Order represents resolution of an outstanding compliance investigation by the DOE and the firm and concerns overcharges in sales of gasoline during the period covered by the audit. This Consent Order is concerned exclusively with the firms agreement to refund overcharges direct to End-user customers.

For further information regarding this Consent Order please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, telephone number (404) 881-2396.

Firm name and address	Settlement terms	Period covered
Skelton Brothers Oil Corporation	Refund $10,487.16 including interest, direct to End-user customers, payment of $315.00 penalty.	July 1, 1979 through Apr. 30, 1980.

Issued in Atlanta, Georgia on the 4th day of June 1981.

James C. Easterday,

District Manager.

Leonard F. Bittner,

Chief, Enforcement Counsel.

[FR Doc. 81-17760 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Remedial Order to Exxon Co., U.S.A. and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Exxon Company, U.S.A. and opportunity for objection.

I. Introduction

Pursuant to 10 CFR § 205.192, the Office of Special Counsel, of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Exxon Company, U.S.A., Houston, Texas. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Exxon is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. DOE regulations in effect prior to January 28, 1981, required that a decrease in the quality of an item or substantially the same item marketed by a refiner be accompanied by a price decrease.

Between September 10, 1974 and December 18, 1979, Exxon reduced the octane numbers of the regular and premium motor gasoline sold from its East Coast (New Jersey), Gulf Coast (Texas and Louisiana), Benecia (California), and Billings (Montana) refineries. Exxon's total octane number reductions ranged from 0.6 to 2.0 for regular gasoline, and from 2.5 to 3.5 for premium gasoline.

Exxon did not adjust its selling prices for regular and premium gasoline on sales of these products to reflect the reductions in octane. As a result, Exxon charged to the affected customers, or banked for subsequent passthrough, $70,161,655 in excess of the amounts permitted under the regulations for the period September 10, 1974 through December 1980.

The DOE proposes that Exxon be required to refund $70,161,655 plus interest to Exxon's affected customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR § 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before July 1, 1981. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C., June 5, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-17759 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of May 4 through May 8, 1981

During the week of May 4 through May 8, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Energy Cooperative, Inc., May 7, 1981, BEA-0108

Energy Cooperative, Inc. (ECI) filed an Appeal of a Temporary Assignment Order which ERA Region VI issued to the firm on December 7, 1979. The firm sought to have the Order rescinded. In considerig the request, the DOE determined that the Temporary Assignment Order was legally and factually deficient because ECI had not received adequate notice of the Order and because the Order reached erroneous conclusions about ECI's supply capabilities. The Appeal was therefore granted.

Exxon Company, U.S.A., May 8, 1980, BEA-0161

Exxon Company, U.S.A. filed an Appeal from an order for the Redirection of Product which the ERA issued to the firm on January 4, 1980. That Order directed Exxon to supply volumes of motor gasoline to Gas 'N Sav

pursuant to the provisions of 10 C.F.R. § 211.107(c). In considering Exxon's Appeal, the DOE found that the record upon which the Redirection Order was based was insufficient to support the redirection of product pursuant to Section 211.107(c). Accordingly, the Exxon Appeal was granted.

Jeffries Banknote Company, May 7, 1981, BFA-0659

Jeffries Banknote Company filed an Appeal from a partial denial by the DOE Office of Business Liaison in the Directorate of Procurement and Assistance Management of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Jeffries sought access to a portion of a competitor's technical proposal which was submitted in response to a DOE Request for Proposal. In considering the Appeal, the DOE found that the withheld portion of the technical proposal contained commercial and confidential information whose release would likely cause substantial harm to the submitting firm's competitive position. The DOE concluded that the Directorate correctly withheld the material pursuant to Exemption 4 of the FOIA.

Winston Refining Company Co., May 6, 1981, BEA-0151, BEA-0321

Winston Refining Company filed Appeals from two ERA decisions which denied the firm's Applications for Emergency Allocations of crude oil pursuant to the Crude Oil Buy/Sell Program, 10 C.F.R. § 211.65. In considering the Appeals, the DOE rejected the firm's contention that under the Buy/Sell Program it "lost" a portion of its crude oil supply when the price of the crude oil increased to the point that it could no longer be processed profitably. Accordingly, the Appeals were denied.

Petitions for Special Redress

Clark Oil, Inc., May 6, 1981 BEG-0053, BES-0150

Clark Oil, Inc. filed a Petition for Special Redress requesting an order directing the DOE Office of Special Counsel for Compliance to release to Clark all workpapers and other documents compiled in connection with a Notice of Probable Violation issued to the firm. Clark also filed an Application for Stay of its obligation to respond to the NOPV. In considering the issue raised in Clark's Petition, the DOE determined that it would be more appropriate for Clark to raise these issues in its reply to the NOPV. The DOE therefore concluded that the Petition for Special Redress should be dismissed. The DOE also determined that Clark would not suffer an irreparable injury in the absence of stay relief and that it was not in the public interest to approve the stay relief requested. Accordingly, Clark's Application for Stay was denied.

Lakeside Refining Company, Inc., May 4, 1981, BEG-0047

Lakeside Refining Company, Inc. filed a Petition for Special Redress in which it sought to have a civil enforcement proceeding against the firm stayed pending the resolution of a related criminal prosecution. In considering the request, the DOE determined that there was no evidence to indicate that the Office of Enforcement had issued a Notice of Probable Violation to Lakeside in order to obtain evidence for a criminal prosecution. In addition, the DOE found that Lakeside's officers had chosen to respond to the NOPV without asserting the Fifth Amendment privilege against self incrimination. Accordingly, Lakeside's Petition was denied.

Remedial Order

Tri-Service Drilling Company, May 4, 1981 BRO-1293, BRD-1293

Tri-Service Drilling Company filed a Statement of Objections and a Motion for Discovery in response to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on July 18, 1980. The Office of Enforcement subsequently sought leave to modify the property determinations which served as the bases for the findings of overcharges in the Proposed Remedial Order. The DOE concluded that the formal reissuance of an amended Proposed Remedial Order would provide the most efficient procedural framework for a full consideration of Tri-Service's objections to the Office of Enforcement's revised legal theories and factual contentions. The DOE also found that Tri-Service would not be unduly prejudiced by having to respond to an amended Proposed Remedial Order. Accordingly, the Proposed Remedial Order was remanded to the Southwest District Office of Enforcement, and Tri-Service's Statement of Objections and Motion for Discovery were dismissed without prejudice.

Requests for Exception

Bachelder Oil Company, May 4, 1981 BEE-1543

Bachelder Oil Company filed an Application for Exception in which it requested to be relieved of its obligation to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that Bachelder was experiencing personnel problems which made it unduly burdensome for the firm to complete the form in a timely manner. Accordingly, Bachelder was granted an extension of time in which to file Form EIA-9A.

BYS, Inc., May 6, 1981, BXE-1524

BYS, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 212 in which it sought an extension of exception relief previously granted to the firm. The requested relief would permit BYS to continue to sell a portion of the crude oil produced from the No. 1 Humble-Dowdy Fee lease at prices in excess of the applicable ceiling price levels. In considering the request, the DOE determined that BYS should be provided with an incentive to continue production at its lease. Accordingly, exception relief was granted, and the firm was permitted to sell 33.71 percent of the working interest share of the crude oil produced and sold for the benefit of the working interest owners at market price levels.

Charter Oil Co., May 4, 1981, DXE-2108

Charter Oil Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought to be relieved of a portion of its entitlement purchase obligations for the period January through June 1979. In considering the request, the DOE found that Charter should be permitted to retain the $4,994,150 of entitlement exception relief granted to the firm in a March 19, 1979 Proposed Decision and Order pursuant to the *Delta* standards. However, the DOE also determined that the firm did not qualify for exception relief under the general hardship or inequity criteria. The DOE therefore concluded that Charter should not receive an additional $71,115 which would result from recalculating the relief granted in the Proposed Decision. Accordingly, the Charter exception request was granted in part.

District of Columbia, May 5, 1981, DEE-8329

The District of Columbia filed an Application for Exception from the provisions of 10 C.F.R. Part 211. In its application, the District requested that the DOE establish a trigger mechanism for providing the District with additional supplies of motor gasoline when certain criteria indicated that the District was suffering a motor gasoline supply shortfall greater than the shortage experienced in other parts of the country. On January 2, 1980 the DOE issued a Proposed Decision and Order in which relief was tentatively approved. The District and five other parties subsequently filed Statements of Objections to the Proposed Decision. However, prior to the issuance of a final determination, motor gasoline was exempted from the Mandatory Petroleum Allocation Regulations, and the portions of 10 C.F.R. Part 211 from which the District sought relief was revoked. Accordingly, the DOE determined that the District's request was moot and should be dismissed.

Giant Industries, Inc., May 4, 1981, BEE-1346

Giant Industries, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm requested that the DOE increase the number of entitlements issued to Giant in order to permit the firm to purchase crude oil at an average post-entitlements acquisition cost equivalent to that of other refiners. In considering the request, the DOE found that any difficulties which the firm was experiencing were attributable primarily to Giant's decision to expand its refinery capacity. In addition, the DOE determined that Giant was not suffering any competitive disadvantage as a result of the entitlements exception relief granted to its competitiors. Consequently, Giant's Application for Exception was denied.

Lucia Lodge, May 8, 1981, DEE-5531

Lucia Lodge filed an Application for retroactive and prospective exception relief from the provisions of 10 C.F.R. § 212.93 in which the firm sought to be permitted to charge a price for motor gasoline in excess of its maximum lawful selling price. In considering the request, the DOE found that exception relief from the date on which Lucia filed its Application until the date on which motor gasoline prices were decontrolled was necessary to provide the firm with an incentive to continue its motor gasoline

operations. However, the DOE also determined that Lucia had failed to present compelling reasons for the granting of exception relief prior to the date of filing of its Application. Accordingly, Lucia's Application for Exception was granted in part.

O.K. Petroleum Products Corporation, May 5, 1981, DEE-6685

O.K. Petroleum Products Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought the assignment of a new base period supplier of motor gasoline. In considering the request, the DOE found that the prices for motor gasoline charged by O.K. Petroleum's base period supplier were significantly higher than the prices charged by other suppliers in the firm's market area. The DOE therefore concluded that O.K. Petroleum should be assigned a new supplier of motor gasoline for the period June 1980 through November 1980. Accordingly, exception relief was granted.

Request for Stay

Hydrotherm, Inc., May 4, 1981, BES-0146

Hydrotherm, Inc. filed an Application for stay from the requirement that it test the energy efficiency of its new pulse combustion boiler in compliance with the procedures set forth in 10 C.F.R. Part 430. In considering the Application, the DOE determined that Hydrotherm had failed to make a significant showing of irreparable injury or likelihood of success on the merits of its underlying Petition for Waiver. The firm's stay request was therefore denied.

Interlocutory Order

Elm City Filling Stations, Inc., May 8, 1981, BRZ-0097

Elm City Filling Stations, Inc. filed a Statement of Objections to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on January 2, 1979 (Case No. DRO-0172). Subsequent to oral argument in the objection proceeding, the Office of Enforcement sought leave to substitute a different transaction as the basis for calculating alleged overcharges in the Proposed Remedial Order. The DOE determined that the Office of Enforcement acted appropriately and without undue delay in seeking to amend the Proposed Remedial Order. The DOE also found that the additional burden to Elm City created by the requested modification of the Proposed Remedial Order would not unduly prejudice the firm. Accordingly, the Office of Enforcement's Motion to Amend the Proposed Remedial Order was granted.

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline allocation Regulations. The DOE issued a Decision and Order which determined that the request be granted.

Company Name and Case No.

Lite-Ning Auto, Inc., DEO-0379

Petition Involving the Motor Gasoline allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed:

Company Name and Case No.

Downtown Standard; DEE-6415

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Big S Oil Co., Inc.; BEE-1591
Cray Research; BRA-0662
Delta Refining Co.; DRO-0185
HNG Oil Company; DRO-0066
Liberty Hill Oil Corp.; DEE-6132

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: June 9, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-17839 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Cancellation of Meeting

This notice is given to advice of the cancellation of the seventh meeting of the Task Group announced in the June 2, 1981, issue of the **Federal Register** (46 FR 29496).

Issued at Washington, D.C. on June 8, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 8, 1981.

[FR Doc. 81-17840 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmnetal Conservation will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Synthetic Fuels Task Group will hold its seventh meeting on Tuesday, June 30, 1981, starting at 9:00 a.m., in the Salon C of the Ramada O'Hare Inn, 6600 Mannheim Road, Des Plaines, Illinois.

The tentative agenda for the meeting follows:

1. Review preliminary draft of Task Group report.

2. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Synthetic Fuels Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Synthetic Fuels Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 9, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 9, 1981.

[FR Doc. 81-17841 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Meeting

Notice is hereby given that the Hazardous Wastes Task Group of the Committee on Environmental Conservation will meet in July 1981. The National Petroleum Council was

established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Hazardous Wastes Task Group will hold its sixth meeting on Wednesday, July 1, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW, Suite 601, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review preliminary draft of Task Group report.

2. Discuss any other matters pertinent to the overall assignment of the Hazardous Wastes Task Group.

The meeting is open to the public. The Chairman of the Hazardous Wastes Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the hazardous Wastes Task Group will be permitted to do so, either before or after the meeting. members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the ageanda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 9, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 9, 1981.

[FR Doc. 81-17842 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-75-000]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Change in General Terms and Conditions

June 8, 1981.

Take notice that on June 1, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 1st Revised Sheet No. 186 to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-26, to become effective July 1, 1981.

Arkla states that the purpose of 1st Revised Sheet No. 186 is to reflect that the rate of interest charged on past due bills will be the applicable rate of interest provided for in § 154.67(d)(2)(iii) of the Commission's regulations.

Arkla also states that a copy of this filing is being mailed to Cities Service Gas Company, the only customer served under Arkla's Rate Schedule No. X-26.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17847 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-74-000]

Arkansas Louisiana Gas Co., Filing of Revised Tariff Sheet Reflecting Change in General Term and Conditions

June 8, 1981.

Take notice that on June 1, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 1st Revised Sheet No. 10 to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2, to become effective July 1, 1981.

Arkla states that the purpose of 1st Revised Sheet No. 10 is to reflect a change in the Rate of Interest charged on past due bills from 6% per annum to the applicable rate of interest provided for in § 154.67 (d)(2)(iii) of the Commission's regulations.

Arkla also states that a copy of this filing is being mailed to the customers served under Arkla's Rate Schedule No. G-2.

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, and 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17848 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-155-000]

City of Florence, Alabama, Applicant, Tennessee Gas Pipe Line Co. and Alabama-Tennessee Natural Gas Co., Respondents; Technical Conference

June 9, 1981.

Take notice that on June 30, 1981, a technical conference will be held in Docket No. CP81-155-000 to discuss issues raised by the application of the City of Florence, Alabama, filed pursuant to Section 7(a) of the Natural Gas Act.

The conference will be held at 10:00 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Steet, N.E., Washington, D.C. 20426 in room 7312A. All interested parties are permitted to attend but attendance at the conference will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17849 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4613-000, Project No. 4614-000, and Project No. 4615-000]

City of Rochester, New York, Mohawk Energy Corp., and Village of Arcade, New York; Application for Preliminary Permit

June 10, 1981.

Take notice that the City of Rochester, New York (City), the Mohawk Energy Corporation (MEC), and the Village of Arcade, New York (Arcade) filed on May 1, 1981, applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4613, 4614, and 4615, respectively, to be known as the Munt Morris Project located on the Genesee River in Livingston County, New York. Correspondence with the City should be directed to: Mr. Peter Korn, City Manager, City Hall, 30 Church Street, Rochester, New York 14614. Correspondence with MEC should be directed to: Mr. James D. Krugman, 262 Main Street, Paterson, New Jersey 07505. Correspondence with Arcade should be directed to: Mr. Philip J. Movish, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—Each project would utilize the existing Corps of Engineers Mount Morris Dam.

Project No. 4613 would consist of: (1) a new powerhouse 500 feet downstream from the dam's toe; (2) a new penstock approximately 300 feet long; (3) two tube turbines connected to generators with a total capacity of 5 MW and generating 20 million kWh annually and; (4) a 5.0-mile long transmission line.

Project No. 4614 would consist of one of three alternatives: (1) use two existing penstocks in the north abutment and build a powerhouse containing units rated at 10 MW and generating 40 million kWh annually; (2) use four existing outlet conduits as penstocks to a new powerhouse located below the dam in the stilling basin area and equipped as above; (3) install crest gates across the existing spillway crest and build a powerhouse located downstream on the north bank containing units rates at 30 MW and generating 130 million kWh annually.

Project No. 4615 would consist of: (1) a series of taintor gates across the dam's spillway raising the maximum flood elevation by 30 feet; (2) a gatehouse with an intake structure and trashracks; (3) two 18-foot in diameter penstocks about 300 feet long; (4) a new powerhouse containing two 10 MW units with an annual generation of 66 million kWh; (5) a 3.0-mile long, single circuit 115-kV transmission line.

Proposed Scope and Cost of Studies under Permit—The City requests a permit term of 24 months, while MEC and Arcade request a 36-month term, during which time the Permittee would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. The City, MEC, and Arcade estimate the cost of studies under the permit would be $75,000, $160,000 and $150,000, respectively.

Competing Applications—These applications were filed as competing applications to the Mount Morris Project No. 3662 filed on November 4, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITIONS TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon the representatives of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17863 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4237-000 and Project No. 4530-000]

City of Riverton, Wyoming and City of Gillette, Wyoming; Application for Preliminary Permit

June 10, 1981

Take notice that the City of Riverton, Wyoming (RV) and the City of Gillette, Wyoming, (GL) (Applicants) filed on February 23, 1981, and April 14, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4237 (RV) and 4530 (GL) to be known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: William A. Peterson, City Administrator, P.O. Box 1700, Riverton, Wyoming 82501 (RV) and Paul G. Schamp, P.E., Electrical Engineer, City of Gillette, P.O. Box 3003, Gillette, Wyoming 82716 (GL).

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Jackson Lake Dam and Reservoir and would consist of: (1) new penstocks; (2) a new powerhouse containing generating units having a total rated capacity between 8,400 kW and 9,500 kW (RV) or 6,700 kW (GL); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be between 29,000,000 kWh and 32,000,000 kWh (RV) or 20,000,000 kWh (GL).

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seeks issuance of a preliminary permit for a period of three years, during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the

studies under the permit would be $60,000 (RV) or $100,000 (GL)

Competing Applications—These applications were filed as competing applications to Pacific Northwest Generating Company's application for Project No. 3505 filed on September 26, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of the application may be obtained by agencies only directly from the Applicants.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17864 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-99, Docket No. CP80-35, and Docket No. CP81-328-000]

Colorado Interstate Gas Co.;

June 10, 1981

Take notice that on May 11, 1981, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP78-99, CP80-35, and CP81-328-000 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act for authorizations to amend the orders issued Noverber 19, 1979, in Docket No. CP78-99 and May 7, 1978 in Docket No. CP80-35, as they pertain to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and to Panhandle Eastern Pipe Line Company (Panhandle), respectively so as to permit and approve the abandonment of the sale of natural gas to Panhandle, so as to increase the level of transportation and exchange volumes for Michigan Wisconsin and Panhandle, and so as to revise the method by which transportation charges are computed for Panhandle and for a certificate of public convenience and necessity in Docket No. CP81-328-000 authorizing the construction and operation of certain facilities to provide firm capacity to transport gas, as certificated, for Michigan Wisconsin and Panhandle, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that the facilities for which authority is sought herein would provide for additional capacity on both its Wyoming and Southern Systems which would enable CIG to provide firm transportation service for Michigan Wisconsin and Panhandle at levels significantly higher than the volumes of gas heretofore tendered by such parties to CIG for transportation by it.

CIG requests specifically, that the Commission, pursuant to Section 7(b) and 7(c) of the Natural Gas Act,

(1) amend the order in Docket No. CP80-35 to permit the abandonment of the sale of natural gas to Panhandle.

(2) Amend the order in Docket No. CP80-35 to authorize an increase in the level of transportation and exchange authority for Panhandle from 298,371 Mcf per day to 400,000 Mcf per day.

(3) Amend the order to Docket No. CP78-99 to authorize an increase in the level of transportation and exchange authority for Michigan Wisconsin from 89,511 Mcf per day to 124,321 Mcf per day.

(4) Authorize the construction, installation, and operation of the following facilities:

Approximately 32.5 miles of 30-inch pipeline loop east of the Rawlins Compressor Station in Wyoming

Approximately 39 miles of 30-inch loop east of the Laramie Compressor Station In Wyoming

Approximately 53.6 miles of 30-inch pipeline loop south of the Cheyenne Station in Colorado

Approximately 77 miles of 30-inch pipeline loop east of the Watkins Compressor Station in Colorado

Approximately 39 miles of 26-inch pipeline loop south of the Kit Carson Compressor Station in Colorado

Approximately 11 miles of 26-inch pipeline south of the Springfield Compressor Station in Colorado

Approximately 28.1 miles of 26-inch pipeline loop east of the Morton County Compressor Station in Kansas and Oklahoma

One gas turbine-driven compressor unit of approximately 3,830 horsepower to be installed at the Wamsutter Compressor Station and the rewheeling of four existing compressor units in Wyoming

One reciprocating gas compressor unit of approximately 2,000 horsepower to be installed at the Rawlins Compressor Station in Wyoming

Two reciprocating gas compressor units of approximately 2,700 horsepower each to be installed at the Watkins Compressor Station in Colorado

A new compressor station having approximately 5,000 horsepower, to be known as the Beaver County Compressor Station, and minor facilities to connect the new station with Michigan Wisconsin's pipeline, located in Beaver County, Oklahoma.

CIG states that the estimated cost of the proposed expansion, to include facilities as detailed above and line pack gas inventory, is $144,900,000. Further, CIG says it proposes to place the new facilities in operation no later than October 1, 1982. According to CIG, it expects to meet the funding requirements for this project from funds on hand, internally generated cash from operations, and such additional funds from external sources as may be required.

CIG states that, on December 1, 1978, it and Panhandle entered into a systemwide gas purchase, transportation, and exchange agreement, wherein existing prior authorizations would be abandoned and a new systemwise authorization would be requested which provided for either party to transport up to 298,371 Mcf per day for the other party from supply areas along the companies' pipeline systems. The Commission granted

authorization in the orders issued May 7, 1980, in Docket No. CP80-34 (Panhandle) and CP80-35 (CIG) to carry out the terms of the December 1, 1978, agreement. CIG states that, pursuant to such agreement, it has, under certain circumstances, obligations to construct facilities to provide firm transportation service for up to 298,371 Mcf per day. Panhandle, according to CIG, must also provide transportation for CIG but to date CIG has not tendered significant volumes to Panhandle for transportation.

CIG now says that its present system does not have capacity to redeliver the volume of 240,686 Mcf per day which Panhandle has notified CIG it expects to tender during the fiscal year 1983. Therefore, CIG says, a portion of the facilities proposed in the instant application is required to provide transportation service for Panhandle up to the 240,686 Mcf per day level.

According to CIG, it and Panhandle entered into an amended agreement, dated April 21, 1981, and, CIG now requests authority herein to carry out the provisons of the amended agreement which provided for the following changes:

(1) Deletion of the option of both parties to purchase up to 25 percent of the delivery volumes by either party and abandonment of the sale of natural gas as certificated in Docket Nos. CP80-34 and CP80-35. (CIG says it has notified Panhandle that the option to purchase would not be exercised beginning in May 1982.)

(2) Increase in the level of transportation and exhange volumes from 298,371 Mcf per day to 400,000 Mcf per day which would afford greater supply capacity to both parties.

(3) Revision of the method by which transportation charges are computed so that each party may charge its jurisdictional rate multipled by the redelivery volumes transported for the other party. In addition, Panhandle would pay to CIG a minimum annual bill based upon a minimum annual volume which shall be not less than 82.6 percent of the then effective annualized total volumes as listed in the amended agreement. In the event Panhandle's actual annual deliveries are less than the then existing minimum annual volume, Panhandle shall pay CIG a transportation charge computed by multiplying CIG's arithmetic average transportation rate in effect during the fiscal year times the difference between the minimum annual volume and the actual annual deliveries tendered to CIG.

(4) Panhandle shall have the option, upon a 90-day written notice to CIG, to charge CIG for transporting a minimum annual volume in a manner similar to that charged by CIG.

(5) In the event the delivering party does not own or have committed to it sufficient gas to meet the minimum annual volume then in effect, said party may substitute for the deficiency, gas committed to or owned by third parties. This substitute gas would qualify for the minimum annual volume provided it is not otherwise committed to the receiving party for transportation, and the substitute gas shall be delivered and redelivered at points of interconnection as certificated in the agreement or to new points of interconnection which would utilize previously committed capacity.

CIG states that it entered into a systemwide gas transportation exchange agreement with Michigan Wisconsin on July 20, 1979, whereby it transports a small volume of Michigan Wisconsin's gas from Fremont and Sweetwater Counties, Wyoming, for redelivery to Michigan Wisconsin in Beaver County, Oklahoma, pursuant to authorization granted in Docket No. CP78-99, *et al.* According to CIG, the maximum allowable deliveries under such agreement are 89,511 Mcf per day by either party. CIG says it has, under certain circumstances, obligations to construct facilities to provide firm transportation service for up to 89,511 Mcf per day for Michigan Wisconsin under the existing agreement. Michigan Wisconsin has advised, CIG says, that the 1983 summer-day pressure of its line at Beaver County would be considerably higher than the current pressure such that CIG would be unable to redeliver any gas to Michigan Wisconsin at that redelivery location without additional facilities. Therefore, according to CIG, additional facilities would be required to enable it to provide transportation service to Michigan Wisconsin up to the currently certificated contract ceiling of 89,511 Mcf per day. CIG says it and Michigan Wisconsin are presently negotiating an amendment to the July 20, 1979, agreement to provide for an increased level of transportation and exchange volumes equal to 124,321 Mcf per day. CIG says the 89,511 Mcf per day level would not be exceeded prior to obtaining the appropriate authority from the Commission.

CIG states that it first received on April 23, 1981, notification from Michigan Wisconsin that it intended to file with the Commission an application to operate a new pipeline system which would enable Michigan Wisconsin to take deliveries of gas from CIG near Cheyenne, Wyoming. On April 24, 1981, according to CIG, in Docket No. CP81-301-000, American Natural Rocky Mountain Company (ANRMC) made its filing for a certificate authorizing construction of pipeline and associated facilities to transport gas for Michigan Wisconsin from a point near Cheyenne, Wyoming, to Michigan Wisconsin's transmission system near Greensburg, Kansas.

CIG says it has only recently received a copy of the ANRMC application and has not yet completed its analysis of the same. Also, according to CIG, its personnel have only participated in preliminary meetings with Michigan Wisconsin representatives concerning the letter's expressed desire to add a Cheyenne delivery point to the existing agreement.

It is stated that the ANRMC application proposes a service which seems, in part, to be inconsistent with CIG's existing certificated transportation agreement with Michigan Wisconsin. Furthermore, CIG says, the instant application, if certificated as proposed, would appear to eliminate the need for the facilities and service proposed by the ANRMC application. Notwithstanding these recent developments, CIG states that it believes its existing certificated contract obligations to Michigan Wisconsin require it to make the instant filing seeking in part to add facilities to CIG's existing pipeline system in order to accept and redeliver to Michigan Wisconsin at Beaver County, Oklahoma, the volumes nominated by Michigan Wisconsin.

CIG says that the proposed expansion of its Wyoming and Southern Systems would increase CIG's redelivery capacity to Michigan Wisconsin and Panhandle by 168,717 Mcf per day. According to CIG, the expansion of the Southern System would increase the backflow capability from Watkins by 170,262 Mcf per day from 351,100 Mcf per day to 521,362 Mcf per day which is sufficient to satisfy existing and proposed redelivery of the transportation volumes, as well as CIG's storage and market requirements.

CIG states that the proposed facilities would enable it to increase its redelivery capacity to Panhandle at Lakin to 240,686 Mcf per day on a 1983 summer day which would satisfy CIG's redelivery obligation to Panhandle. This redelivery capability at Lakin, CIG says, would satisfy its transportation obligation in accordance with Panhandle's estimate for fiscal year 1983 under the existing transportation and exchange agreement.

CIG says the proposed facilities would also enable CIG to redeliver 124,321 Mcf per day to Michigan Wisconsin at Beaver County which would satisfy the increased level of transportation and exchange volume requested herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17865 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-55]

Commonwealth of Massachusetts Department of Public Utilities; Extension of Time

June 9, 1981.

On May 28, 1981, Oglethorpe Power Corporation filed a request for an extension of time to file a petition to intervene in response to the Commission's Notice of Request for Declaratory Order issued May 6, 1981, in the above-docketed proceeding. The motion states that the company requires additional time to solicit the views of its thirty-nine member cooperatives on the proposal of the Massachusetts Department of Public Utilities and to analyze the impact this proposal would have on these cooperatives and their consumers.

Upon consideration, notice is hereby given that an extension of time for the filing of petitions to intervene is granted to and including July 10, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17876 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 436]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 9, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMTEX OIL AND GAS INC		RECEIVED: 05/06/81 JA: OH							
8129840		3416922177			103	CHARLES SNYDER WELL NO 1	SUGARCREEK	300.0	
8129840		3416922177			107-TF	CHARLES SNYDER WELL NO 1	SUGARCREEK	300.0	
8129839		3416922176			103	ERVIN A WEAVER WELL NO 1	SUGARCREEK	300.0	
8129839		3416922176			107-TF	ERVIN A WEAVER WELL NO 1	SUGARCREEK	300.0	
8129841		3416922298			103	ROMAN S MILLER WELL NO 1	PAINT	250.0	COLUMBIA GAS TRAN
8129841		3416922298			107-TF	ROMAN S MILLER WELL NO 1	PAINT	250.0	COLUMBIA GAS TRAN
8129842		3416922333			103	STROH-GRABER WELL NO 1	PAINT	300.0	
8129842		3416922333			107-TF	STROH-GRABER WELL NO 1	PAINT	300.0	
8129843		3416922334			103	STROH-GRABER WELL NO 2	PAINT	0.0	
8129843		3416922334			107-TF	STROH-GRABER WELL NO 2	PAINT	0.0	
8129844		3416922335			103	STROH-GRABER WELL NO 3	PAINT	300.0	
8129844		3416922335			107-TF	STROH-GRABER WELL NO 3	PAINT	300.0	
8129845		3416922336			103	STROH-GRABER WELL NO 4	PAINT	300.0	
8129845		3416922336			107-TF	STROH-GRABER WELL NO 4	PAINT	300.0	
-APPALACHIAN EXPLORATION INC		RECEIVED: 05/06/81 JA: OH							
8129846		3403123746			103	GARY AND MARILYN STEYSKAL #1	BEDFORD	0.0	COLUMBIA GAS TRAN
-APPALACHIAN PETROLEUM CORP		RECEIVED: 05/06/81 JA: OH							
8129847		3412122601			107-DV	MARK SCHOTT #6	JACKSON	3.5	COLUMBIA GAS TRAN
-ATLAS ENERGY GROUP INC		RECEIVED: 05/06/81 JA: OH							
8129864		3415521285			102-2	ALLEN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129864		3415521285			107-TF	ALLEN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129877		3415521409			102-2	AMORGANOS NO 1	HARTFORD	6.0	COLUMBIA GAS TRAN
8129877		3415521409			107-TF	AMORGANOS NO 1	HARTFORD	6.0	COLUMBIA GAS TRAN
8129859		3415521270			102-2	ANDREWS NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129859		3415521270			107-TF	ANDREWS NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129853		3415521176			107-CS	BARFAY NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129879		3415521429			102-2	BEADER MYERS UNIT NO 1	HARTFORD	22.0	COLUMBIA GAS TRAN
8129879		3415521429			107-TF	BEADER MYERS UNIT NO 1	HARTFORD	22.0	COLUMBIA GAS TRAN
8129857		3415521189			102-2	BIGGS-GLOWACKY NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129857		3415521189			107-TF	BIGGS-GLOWACKY NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129856		3415521188			102-2	BODE WILLIAMS NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129856		3415521188			107-TF	BODE WILLIAMS NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129892		3415521640			103	BRITT NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129892		3415521640			107-TF	BRITT NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129865		3415521334			102-2	BUSH EDGAR UN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129865		3415521334			107-TF	BUSH EDGAR UN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129848		3415521029			103	CAMBRIDGE FARMS NO 1	BAZETTA	26.0	COPPERWELD STEEL
8129848		3415521029			107-RT	CAMBRIDGE FARMS NO 1	BAZETTA	26.0	COPPERWELD STEEL
8129867		3415521347			103	CAMBRIDGE FARMS NO 2	BAZETTA	109.0	COPPERWELD STEEL
8129867		3415521347			107-TF	CAMBRIDGE FARMS NO 2	BAZETTA	109.0	COPPERWELD STEEL

VOLUME 436 PAGE 002

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8129866		3415521346	103	CAMBRIDGE FARMS NO 3	BAZETTA	91.0	COPPERWELD STEEL
8129866		3415521346	107-TF	CAMBRIDGE FARMS NO 3	BAZETTA	91.0	COPPERWELD STEEL
8129849		3415521018	103	DABELKO NO 1	CHAMPION	37.0	COPPERWELD STEEL
8129849		3415521018	107-TF	DABELKO NO 1	CHAMPION	37.0	COPPERWELD STEEL
8129858		3415521234	103	ELLIS JAMES UNIT NO 1	CHAMPION	19.0	COPPERWELD STEEL
8129858		3415521234	107-TF	ELLIS JAMES UNIT NO 1	CHAMPION	19.0	COPPERWELD STEEL
8129878		3415521414	102-2	FABICK NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129878		3415521414	107-TF	FABICK NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129871		3415521383	102-2	FUREY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129871		3415521383	107-TF	FUREY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129890		3415521612	103	GALLATIN NO 1	VERNON	8.0	COLUMBIA GAS TRAN
8129890		3415521612	107-TF	GALLATIN NO 1	VERNON	8.0	COLUMBIA GAS TRAN
8129883		3415521459	102-2	GOODHART NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129883		3415521459	107-TF	GOODHART NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129885		3415521529	102-2	H DRAA NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129885		3415521529	107-TF	H DRAA NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129875		3415521388	102-2	HORNING NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129875		3415521388	107-TF	HORNING NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129851		3415521166	102-2	J MIZICKO NO 1	FOWLER	0.0	COLUMBIA GAS TRAN
8129851		3415521166	107-TF	J MIZICKO NO 1	FOWLER	0.0	COLUMBIA GAS TRAN
8129861		3415521273	102-2	JENNINGS NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129861		3415521273	107-TF	JENNINGS NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129860		3415521272	102-2	KEPNER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129860		3415521272	107-TF	KEPNER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129887		3415521551	103	KEPNER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129887		3415521551	107-TF	KEPNER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129876		3415521404	102-2	LIST NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129876		3415521404	107-TF	LIST NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129882		3415521457	102-2	MALLETT NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129882		3415521457	107-TF	MALLETT NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129870		3415521382	102-2	MCCURDY NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129870		3415521382	107-TF	MCCURDY NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129889		3415521607	103	MCKAY NO 3	BROCKFIELD	16.0	COLUMBIA GAS TRAN
8129889		3415521607	107-TF	MCKAY NO 3	BROCKFIELD	16.0	COLUMBIA GAS TRAN
8129855		3415521187	107-CS	MONTGOMERY NO 1	BROCKFIELD	12.0	COLUMBIA GAS TRAN
8129862		3415521274	102-2	MONTGOMERY NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129862		3415521274	107-TF	MONTGOMERY NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129886		3415521581	103	ROMAN CATH DIOCESE YOUNGSTOWN #2	CHAMPION	65.0	COLUMBIA GAS TRAN
8129886		3415521581	107-TF	ROMAN CATH DIOCESE YOUNGSTOWN #2	CHAMPION	65.0	COLUMBIA GAS TRAN
8129868		3415521353	102-2	RUIHLEY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129868		3415521353	107-TF	RUIHLEY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521284	102-2	SABOLIA NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521284	107-TF	SABOLIA NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129881		3415521430	102-2	SHRADER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129881		3415521430	107-TF	SHRADER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129880		3415521430	103	SHRADER-TAYLOR NO 1	HARTFORD	35.0	COLUMBIA GAS TRAN
8129880		3415521430	107-TF	SHRADER-TAYLOR NO 1	HARTFORD	35.0	COLUMBIA GAS TRAN
8129884		3415521500	102-2	SPEELMAN NELSON NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129884		3415521500	107-TF	SPEELMAN NELSON NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129869		3415521381	102-2	STARR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129869		3415521381	107-TF	STARR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129850		3415521165	107-CS	TAYLOR NO 1	FOWLER	11.0	COLUMBIA GAS TRAN
8129854		3415521185	102-2	THOMAS NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129854		3415521185	107-TF	THOMAS NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN

VOLUME 436 PAGE 003

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	FRCD	PURCHASER
8129888		3415521602	103	TOMLINSON NO 1	VERNON	11.0	COLUMBIA GAS TRAN
8129888		3415521602	107-TF	TOMLINSON NO 1	VERNON	11.0	COLUMBIA GAS TRAN
8129852		3415521173	103	TORI UN NO 1	CHAMPION	41.0	COPPERWELD STEEL
8129852		3415521173	107-RT	TORI UN NO 1	CHAMPION	41.0	COPPERWELD STEEL
8129891		3415521630	103	WADE NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129891		3415521630	107-TF	WADE NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129872		3415521385	102-2	YASNOWSKI NO 1	BROCKFIELD	19.0	COLUMBIA GAS TRAN
8129872		3415521385	107-TF	YASNOWSKI NO 1	BROCKFIELD	19.0	COLUMBIA GAS TRAN
8129873		3415521386	102-2	ZDELAR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129873		3415521386	107-TF	ZDELAR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129874		3415521387	102-2	ZDELAR NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129874		3415521387	107-TF	ZDELAR NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
-BECK OIL & GAS CO			RECEIVED: 05/06/81 JA: CH				
8129902		3413322396	103	ANTOINETTE BENNETT NO 1	RAVENNA	40.0	
8129902		3413322396	107-TF	ANTOINETTE BENNETT NO 1	RAVENNA	40.0	
8129901		3413322397	103	BROWN WELL NO 1	ROOTSTOWN	10.0	
8129901		3413322397	107-TF	BROWN WELL NO 1	ROOTSTOWN	10.0	
8129899		3413322350	103	MCMAHON WELL NO 1	RAVENNA	25.0	
8129899		3413322350	107-TF	MCMAHON WELL NO 1	RAVENNA	25.0	
8129900		3413322356	103	TICKNOR WELL NO 1	RAVENNA	20.0	
8129900		3413322356	107-TF	TICKNOR WELL NO 1	RAVENNA	20.0	
-BEREA OIL AND GAS CORPORATION			RECEIVED: 05/06/81 JA: CH				
8129913		3415521116	103	A ABRUTZ & J DAMATC UNIT #1	LIBERTY	25.2	EAST OHIO GAS CO
8129913		3415521116	107-RT	A ABRUTZ & J DAMATC UNIT #1	LIBERTY	25.2	EAST OHIO GAS CO
8129937		3415521337	102-2	BELUS #1	BROCKFIELD	29.0	COLUMBIA GAS TRAN
8129937		3415521337	107-TF	BELUS #1	BROCKFIELD	29.0	COLUMBIA GAS TRAN
8129922		3415521292	102-2	BIELBOCKIE #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129922		3415521292	107-TF	BIELBOCKIE #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129921		3415521291	102-2	BIELBOCKIE #2	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129921		3415521291	107-TF	BIELBOCKIE #2	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129926		3415521301	102-2	BIELBOCKIE #3	BROCKFIELD	21.6	COLUMBIA GAS TRAN
8129926		3415521301	107-TF	BIELBOCKIE #3	BROCKFIELD	21.6	COLUMBIA GAS TRAN
8129935		3415521333	102-2	BIELBOCKIE #4	BROCKFIELD	40.0	COLUMBIA GAS TRAN
8129935		3415521333	107-TF	BIELBOCKIE #4	BROCKFIELD	40.0	COLUMBIA GAS TRAN
8129927		3415521305	103	BUILDERS ASSOCIATION UNIT #1	VIENNA	1.8	EAST OHIO GAS CO
8129927		3415521305	107-TF	BUILDERS ASSOCIATION UNIT #1	VIENNA	1.8	EAST OHIO GAS CO
8129912		3415521115	103	BURIN UNIT #1	LIBERTY	1.0	EAST OHIO GAS CO
8129912		3415521115	107-DP	BURIN UNIT #1	LIBERTY	1.0	EAST OHIO GAS CO
8129943		3415521357	103	CRAIN UNIT #1	VIENNA	0.7	EAST OHIO GAS CO
8129943		3415521357	107-TF	CRAIN UNIT #1	VIENNA	0.7	EAST OHIO GAS CO
8129905		3415520689	103	D & P BRUNO #1	LIBERTY	14.4	EAST OHIO GAS CO
8129905		3415520689	107-RT	D & P BRUNO #1	LIBERTY	14.4	EAST OHIO GAS CO
8129908		3415520972	103	E & J FOLTZ #1	LIBERTY	10.8	EAST OHIO GAS CO
8129908		3415520972	107-RT	E & J FOLTZ #1	LIBERTY	10.8	EAST OHIO GAS CO
8129946		3415521360	103	FLINT #1A	VIENNA	2.4	EAST OHIO GAS CO
8129946		3415521360	107-TF	FLINT #1A	VIENNA	2.4	EAST OHIO GAS CO
8129932		3415521313	103	GONCZ #1	VIENNA	2.2	EAST OHIO GAS CO
8129932		3415521313	107-TF	GONCZ #1	VIENNA	2.2	EAST OHIO GAS CO
8129931		3415521312	103	GONCZ #2	VIENNA	0.7	EAST OHIO GAS CO
8129931		3415521312	107-TF	GONCZ #2	VIENNA	0.7	EAST OHIO GAS CO
8129949		3415521364	102-2	HROMYAK #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129949		3415521364	107-TF	HROMYAK #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129948		3415521363	102-2	HROMYAK #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129948		3415521363	107-TF	HROMYAK #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN

VOLUME 436 PAGE 004

WD NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129951		3415521351	102-2	HUBISH #3	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129951		3415521351	107-TF	HUBISH #3	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129904		3415520641	103	I D CREED #1	LIBERTY	32.4	EAST OHIO GAS CO
8129904		3415520641	107-RT	I D CREED #1	LIBERTY	32.4	EAST OHIO GAS CO
8129911		3415521013	103	J & M DENIRO UNIT #1	LIBERTY	21.6	EAST OHIO GAS CO
8129911		3415521013	107-RT	J & M DENIRO UNIT #1	LIBERTY	21.6	EAST OHIO GAS CO
8129944		3415521358	103	KEIR UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129944		3415521358	107-TF	KEIR UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129906		3415520769	103	KLOUDA UNIT #1	FARMINGTON	0.5	EAST OHIO GAS CO
8129906		3415520769	107-RT	KLOUDA UNIT #1	FARMINGTON	0.5	EAST OHIO GAS CO
8129915		3415521224	103	LALLO-WILLAMAN UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129915		3415521224	107-TF	LALLO-WILLAMAN UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129947		3415521362	102-2	LEONARD UNIT #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129947		3415521362	107-TF	LEONARD UNIT #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129929		3415521309	102-2	LUKASKO #1	BROCKFIELD	28.8	COLUMBIA GAS TRAN
8129929		3415521309	107-TF	LUKASKO #1	BROCKFIELD	28.8	COLUMBIA GAS TRAN
8129928		3415521308	102-2	LUKASKO #2	BROCKFIELD	25.2	COLUMBIA GAS TRAN
8129928		3415521308	107-TF	LUKASKO #2	BROCKFIELD	25.2	COLUMBIA GAS TRAN
8129945		3415521359	103	MAJECIC #1	VIENNA	1.0	EAST OHIO GAS CO
8129945		3415521359	107-TF	MAJECIC #1	VIENNA	1.0	EAST OHIO GAS CO
8129941		3415521350	102-2	MALINER #1	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129941		3415521350	107-TF	MALINER #1	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129936		3415521335	103	MANENTI #1	VIENNA	0.7	EAST OHIO GAS CO
8129936		3415521335	107-TF	MANENTI #1	VIENNA	0.7	EAST OHIO GAS CO
8129916		3415521260	103	MARKOVICH #1	VIENNA	1.5	EAST OHIO GAS CO
8129916		3415521260	107-RT	MARKOVICH #1	VIENNA	1.5	EAST OHIO GAS CO
8129950		3415521374	102-2	MEEKER #2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129950		3415521374	107-TF	MEEKER #2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129918		3415521288	102-2	MOSORA #1	BROCKFIELD	54.0	COLUMBIA GAS TRAN
8129918		3415521288	107-TF	MOSORA #1	BROCKFIELD	54.0	COLUMBIA GAS TRAN
8129919		3415521289	102-2	MOSORA #2	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129919		3415521289	107-TF	MOSORA #2	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129940		3415521345	102-2	MURCKO #4	BROCKFIELD	20.0	COLUMBIA GAS TRAN
8129940		3415521345	107-TF	MURCKO #4	BROCKFIELD	20.0	COLUMBIA GAS TRAN
8129939		3415521344	102-2	MURCKO #5	BROCKFIELD	29.0	COLUMBIA GAS TRAN
8129939		3415521344	107-TF	MURCKO #5	BROCKFIELD	29.0	COLUMBIA GAS TRAN
8129942		3415521355	102-2	MURCKO UNIT #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129942		3415521355	107-TF	MURCKO UNIT #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129903		3405520286	103	O & W HOPKINS #3	PARKMAN	0.5	EAST OHIO GAS CO
8129903		3405520286	107-RT	O & W HOPKINS #3	PARKMAN	0.5	EAST OHIO GAS CO
8129907		3415520970	103	P E & J H SCHLADEN #1	LIBERTY	16.2	EAST OHIO GAS CO
8129907		3415520970	107-RT	P E & J H SCHLADEN #1	LIBERTY	16.2	EAST OHIO GAS CO
8129909		3415521011	103	R BANNER #1	LIBERTY	14.4	EAST OHIO GAS CO
8129909		3415521011	107-RT	R BANNER #1	LIBERTY	14.4	EAST OHIO GAS CO
8129910		3415521012	103	R BANNER #2	LIBERTY	23.4	EAST OHIO GAS CO
8129910		3415521012	107-RT	R BANNER #2	LIBERTY	23.4	EAST OHIO GAS CO
8129930		3415521310	103	S GONCZ #3	VIENNA	1.0	EAST OHIO GAS CO
8129930		3415521310	107-TF	S GONCZ #3	VIENNA	1.0	EAST OHIO GAS CO
8129914		3415521223	103	SCHULTZ #1	VIENNA	0.7	EAST OHIO GAS CO
8129914		3415521223	107-TF	SCHULTZ #1	VIENNA	0.7	EAST OHIO GAS CO
8129920		3415521290	102-2	SMITH #1	BROCKFIELD	18.8	COLUMBIA GAS TRAN
8129920		3415521290	107-TF	SMITH #1	BROCKFIELD	18.8	COLUMBIA GAS TRAN
8129934		3415521316	103	SWARTZ #1	VIENNA	1.2	EAST OHIO GAS CO
8129934		3415521316	107-TF	SWARTZ #1	VIENNA	1.2	EAST OHIO GAS CO

VOLUME 436 PAGE 005

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCL	PURCHASER
8129923		3415521256		103		THOMAS #2	VIENNA	0.7	EAST OHIO GAS CO
8129923		3415521256		107-TF		THOMAS #2	VIENNA	0.7	EAST OHIO GAS CO
8129924		3415521257		103		THOMAS #3	VIENNA	1.0	EAST OHIO GAS CO
8129924		3415521257		107-TF		THOMAS #3	VIENNA	1.0	EAST OHIO GAS CO
8129925		3415521258		103		THOMAS #4	VIENNA	1.5	EAST OHIO GAS CO
8129925		3415521258		107-TF		THOMAS #4	VIENNA	1.5	EAST OHIO GAS CO
8129917		3415521277		103		WALLACE #1	VIENNA	2.2	EAST OHIO GAS CO
8129917		3415521277		107-TF		WALLACE #1	VIENNA	2.2	EAST OHIO GAS CO
8129938		3415521338		102-2		WASILCHAK #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129938		3415521338		107-TF		WASILCHAK #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129933		3415521315		103		WOOD #1	VIENNA	0.7	EAST OHIO GAS CO
8129933		3415521315		107-TF		WOOD #1	VIENNA	0.7	EAST OHIO GAS CO
-BETHEL RESOURCES INC				RECEIVED: 05/06/81 JA: CH					
8129957		3416922347		103		GUENTHER #5	CHESTER	12.0	COLUMBIA GAS TRAN
8129957		3416922347		107-TF		GUENTHER #5	CHESTER	12.0	COLUMBIA GAS TRAN
8129958		3416922444		103		HOUSE #1	WAYNE	12.0	COLUMBIA GAS TRAN
8129958		3416922444		107-TF		HOUSE #1	WAYNE	12.0	COLUMBIA GAS TRAN
8129953		3416922244		103		OGDEN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129953		3416922244		107-TF		OGDEN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129956		3416922342		103		OGDEN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8129956		3416922342		107-TF		OGDEN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8129952		3416922240		103		RICKETT #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129952		3416922240		107-TF		RICKETT #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129954		3416922250		103		WEISER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129954		3416922250		107-TF		WEISER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129955		3416922255		103		ZIMMERMAN #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129955		3416922255		107-TF		ZIMMERMAN #2	WAYNE	12.0	COLUMBIA GAS TRAN
-BRADEN DEVELOPMENT COMPANY				RECEIVED: 05/06/81 JA: CH					
8129968		3416725588		103		BRADEN-LINDAMOOD #3	INDEPENDENCE	60.0	
8129969		3416725894		103		BRADEN-LINDAMOOD #3	INDEPENDENCE	100.0	
8129967		3416725467		103		ENOCH #1	INDEPENDENCE	50.0	
-BROWN PETROLEUM CORP				RECEIVED: 05/06/81 JA: CH					
8129971		3407522262		103		FLINTSTONE FARMS #2	KILLBUCK	3.0	COLUMBIA GAS TRAN
8129971		3407522262		107-TF		FLINTSTONE FARMS #2	KILLBUCK	3.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 05/06/81 JA: CH					
8129976		3416922185		108		DELMAR C FALB #1		8.0	COLUMBIA GAS TRAN
8129973		3407522179		108		ELI J TROYER #1		8.0	EAST OHIO GAS CO
8129975		3413321541		108		INGLADO #1		3.0	EAST OHIO GAS CO
8129974		3407522181		108		LEVI HERSHBERGER #1		12.0	EAST OHIO GAS CO
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 05/06/81 JA: CH					
8129972		3400921766		103		JOHNSON #2	AMES	2.3	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 05/06/81 JA: CH					
8129981		3413322317		103		BAILEY-DAVIS #1-519	RANDOLPH	75.0	TIMKEN CO
8129981		3413322317		107-TF		BAILEY-DAVIS #1-519	RANDOLPH	75.0	TIMKEN CO
8129982		3413322318		103		BANIECKI #1-520	ROOTSTOWN	100.0	TIMKEN CO
8129982		3413322318		107-TF		BANIECKI #1-520	ROOTSTOWN	100.0	TIMKEN CO
8129980		3413322261		103		BANIECKI 2-512	ROOTSTOWN	100.0	TIMKEN CO
8129980		3413322261		107-TF		BANIECKI 2-512	ROOTSTOWN	100.0	TIMKEN CO
8129984		3413322420		103		D & T TURNER #1-555	MANTUA	100.0	TIMKEN CO
8129984		3413322420		107-TF		D & T TURNER #1-555	MANTUA	100.0	TIMKEN CO
8129988		3413322456		103		D & T TURNER #2-688	MANTUA	100.0	TIMKEN CO
8129988		3413322456		107-TF		D & T TURNER #2-688	MANTUA	100.0	TIMKEN CO
8129983		3413322407		103		FRANK PAPP UNIT #1-521	BRIMFIELD	100.0	TIMKEN CO
8129983		3413322407		107-TF		FRANK PAPP UNIT #1-521	BRIMFIELD	100.0	TIMKEN CO

VOLUME 436 PAGE 006

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129986		3413322459	103	JOHN & DIANE CUBON #1-617	ROOTSTOWN	75.0	
8129986		3413322459	107-TF	JOHN & DIANE CUBON #1-617	ROOTSTOWN	75.0	
8129987		3413322488	103	PAPP-HORSCHAK UNIT #1-686	RANDOLPH	100.0	
8129987		3413322488	107-TF	PAPP-HORSCHAK UNIT #1-686	RANDOLPH	100.0	
8129977		3413322012	103	STREETSBORO UNIT #5	STREETSBORO	100.0	TIMKEN CO
8129977		3413322012	107-TF	STREETSBORO UNIT #5	STREETSBORO	100.0	TIMKEN CO
8129978		3413322013	103	STREETSBORO UNIT #6	STREETSBORO	100.0	TIMKEN CO
8129978		3413322013	107-TF	STREETSBORO UNIT #6	STREETSBORO	100.0	TIMKEN CO
8129979		3413322014	103	STREETSBORO UNIT #8	SHALERSVILLE	100.0	TIMKEN CO
8129979		3413322014	107-TF	STREETSBORO UNIT #8	SHALERSVILLE	100.0	TIMKEN CO
8129985		3413322421	103	T BATTAGLIA UNIT #1-555	BRIMFIELD	100.0	TIMKEN CO
8129985		3413322421	107-TF	T BATTAGLIA UNIT #1-555	BRIMFIELD	100.0	TIMKEN CO
8129990		3415123382	103	WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129990		3415123382	107-TF	WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129989		3415123381	103	WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129989		3415123381	107-TF	WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
-DART OIL COMPANY				RECEIVED: 05/06/81 JA: CH			
8129991		3409921302	103	CATTELL UNIT NO 2	SMITH	40.0	EAST OHIO GAS CO
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 05/06/81 JA: CH			
8130098		3415320932	103	R AND B ALESSIO #1	BATH	25.0	COLUMBIA GAS TRAN
-DIXIE ENERGY CO				RECEIVED: 05/06/81 JA: CH			
8129992		3416922456	103	CHASE #1	CLINTON	365.0	COLUMBIA GAS OF O
8129992		3416922456	107-TF	CHASE #1	CLINTON	365.0	COLUMBIA GAS OF O
-DONALD P SHANAHAN				RECEIVED: 05/06/81 JA: CH			
8130099		3411522380	103	ALBERT FINKEL #1B	CENTER	40.0	EAST OHIO GAS CO
8130101		3416726391	103	DENNIE ALBRIGHT #1	WATERFORD	40.0	EAST OHIO GAS CO
8130102		3416726451	103	DENNIS HUCK #1	WATERFORD	36.0	EAST OHIO GAS CO
8130100		3416726246	103	KENNETH FINKEL #1	WATERFORD	10.0	EAST OHIO GAS CO
-DORAN & ASSOCIATES INC				RECEIVED: 05/06/81 JA: CH			
8129993		3407522996	103	WYMAN RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 05/06/81 JA: CH			
8130002		3416922315	103	ABBOTT #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130002		3416922315	107-TF	ABBOTT #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129995		3416922233	103	CROSS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129995		3416922233	107-TF	CROSS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129999		3416922237	103	CROSS #2	CANAAN	30.0	COLUMBIA GAS TRAN
8129999		3416922237	107-TF	CROSS #2	CANAAN	30.0	COLUMBIA GAS TRAN
8130003		3416922392	103	ERDOS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130003		3416922392	107-TF	ERDOS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129997		3416922235	103	G & J CROSS #1	CANAAN	30.0	COLUMBIA GAS TRAN
8129997		3416922235	107-TF	G & J CROSS #1	CANAAN	30.0	COLUMBIA GAS TRAN
8130004		3416922353	103	JORDAN #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130004		3416922353	107-TF	JORDAN #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129996		3416922234	103	WEINMAN #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129996		3416922234	107-TF	WEINMAN #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129998		3416922236	103	WEINMAN #2	CANAAN	20.0	COLUMBIA GAS TRAN
8129998		3416922236	107-TF	WEINMAN #2	CANAAN	20.0	COLUMBIA GAS TRAN
8130001		3416922266	103	WEINMAN #3	CANAAN	20.0	COLUMBIA GAS TRAN
8130001		3416922266	107-TF	WEINMAN #3	CANAAN	20.0	COLUMBIA GAS TRAN
8130000		3416922263	103	WILES #1	CANAAN	30.0	COLUMBIA GAS TRAN
8130000		3416922263	107-TF	WILES #1	CANAAN	30.0	COLUMBIA GAS TRAN
8129994		3416922228	103	WYCKOFF #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129994		3416922228	107-TF	WYCKOFF #1	CANAAN	25.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
-EDCO DRILLING & PRODUCING INC		RECEIVED: 05/06/81 JA: CH					
8130007		3411925532	103	BL-2A CONRAD	CASS	18.0	
8130010		3416922538	103	BL-2A HERSHBERGER	SUGAR CREEK	18.0	
8130010		3416922538	107-TF	BL-2A HERSHBERGER	SUGAR CREEK	18.0	
8130009		3416922509	103	BL-2A HOFSTETER	SUGAR CREEK	18.0	
8130009		3416922509	107-TF	BL-2A HOFSTETER	SUGAR CREEK	18.0	
8130006		3411925531	103	BL-3A CONRAD	CASS	18.0	
8130008		3411925552	103	KB-2A BAKER	JACKSON	18.0	
8130005		3408322829	103	KB-2A KAUFFMAN	HARRISON	18.0	
-ENERGEX OIL & GAS CORP		RECEIVED: 05/06/81 JA: CH					
8130014		3416320430	103	ENGLE CONSTR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130013		3416320429	103	ENGLE CONSTR NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130012		3416320417	103	K DAVIS NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130011		3416320415	103	K HUGGINS NO 2	SWAN TOWNSHIP	15.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP		RECEIVED: 05/06/81 JA: CH					
8130017		3416922565	103	CANANKAMP UNIT WELL #4	PLAIN	20.0	COLUMBIA GAS TRAN
8130017		3416922565	107-TF	CANANKAMP UNIT WELL #4	PLAIN	20.0	COLUMBIA GAS TRAN
8130015		3416922366	103	CANANKAMP WELL #2	PLAIN	20.0	COLUMBIA GAS TRAN
8130015		3416922366	107-TF	CANANKAMP WELL #2	PLAIN	20.0	COLUMBIA GAS TRAN
8130016		3416922368	103	CANANKAMP WELL #3	PLAIN	20.0	COLUMBIA GAS TRAN
8130016		3416922368	107-TF	CANANKAMP WELL #3	PLAIN	20.0	COLUMBIA GAS TRAN
-FORAKER PRODUCING COMPANY INC		RECEIVED: 05/06/81 JA: CH					
8130021		3412724647	103	HITE HEIRS #2	PIKE	7.0	
8130021		3412724647	107-TF	HITE HEIRS #2	PIKE	7.0	
8130018		3412724408	103	J SMITH #1	HARRISON	7.0	
8130018		3412724408	107-TF	J SMITH #1	HARRISON	7.0	
8130020		3412724526	103	MCNULTY #3	HARRISON	8.0	
8130020		3412724526	107-TF	MCNULTY #3	HARRISON	8.0	
8130019		3412724501	103	SHERRICK #2	HARRISON	6.0	
8130019		3412724501	107-TF	SHERRICK #2	HARRISON	6.0	
-GUERNSEY PETROLEUM CORPORATION		RECEIVED: 05/06/81 JA: CH					
8130028		3412122185	108	DUDLEY-BROWN #1MH		13.0	EAST OHIO GAS CO
8130022		3411923398	108	HOMER HILL #2G		13.0	EAST OHIO GAS CO
8130027		3412122180	108	KUNTZ #2-MH		10.0	EAST OHIO GAS CO
8130026		3412121988	108	LARRICK #2MD		13.0	EAST OHIO GAS CO
+8130023		3411924062	108	OHIO POWER #27MD		9.0	EAST OHIO GAS COM
8130025		3412121924	108	OHIO POWER 16MC		13.0	EAST OHIO GAS CO
8130024		3412121904	108	WINKLEMAN #2MC		0.0	EAST OHIO GAS CO
-H I SMITH OIL & GAS INC		RECEIVED: 05/06/81 JA: CH					
8130104		3407522251	108	SNYDER #2		16.0	EAST OHIO GAS CO
-HADDAD & BROOKS INC		RECEIVED: 05/06/81 JA: CH					
8130029		3416726132	103	H D AND J M HELDMAN #2	INDEPENDENCE	30.0	
-HOPCO RESOURCES INC		RECEIVED: 05/06/81 JA: CH					
8130034		3411925479	103	FREDERICK & MAE FRUEH #1	MUSKINGUM	12.0	COLUMBIA GAS TRAN
8130030		3403124100	103	LLOYD EICK #1	KEENE	12.0	COLUMBIA GAS TRAN
8130031		3403124142	103	STEVE LEPI #2	WASHINGTON	12.0	
8130032		3411925073	103	WAYNE GRAHAM #A2	JACKSON	12.0	NATIONAL OIL & GA
8130033		3411925146	103	WAYNE GRAHAM #B2	JACKSON	12.0	NATIONAL OIL & GA
-HOPEWELL OIL AND GAS DEVELOPMENT CO		RECEIVED: 05/06/81 JA: CH					
8130035		3411122252	103	HARLEY PIATT #1	SUMMIT	12.0	COLUMBIA GAS TRAN
8130037		3412122552	103	MARY CIKRA #1	STOCK	12.0	COLUMBIA GAS TRAN
8130036		3411122260	103	ROY A RING #1	SUMMITT	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN		RECEIVED: 05/06/81 JA: CH					

VOLUME 43E PAGE 008

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8130038		3408923379		103		4 HAINS-VAN WEY	HANOVER	1.5	NATIONAL GAS & OI
-J D DRILLING CO				RECEIVED: 05/06/81 JA: OH					
8130040		3410521828		103		CHARLES LAWRENCE #1	LEBANON	14.0	COLUMBIA GAS TRAN
8130039		3410521423		103		EARL CLEEK #1	LEBANON	7.0	COLUMBIA GAS TRAN
-J H BEAL ASSOCIATES INC				RECEIVED: 05/06/81 JA: OH					
8129893		3416320412		103		C BENTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129895		3416320438		103		D SHELOR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129896		3416320444		103		E HUNTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129898		3416320465		103		F BRAY NO 6	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129894		3416320426		103		T JOHNSTON NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129897		3416320447		103		T JOHNSTON NO 3	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
-JAMES O BIEHL				RECEIVED: 05/06/81 JA: OH					
8129963		3416724937		107-DV		BROEDEL UNIT #2	RENO FIELD	18.0	COLUMBIA GAS TRAN
8129961		3416724424		107-DV		BUTTERFIELD #1	RENO FIELD	3.5	COLUMBIA GAS TRAN
8129964		3416724938		107-DV		BUTTERFIELD #2 UNIT	RENO FIELD	5.0	COLUMBIA GAS TRAN
8129965		3416725199		107-DV		BUTTERFIELD #4	RENO FIELD	2.0	COLUMBIA GAS TRAN
8129960		3416724389		107-DV		HENSLER #1	RENO FIELD	7.0	COLUMBIA GAS TRAN
8129966		3416725246		107-DV		MILLER UNIT #1	RENO FIELD	3.0	COLUMBIA GAS TRAN
8129962		3416724936		107-DV		MORGENSTERN #1	RENO FIELD	6.3	COLUMBIA GAS TRAN
8129959		3416724204		107-DV		NORTH #1	RENO FIELD	5.5	COLUMBIA GAS TRAN
-JAMES R SMAIL				RECEIVED: 05/06/81 JA: OH					
8130103		3416922537		103		RICHARD L DUTTER ET AL #1	CLINTON	30.0	COLUMBIA GAS TRAN
8130103		3416922537		107-TF		RICHARD L DUTTER ET AL #1	CLINTON	30.0	COLUMBIA GAS TRAN
-JERRY C OLDS				RECEIVED: 05/06/81 JA: OH					
8130058		3416922205		103		D SCHROCK #1-A	GREEN	2.3	COLUMBIA GAS TRAN
8130058		3416922205		107-TF		D SCHROCK #1-A	GREEN	2.3	COLUMBIA GAS TRAN
8130059		3416922376		103		MUMAW #1	GREEN	20.0	COLUMBIA GAS TRAN
8130059		3416922376		107-TF		MUMAW #1	GREEN	20.0	COLUMBIA GAS TRAN
-JOHN W LOTHES				RECEIVED: 05/06/81 JA: OH					
8130048		3408924030		103		#1 VOGLEMEIR	MARY ANN	2.5	COLUMBIA GAS TRAN
-JONSU CORP				RECEIVED: 05/06/81 JA: OH					
8130041		3412724877		103		HARLAN #1	READING	25.0	
-KING DRILLING CO				RECEIVED: 05/06/81 JA: OH					
8130042		3416922417		103		EVA FIKE #1	GREEN	10.0	COLUMBIA GAS TRAN
8130042		3416922417		107-TF		EVA FIKE #1	GREEN	10.0	COLUMBIA GAS TRAN
8130043		3416922432		103		IDA RAMSEYER #1	GREEN	10.0	COLUMBIA GAS TRAN
8130043		3416922432		107-TF		IDA RAMSEYER #1	GREEN	10.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 05/06/81 JA: CH					
8130045		3416725383		107-DV		EDWARD MARTIN #1	LAWRENCE	12.8	COLUMBIA GAS TRAN
-LANZER OIL CO				RECEIVED: 05/06/81 JA: CH					
8130046		3415123391		103		AEBI #1		28.0	
8130046		3415123391		107-TF		AEBI #1		28.0	
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 05/06/81 JA: CH					
8130044		3408923939		103		MULLINS & PEROZEK #1	EDEN	0.0	
-LOMAK PETROLEUM INC				RECEIVED: 05/06/81 JA: CH					
8130047		3411924607		103		K ALEXANDER #2	HARRISON	29.0	COLUMBIA GAS TRAN
-MARK V SCHUMACHER PE				RECEIVED: 05/06/81 JA: OH					
8130097		3415521253		103		C W MCELRATH #1	VIENNA	2.1	EAST OHIO GAS
8130097		3415521253		107-TF		C W MCELRATH #1	VIENNA	2.1	EAST OHIO GAS
-MB OPERATING CO INC				RECEIVED: 05/06/81 JA: CH					
8130049		3415123332		103		G & A MALAVITE UNIT #2	CANTON	73.0	ASHLAND EXPLORATI
8130049		3415123332		107-TF		G & A MALAVITE UNIT #2	CANTON	73.0	ASHLAND EXPLORATI
-MID-CON OIL COMPANY				RECEIVED: 05/06/81 JA: OH					

VOLUME 436 PAGE 009

JE NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130050		3411925551	103	GUY GIBBONS #2	HOPEWELL	0.0	NATIONAL GAS CC
-NEW FRONTIER EXPLORATION INC			RECEIVED: 05/06/81 JA: CH				
8130052		3405922564	103	WILLIAM ENOS #1	LIBERTY	28.0	BARTLO OIL & GAS
8130052		3405922564	107-TF	WILLIAM ENOS #1	LIBERTY	28.0	BARTLO OIL & GAS
8130051		3405922563	103	WILLIAM ENOS #2	LIBERTY	34.0	BARTLO OIL & GAS
8130051		3405922563	107-TF	WILLIAM ENOS #2	LIBERTY	34.0	BARTLO OIL & GAS
-NOBLE OIL CORP			RECEIVED: 05/06/81 JA: CH				
8130053		3415521662	103	VIETS #1	SOUTHINGTON	20.0	COLUMBIA GAS TRAN
8130053		3415521662	107-TF	VIETS #1	SOUTHINGTON	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO			RECEIVED: 05/06/81 JA: CH				
8130054		3416922169	103	REDICK #3	CHESTER	22.0	COLUMBIA GAS TRAN
8130054		3416922169	107-RT	REDICK #3	CHESTER	22.0	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO			RECEIVED: 05/06/81 JA: CH				
8130055		3413322493	103	BROCKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRAN
8130055		3413322493	107-TF	BROCKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRAN
8130057		3415521648	103	MILLER #1	BRISTOL	30.0	
8130057		3415521648	107-TF	MILLER #1	BRISTOL	30.0	
8130056		3415521643	103	RICHMAN #1	BRISTOL	30.0	
8130056		3415521643	107-TF	RICHMAN #1	BRISTOL	30.0	
-ONEAL PRODUCTIONS INC			RECEIVED: 05/06/81 JA: CH				
8130061		3411522149	102-3	D SCOTT #4	PENN	0.0	COLUMBIA GAS TRAN
8130060		3411522019	102-3	PARMITER #2	MORGAN	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO			RECEIVED: 05/06/81 JA: CH				
8130062		3403123029	108	GEORGE WRIGHT #1	MILTON	3.0	NATIONAL GAS & OI
-PETRO EVALUATION SERVICES INC			RECEIVED: 05/06/81 JA: CH				
8130063		3416922311	103	GORDON #2	MILTON	40.0	COLUMBIA GAS TRAN
8130063		3416922311	107-TF	GORDON #2	MILTON	40.0	COLUMBIA GAS TRAN
8130064		3416922328	103	GORDON-DOTTERER #3	MILTON	25.0	COLUMBIA GAS TRAN
8130064		3416922328	107-TF	GORDON-DOTTERER #3	MILTON	25.0	COLUMBIA GAS TRAN
8130065		3416922438	103	HUGHES UNIT #1	MILTON	25.0	COLUMBIA GAS TRAN
8130065		3416922438	107-TF	HUGHES UNIT #1	MILTON	25.0	COLUMBIA GAS TRAN
-POMSTONE CORP			RECEIVED: 05/06/81 JA: CH				
8130066		3403122681	108	CHESTER YOUNG #1		6.0	
8130068		3403123343	108	MARGARET ROEMER #2		11.0	
8130070		3403123500	108	NORA GARBER #1		21.0	
8130067		3403122682	108	VICTOR WENTZ #1		5.0	
8130069		3403123474	103	WALTER & CLEO BRINKER #1	WHITE EYES	0.0	
8130071		3403123573	108	WOODROW SKELTON #1		3.0	
-R GENE BRASEL DBA BRASEL & BRASEL			RECEIVED: 05/06/81 JA: CH				
8129970		3405320333	103	R O J #2-B	ADDISON	0.0	COLUMBIA GAS TRAN
-REDSTONE CORP			RECEIVED: 05/06/81 JA: CH				
8130074		3403122735	108	BICKLE/FRANK #1		0.0	
8130079		3403123012	108	F E & J E WILSON #2		0.5	
8130081		3403123212	108	FRANCIS R HOTHEM #1		1.0	
8130076		3403122838	108	FRED BARTH #3		7.0	
8130080		3403123091	108	FRED BARTH #5		1.0	
8130078		3403122919	108	FRED H MASON #1		7.0	
8130072		3403122653	108	FRED L BARTH #1		4.0	
8130082		3403123241	108	PARKER/ROEMER #1		4.0	
8130077		3403122913	108	RUSSELL R BOYD #1		6.0	
8130073		3403122689	108	W T ADAMS #1		3.0	
8130075		3403122828	108	W T ADAMS #4		3.0	
-RIMCO OPERATING INC			RECEIVED: 05/06/81 JA: CH				

VOLUME 436 PAGE 010

WC NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130092		3416922451	103	D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS
8130092		3416922451	107-TF	D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS
8130090		3416922489	103	D & G SIGLER #2	PLAIN	12.0	COLUMBIA GAS
8130090		3416922489	107-TF	D & G SIGLER #2	PLAIN	12.0	COLUMBIA GAS
8130091		3416922490	103	D & G SIGLER #3	PLAIN	12.0	COLUMBIA GAS
8130091		3416922490	107-TF	D & G SIGLER #3	PLAIN	12.0	COLUMBIA GAS
8130089		3416922488	103	D BECKER #1	CHESTER	12.0	COLUMBIA GAS
8130089		3416922488	107-TF	D BECKER #1	CHESTER	12.0	COLUMBIA GAS
8130084		3416922304	103	G MILLER #1	WAYNE	12.0	COLUMBIA GAS
8130084		3416922304	107-TF	G MILLER #1	WAYNE	12.0	COLUMBIA GAS
8130087		3416922461	103	G STULL #1	PLAIN	12.0	COLUMBIA GAS
8130087		3416922461	107-TF	G STULL #1	PLAIN	12.0	COLUMBIA GAS
8130088		3416922462	103	HOSFELD #1	PLAIN	12.0	COLUMBIA GAS
8130088		3416922462	107-TF	HOSFELD #1	PLAIN	12.0	COLUMBIA GAS
8130093		3416922515	103	ICKES #1	PLAIN	12.0	COLUMBIA GAS
8130093		3416922515	107-TF	ICKES #1	PLAIN	12.0	COLUMBIA GAS
8130083		3416922299	103	REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8130083		3416922299	107-TF	REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8130086		3416922452	103	RHAMY #1	FRANKLIN	12.0	COLUMBIA GAS
8130086		3416922452	107-TF	RHAMY #1	FRANKLIN	12.0	COLUMBIA GAS
8130085		3416922357	103	SHERRICK #1	WOOSTER	12.0	COLUMBIA GAS
8130085		3416922357	107-TF	SHERRICK #1	WOOSTER	12.0	COLUMBIA GAS
8130094		3416922547	103	THOMPSON #1	PLAIN	12.0	COLUMBIA GAS
8130094		3416922547	107-TF	THOMPSON #1	PLAIN	12.0	COLUMBIA GAS
-RIVERVIEW FINANCE CO			RECEIVED: 05/06/81 JA: CH				
8130096		3412122587	103	JOHN NOON #4	ELK	60.0	
8130095		3412122359	103	ROBERT ULLMAN #8	ELK	35.0	
-STELLAR PETROLEUM CORP			RECEIVED: 05/06/81 JA: CH				
8130105		3416726229	103	LAWRENCE M SMITH #10	INDEPENDENCE	60.0	
-TIGER OIL INC			RECEIVED: 05/06/81 JA: CH				
8130106		3412122543	103	CLEMENS BECKER B-1	ELK	0.0	COLUMBIA GAS TRAN
8130107		3412122550	103	CLEMENS BECKER B-2	ELK	0.0	COLUMBIA GAS TRAN
8130108		3412122551	103	CLEMENS BECKER B-3	ELK	0.0	COLUMBUS GAS TRAN
-TIPKA-BARTLO OIL & GAS CO			RECEIVED: 05/06/81 JA: CH				
8130120		3405922598	103	A GLASS #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130120		3405922598	107-TF	A GLASS #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130112		3405922398	103	A SLIMBOSKY #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130112		3405922398	107-TF	A SLIMBOSKY #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130113		3405922399	103	BIG BROTHER TRACT BAND #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130113		3405922399	107-RT	BIG BROTHER TRACT BAND #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130121		3405922605	103	BIG BROTHER TRACT BAND #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130121		3405922605	107-RT	BIG BROTHER TRACT BAND #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130111		3405922397	103	D PETERSON #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130111		3405922397	107-RT	D PETERSON #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130109		3405922369	103	F LARRICK #1	MONROE	10.0	LIBBEY-OWENS-FORD
8130109		3405922369	107-RT	F LARRICK #1	MONROE	10.0	LIBBEY-OWENS-FORD
8130130		3405922727	103	F MITCHELL #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130130		3405922727	107-TF	F MITCHELL #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130122		3405922618	103	FASSINGER UNIT #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130122		3405922618	107-RT	FASSINGER UNIT #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130124		3405922623	103	FORDYCE UNIT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130124		3405922623	107-TF	FORDYCE UNIT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130127		3405922721	103	G CCX #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130127		3405922721	107-TF	G CCX #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD

VOLUME 436 PAGE 011

JE NO	JA CKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8130131		3405922744	103	H ANNIS #1	WILLS	10.0	LIBBEY-OWENS-FORD
8130131		3405922744	107-TF	H ANNIS #1	WILLS	10.0	LIBBEY-OWENS-FORD
8130125		3405922661	103	H G HOLDERBAUM #2	WILLS	10.0	LIBBEY-OWENS-FORD
8130125		3405922661	107-TF	H G HOLDERBAUM #2	WILLS	10.0	LIBBEY-OWENS-FORD
8130126		3405922705	103	H ROE UNIT #1	WILLS	20.0	LIBBEY-OWENS-FORD
8130126		3405922705	107-TF	H ROE UNIT #1	WILLS	20.0	LIBBEY-OWENS-FORD
8130132		3405922807	103	HARDING UNIT #1	WILLS	15.0	LIBBEY-OWENS-FORD
8130132		3405922807	107-TF	HARDING UNIT #1	WILLS	15.0	LIBBEY-OWENS-FORD
8130117		3405922580	103	J ECK #2	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130117		3405922580	107-TF	J ECK #2	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130114		3405922567	103	LANNING #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130114		3405922567	107-TF	LANNING #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130118		3405922583	103	LANNING-AIKIN UNIT #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130118		3405922583	107-TF	LANNING-AIKIN UNIT #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130123		3405922622	103	M BERTINE #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130123		3405922622	107-TF	M BERTINE #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130128		3405922722	103	M GETZ #1	WASHINGTON	6.0	LIBBEY-OWENS-FORD
8130128		3405922722	107-TF	M GETZ #1	WASHINGTON	6.0	LIBBEY-OWENS-FORD
8130116		3405922579	103	M TIDRICK #2	WASHINGTON	4.0	LIBBEY-OWENS-FORD
8130116		3405922579	107-RT	M TIDRICK #2	WASHINGTON	4.0	LIBBEY-OWENS-FORD
8130119		3405922597	103	PETERSON UNIT #1	WASHINGTON	12.0	LIBBEY-OWENS-FORD
8130119		3405922597	107-TF	PETERSON UNIT #1	WASHINGTON	12.0	LIBBEY-OWENS-FORD
8130110		3405922395	103	R BONNETT #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130110		3405922395	107-RT	R BONNETT #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130129		3405922723	103	S GREENWALT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130129		3405922723	107-TF	S GREENWALT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130115		3405922578	103	V TEDRICK #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130115		3405922578	107-TF	V TEDRICK #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
-TITAN ENERGY CORP			RECEIVED: 05/06/81 JA: CH				
8130133		3405921612	103	ALLEN & CHARM AITKEN #1	WESTLAND	20.0	
8130133		3405921612	107-TF	ALLEN & CHARM AITKEN #1	WESTLAND	20.0	
8130138		3405922827	103	ALLEN & CHARM AITKEN #2	WESTLAND	20.0	
8130138		3405922827	107-TF	ALLEN & CHARM AITKEN #2	WESTLAND	20.0	
8130137		3405922821	103	CLAGETT - UNIT - #1	WESTLAND	20.0	
8130137		3405922821	107-TF	CLAGETT - UNIT - #1	WESTLAND	20.0	
8130141		3415521678	103	G NEIMI - UNIT - WELL #1	BAZETTA	20.0	
8130141		3415521678	107-TF	G NEIMI - UNIT - WELL #1	BAZETTA	20.0	
8130134		3405922800	103	J LENT - WELL #1	WESTLAND	20.0	
8130134		3405922800	107-TF	J LENT - WELL #1	WESTLAND	20.0	
8130136		3405922802	103	J LENT #2	WESTLAND	20.0	
8130136		3405922802	107-TF	J LENT #2	WESTLAND	20.0	
8130135		3405922801	103	J LENT #3	WESTLAND	20.0	
8130135		3405922801	107-TF	J LENT #3	WESTLAND	20.0	
8130140		3415521668	103	L & E TODUT #2	BROCKFIELD	20.0	
8130140		3415521668	107-TF	L & E TODUT #2	BROCKFIELD	20.0	
8130139		3415521644	103	R L REDA #1	HARTFORD	20.0	
8130139		3415521644	107-TF	R L REDA #1	HARTFORD	20.0	
-TOWNER PETROLEUM CO			RECEIVED: 05/06/81 JA: CH				
8130144		3405922814	103	BLANEY #2	GUERNSEY	0.0	
8130144		3405922814	107-TF	BLANEY #2	GUERNSEY	0.0	
8130145		3405922825	103	J SMITH #3	GUERNSEY	0.0	
8130145		3405922825	107-TF	J SMITH #3	GUERNSEY	0.0	
8130142		3405922811	103	J SMITH 2	GUERNSEY	0.0	
8130142		3405922811	107-TF	J SMITH 2	GUERNSEY	0.0	

VOLUME 436 PAGE 012

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130147		3405922829		103		JOHNSTON #1	GUERNSEY	0.0	
8130147		3405922829		107	TF	JOHNSTON #1	GUERNSEY	0.0	
8130149		3405922875		103		LINN #5	GUERNSEY	0.0	
8130149		3405922875		107	TF	LINN #5	GUERNSEY	0.0	
8130143		3405922812		103		M WITTMER 2	GUERNSEY	0.0	
8130143		3405922812		107	TF	M WITTMER 2	GUERNSEY	0.0	
8130146		3405922826		103		MCWILLIAMS #1	GUERNSEY	0.0	
8130146		3405922826		107	TF	MCWILLIAMS #1	GUERNSEY	0.0	
8130148		3405922832		103		WARNE/VANHORN #1	GUERNSEY	0.0	
8130148		3405922832		107	TF	WARNE/VANHORN #1	GUERNSEY	0.0	
-VALENTINE OIL PROPERTIES				RECEIVED: 05/06/81 JA: OH					
8130150		3416722982		108		DON & ROSE ANDERSON #1		5.0	OHIO FUEL GAS CO
-VESCORP INDUSTRIES INC				RECEIVED: 05/06/81 JA: OH					
8130154		3413322105		103		COURTNEY #1	MANTUA	80.0	TIMKEN CO
8130154		3413322105		107	TF	COURTNEY #1	MANTUA	80.0	TIMKEN CO
8130155		3415723280		103		J YODER #1	WAYNE	120.0	COLUMBIA GAS TRAN
8130155		3415723280		107	TF	J YODER #1	WAYNE	120.0	COLUMBIA GAS TRAN
8130152		3413322103		103		REYNOLDS #1	ROOTSTOWN	7.0	TIMKEN CO
8130152		3413322103		107	TF	REYNOLDS #1	ROOTSTOWN	7.0	TIMKEN CO
8130153		3413322104		103		S B A #1	MANTUA	60.0	TIMKEN CO
8130153		3413322104		107	TF	S B A #1	MANTUA	60.0	TIMKEN CO
8130151		3413321268		103		W THOMAS #1	ROOTSTOWN	75.0	TIMKEN CO
8130151		3413321268		107	TF	W THOMAS #1	ROOTSTOWN	75.0	TIMKEN CO
-VIKING RESOURCES CORP				RECEIVED: 05/06/81 JA: OH					
8130156		3415123311		103		FOLTZ UNIT #3	PARIS	30.0	
8130156		3415123311		107	TF	FOLTZ UNIT #3	PARIS	30.0	
8130159		3415123424		103		KEITH UNIT #1	PARIS	30.0	
8130159		3415123424		107	TF	KEITH UNIT #1	PARIS	30.0	
8130161		3415123455		103		LYTLE UNIT #1	PARIS	30.0	
8130161		3415123455		107	TF	LYTLE UNIT #1	PARIS	30.0	
8130160		3415123454		103		LYTLE UNIT #2	PARIS	30.0	
8130160		3415123454		107	TF	LYTLE UNIT #2	PARIS	30.0	
8130158		3415123365		103		SICKAFOOSE UNIT #2	PARIS	30.0	
8130158		3415123365		107	TF	SICKAFOOSE UNIT #2	PARIS	30.0	
8130157		3415123336		103		SPEAKMAN UNIT #1	PARIS	30.0	
8130157		3415123336		107	TF	SPEAKMAN UNIT #1	PARIS	30.0	

OTHER PURCHASERS

8130023 COLUMBIA GAS TRANS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agenices by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicatd by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17873 Filed 6-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 437]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 9, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-HERNDON OIL & GAS CO						RECEIVED: 05/07/81 JA: KS			
8130381	K80-0835	1503500000			108	EVA BOLLER #2	MURPHY	5.5	CITIES SERVICE GA
-ZENITH DRILLING CORPORATION INC						RECEIVED: 05/11/81 JA: KS			
8130385	K 81-0060	1515520687			103	WITHRODER #1	ZENITH PEACE CREEK MISSI	55.0	PEOPLES NATURAL G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-GETTY OIL COMPANY						RECEIVED: 05/08/81 JA: MI			
8130384		2114132607			102-4	STATE-ALLIS NO 1-19	ALLIS 19-33N-2E (OIL)	55.0	MICHIGAN CONSOLID
-MACK OIL CO						RECEIVED: 05/08/81 JA: MI			
8130383		2105533936			102-4	FEWLESS #1-7A	PARADISE 7	600.0	CONSUMERS POWER C
-NORTHERN MICHIGAN EXPLORATION CO						RECEIVED: 05/08/81 JA: MI			
8130382		2107900000			102-4	STATE-KALKASKA NO 3-10	KALKASKA 10	164.0	CONSUMERS POWER C
OKLAHOMA CORPORATION COMMISSION									
-AL MCCORD INC						RECEIVED: 05/04/81 JA: OK			
8130330	8678	3507322459			103	WILCZEK #1		0.0	
-ALAMO PETROLEUM COMPANY						RECEIVED: 05/04/81 JA: OK			
8130323	8727	3515321892			102-4	STATE OF OKLAHOMA NO 2	PERSIMMON CREEK	210.0	PANHANDLE EASTERN
-AMERADA HESS CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130373	8659	3504520086			108	JAMES BERRYMAN UNIT D #1	PEEK SOUTH	14.7	PANHANDLE EASTERN
-AN-SON CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130322	08571	3505121025			103	NORRIS #1	LAVERTY	109.0	PHILLIPS PETROLEU
8130321	08572	3507322666			103	VIRGINIA #1	EAST OKARCHE	180.0	DELMI GAS PIPE LI
-ANADARKO PRODUCTION COMPANY						RECEIVED: 05/04/81 JA: OK			
8130305	08269	3500721888			103	CANADAY A NO 1	MOCANE	73.0	COLORADO INTERSTA
-ANDOVER OIL CO						RECEIVED: 05/04/81 JA: OK			
8130276	7272	3501721578			102-2	HUNT #32-2		185.0	DELMI GAS PIPELIN
8130276	7272	3501721578			103	HUNT #32-2		185.0	DELMI GAS PIPELIN
-ANDOVER OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130299	08532	3501721635			102-2	HUNT #32-3		185.0	DELMI GAS PIPELIN
-B J BROWN						RECEIVED: 05/04/81 JA: OK			
8130270	08518	3509100000			108	BEEN #1	COALTON	96.0	PHILLIPS PETROLEU
8130268	08521	3509100000			108	BROWN #1	COALTON	13.8	PHILLIPS PETROLEU
8130269	08525	3509100000			108	CHEZ #1	COALTON	17.0	PHILLIPS PETROLEU
8130265	08527	3509100000			108	CHRISTENBERRY #1	COALTON	3.6	PHILLIPS PETROLEU
8130266	08526	3509100000			108	CHRISTENBERRY A #1	COALTON	13.0	PHILLIPS PETROLEU
8130310	08522	3509100000			108	HENSLEY #1	COALTON	17.4	PHILLIPS PETROLEU
8130273	08517	3509100000			108	PATTON #1	COALTON	18.0	PHILLIPS PETROLEU
8130314	08524	3509100000			108	PINE #1	COALTON	18.0	PHILLIPS PETROLEU

VOLUME 437 PAGE 002

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130315	08523	3509100000		108		SONNY #1	COALTON	20.0	PHILLIPS PETROLEU
-B R POLK INC						RECEIVED: 05/04/81 JA: OK			
8130350	8438	3508320748		103		ERMA #2	S MARSHALL	50.0	EASON OIL CO
8130325	08711	3508321252		103		NIVENS #1	S E RUSSELL	50.0	EASON OIL CO
-BEREN CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130253	08435	3500721822		102-4		KIRTON NO 1-22	EAST BOYD	31.0	KANSAS-NEBRASKA N
8130295	08434	3500721741		102-4		RODGERS NO 1-21	EAST BOYD	118.0	KANSAS-NEBRASKA N
-BERRY PETROLEUM CORP						RECEIVED: 05/04/81 JA: OK			
8130267	08380	3507322262		103		MALY #31-2A	SOONER TREND	150.0	EXXON CORP USA
8130346	08431	3504722333		103		MCCULLEY #12-1	SOONER TREND	150.0	GRACE PETROLEUM C
-BLAIK OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130261	8681	3500300000		108		DAISY HAGUE #1	SOONER TREND	17.0	AMINOIL USA INC
-BOBBY ROWE OIL PROPERTIES						RECEIVED: 05/04/81 JA: OK			
8130356	08604	3511100000		108		KOUPLEN #2	POLLYANNA	6.5	PHILLIPS PETROLEU
-CABOT CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130374	8661	3513921252		103		CASTO #15 (LOWER MORROW)	UNALLOCATED GAS WELL	91.0	KOKOMO GAS & FUEL
-CARL E GUNGOLL						RECEIVED: 05/04/81 JA: OK			
8130378	8039	3504700000		108		BLAKELEY #1	NE ENID	0.0	CHAMPLIN PETROLEU
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 05/04/81 JA: OK			
8130293	8263	3512920474		102-4		R R CARLTON NO 1	S W LEEDY	438.0	
-CHASE EXPLORATION CORP						RECEIVED: 05/04/81 JA: OK			
*8130286	08703	3507121820		103		BERRIE/N/S 59 #3-8		18.9	CITIES SERVICE GA
*8130292	08705	3507121808		103		BREEDLOVE/FF1C #2-29		3.8	CITIES SERVICE GA
*8130336	08305	3507121110		103		CHAPPELL - WA #1-5		2.3	CITIES SERVICE GA
*8130285	08706	3507121270		103		DAY #2-27		15.7	CITIES SERVICE GA
*8130288	08700	3507121123		103		KAHLE #3-24		16.9	CITIES SERVICE GA
*8130287	08699	3507121487		103		KAHLE #4-18		3.4	CITIES SERVICE GA
*8130257	08697	3507121170		103		KAHLE/AMA-YETTA #3-18		11.3	CITIES SERVICE GA
*8130290	08702	3507121124		103		KAHLE/WA-4 #1-18		3.3	CITIES SERVICE GA
*8130291	08704	3507121612		103		KAMPSCHROEDER #2-29		3.8	CITIES SERVICE GA
*8130289	08701	3507121153		103		SWAIM #1-25		181.4	CITIES SERVICE GA
*8130256	08696	3507120966		103		WOOD #1-6		14.5	CITIES SERVICE GA
-CLARK RESOURCES INC						RECEIVED: 05/04/81 JA: OK			
8130338	7396	3507322462		103		HAMIL 19-1	SOONER TREND	13.5	CITIES SERVICE GA
-CLIFFORD RESOURCES INC						RECEIVED: 05/04/81 JA: OK			
8130301	08610	3509300000		103		SHERMAN #1-27	MENO	82.0	PANHANDLE EASTERN
-COTTON PETROLEUM CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130242	08553	3513921142		108		STATE 1-36	GUYMON HUGOTON	18.0	PHILLIPS PETROLEU
8130355	08554	3501520970		103		STEWART, NO 1	N SICKLES	900.0	TRANSOK PIPE LINE
-DALCO PETROLEUM INC						RECEIVED: 05/04/81 JA: OK			
8130275	07020	3507322446		103		EMMERICH #1	SOONER TREND	91.3	DALCO PETROLEUM U
-DAPATAN INC						RECEIVED: 05/04/81 JA: OK			
8130279	08611	3513121268		103		HOWARD MITCHELL #2		21.0	DIAMOND S GAS SYS
-DON J LEEMAN						RECEIVED: 05/04/81 JA: OK			
8130306	7872	3509900000		103		LEEMAN #9-1 WELL	SOUTHWEST DAVIS	18.0	AMINOIL USA INC
-DONLARR EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130345	08363	3507322623		103		LOHMEYER 22 NO 1	SOONER TREND	110.0	CITIES SERVICE CO
-E LYLE JOHNSON INC						RECEIVED: 05/04/81 JA: OK			
8130284	8132	3501900000		108		PRUITT A-2 METER #528	CADDO	13.4	UNION OIL CO OF C
-EXCO OIL INC						RECEIVED: 05/04/81 JA: OK			
8130376	08378	3507121949		103		STATE SCHOOL LAND #2	S PECKHAM	10.0	CITIES SERVICE CO
-F C D OIL CORP						RECEIVED: 05/04/81 JA: OK			
8130372	08653	3507322611		103		BEECHER 1-19	S E KINGFISHER	73.0	PHILLIPS PETROLEU

VOLUME 437 PAGE 003

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130319	08654	3508321445		103		DRABEK 2-26	NORTH CRESCENT	36.5	EASON OIL CO
8130371	08652	3504722269		103		MILACEK 1-28	SOONER TREND	36.5	PHILLIPS PETROLEU
-F M BUXTON						RECEIVED: 05/04/81 JA: OK			
8130243	08535	3508300000		103		WISE NO 1	SOONER TREND	150.0	CONOCO INC
-FLYNN ENERGY CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130364	08595	3501121440		103		BUCHANAN 25-1	EAST OKEENE	120.0	ARKANSAS LOUISIAN
8130308	08594	3507322455		103		CLINE 14-1	SOONER TREND	54.0	PHILLIPS PETROLEU
-GEMINI OIL CO						RECEIVED: 05/04/81 JA: OK			
8130340	07110	3505320546		103		LICHTI #1 053-47955	WEBB	0.0	ARKANSAS LOUISIAN
-GEORGE ROOMAN INC						RECEIVED: 05/04/81 JA: OK			
8130326	8712	3508720499		103		BURKHEAD NO 1	WEST STEALY	37.0	SUN GAS CO
-GETTY OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130329	8677	3513921348		103		E C KRONE #2	N E GUYMON	43.8	CITIES SERVICE PI
8130347	08381	3513921347		103		HURLIMAN A #4	NORTHEAST GUYMON	730.0	CITIES SERVICE P
-GLENCO PETROLEUM CORP						RECEIVED: 05/04/81 JA: OK			
8130360	8582	3506321144		103		GEORGE TURNER #2	GREASY CREEK	36.0	WELLHEAD ENTERPRI
-GRAHAM-MICHAELIS CORP						RECEIVED: 05/04/81 JA: OK			
8130380	05509	3500700000		108-ER		ORINGDERFF #1-22	CAMRICK	1.5	NORTHERN NATURAL
-HALLIBURTON OIL PRODUCING COMPANY						RECEIVED: 05/04/81 JA: OK			
8130316	8575	3504722292		103		GRASSMAN #1	NORTH MARSHALL	5.0	EASON OIL CO
8130304	08613	3504722321		103		MILLER #1	NORTH MARSHALL	5.0	EASON OIL CO
8130302	8612	3507322563		103		POLLARD A #2	WEST LOVELL	5.0	EASON OIL CO
-HAMM PRODUCTION CO						RECEIVED: 05/04/81 JA: OK			
8130283	8529	3507322678		103		MCEACHERN #1	SOONER TREND	104.8	PHILLIPS PETROLEU
-HAP DRILLING CO						RECEIVED: 05/04/81 JA: OK			
8130352	08560	3504900000		108		IVEY NO 1	WEST MAYSVILLE	0.0	WARREN PETROLEUM
8130246	08499	3507300000		108		MIKLES NO 1	SOONER TREND	0.0	CONOCO INC
8130248	08497	3507300000		108		SARAH A NO 1	SOONER TREND	0.0	CONOCO INC
-HARPER OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130280	08626	3507322718		103		TED HICKMAN #2	SOONER TREND	146.0	PHILLIPS PETROLEU
-HCM						RECEIVED: 05/04/81 JA: OK			
8130342	08477	3505920907		102-4		NO 1 PRICE B	MOCANE-LAVERNE	300.0	NORTHERN NATURAL
8130342	08477	3505920907		103		NO 1 PRICE B	MOCANE-LAVERNE	300.0	NORTHERN NATURAL
-HELMERICH & PAYNE INC						RECEIVED: 05/04/81 JA: OK			
8130309	8581	3509321965		103		UNWIN B NO 1	WEST TRIVOLI	146.0	MICHIGAN WISCONSI
-HERNDON OIL & GAS CO						RECEIVED: 05/04/81 JA: OK			
8130348	8439	3505920888		103		KUHN #1	LAVERNE	128.0	MICHIGAN WISCONSI
-J L THOMAS ENGINEERING INC						RECEIVED: 05/04/81 JA: OK			
8130312	8656	3509300000		103		DAVID #1	CLEO SPRINGS	180.0	PIONEER GAS PRODU
-JAMES E VINCENT						RECEIVED: 05/04/81 JA: OK			
8130318	08632	3514721569		103		LAMBERT NO 1	HOGSHOOTER	16.0	DIAMOND S GAS SYS
-JIMMY W GRAY						RECEIVED: 05/04/81 JA: OK			
8130274	08547	3504921376		103		BETTY NO 1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130297	08634	3504921205		103		BOBO #1	GOLDEN TREND	0.0	LONE STAR GAS CO
8130296	08635	3504921223		103		COCKRELL #1	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130367	08637	3504921305		103		COCKRELL #2	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130366	08638	3504921314		103		EZZELL #1	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130370	08636	3504921315		103		EZZELL #2	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130277	08549	3504921377		103		PAULINE #1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130254	08546	3504921378		103		PHYLLIS #1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130298	08633	3504921344		103		SHIPLEY #3	WHITEBEAD WEST	0.0	WARREN PETROLEUM
-JOE C RICHARDSON JR						RECEIVED: 05/04/81 JA: OK			
8130328	08714	3500721837		103		BARKER NO 1	JORDAN (MORROW)	360.0	NORTHERN NATURAL

VOLUME 437 PAGE 004

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KEITH F WALKER						RECEIVED: 05/04/81 JA: OK			
8130264	08628	3501921931		103		SMITH	OIL CITY	109.5	MOBIL OIL CORP
-KIRKPATRICK OIL CO						RECEIVED: 05/04/81 JA: OK			
8130240	08550	3507322561		103		MAXON A #1-31	SW REEDING	0.0	CONOCO INC
-L G WILLIAMS OIL COMPANY INC						RECEIVED: 05/04/81 JA: OK			
8130337	8006	3504321097		103		CHAIN RANCH 10-1	S HUCMAC	0.0	DELHI GAS PIPELIN
8130303	8618	3501721475		102-2		MANNING #29-1	NW YUKON	0.0	PHILLIPS PETROLEU
-L D WARD						RECEIVED: 05/04/81 JA: OK			
8130341	8450	3501100000		103		WILSON-RAUH #1	S W SOUTHARD	2.0	DELHI GAS PIPELIN
-LIBERTY EXPLORATION CO						RECEIVED: 05/04/81 JA: OK			
8130324	8713	3513363791		103		TRES #1	HOLDENVILLE	144.0	ARKLA GAS CO
-MACKELLAR INC						RECEIVED: 05/04/81 JA: OK			
8130362	8585	3510320845		103		MOUNT #1	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8130361	8583	3510321110		103		MOUNT #3	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8130363	8584	3510321122		103		MOUNT #4	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
-MAGUIRE OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130262	08687	3500320770		103		MCNICKLE #2	CHANEY DELL	0.1	PANHANDLE EASTERN
-MUSTANG PRODUCTION CO.						RECEIVED: 05/04/81 JA: OK			
8130252	08597	3507720213		102-2		FOSTER #1-35	PANOLA	500.0	ARKANSAS LOUISIAN
8130252	08597	3507720213		103		FOSTER #1-35	PANOLA	500.0	ARKANSAS LOUISIAN
-NATIONAL COOP REFINERY ASSOC						RECEIVED: 05/04/81 JA: OK			
8130282	08625	3507322581		103		B & B UNIT #2	SOONER TREND	100.0	EXXON CO USA
-NATOMAS NORTH AMERICA INC						RECEIVED: 05/04/81 JA: OK			
8130369	8707	3512920443		102-2		J TAYLOR #1-11	TAYLOR RANCH	0.0	EL PASO NATURAL G
8130369	8707	3512920443		103		J TAYLOR #1-11	TAYLOR RANCH	0.0	EL PASO NATURAL G
-NEVA ASSOCIATES						RECEIVED: 05/04/81 JA: OK			
8130379	08590	3507121856		103		KAHLE #1-15		0.0	CITIES SERVICE GA
-NICHOLS PETROLEUM CO						RECEIVED: 05/04/81 JA: OK			
8130327	8679	3504722293		103.		HIXON 27-1	SOONER TREND	124.5	UNION TEXAS PETRO
-OLEUM INC						RECEIVED: 05/04/81 JA: OK			
8130263	08627	3501922039		103		ALICE STURM NO 2	JOINER CITY	19.0	
-ONG EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130244	08536	3504722238		103		CLINE NO 2	NORTHWEST ELKHORN	40.0	ARCO OIL & GAS CO
-PAYNE INC						RECEIVED: 05/04/81 JA: OK			
8130245	08537	3508321402		103		EDDIE LOU HALSEY NO 2	WEST LAWRIE	45.0	EASON OIL CO
-PERRY OIL CO						RECEIVED: 05/04/81 JA: OK			
8130358	8660	3509321820		103		DOLL #1	E RINGWOOD	160.6	PANHANDLE EASTERN
-PETRO-LEWIS CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130351	08567	3503120589		103		STATE B #2	WEST MARLOW	435.0	ARKANSAS LOUISIAN
-PETROLEUM INC						RECEIVED: 05/04/81 JA: OK			
8130334	8406	3513900000		108		BEASLEY #1	CAMRICK	12.0	NORTHERN NATURAL
8130333	8408	3500700000		108		BURKE UNIT #3	SIX MILE	12.0	NORTHERN NATURAL
8130331	8407	3504500000		108		JAHAY #1	N W FARGO	10.0	NORTHERN NATURAL
8130332	8534	3508720512		103		STEELE #1	N DIBBLE	35.0	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 05/04/81 JA: OK			
8130365	08642	3504320805		108		DRAKE B #1		0.0	TRANSWESTERN PIPE
8130311	08655	3501721777		103		MEYER D #1	N CONCHO	0.0	PANHANDLE EASTERN
8130339	0329	3513900000		108-ER		STEW NO 1	GUYMON HUGOTON	15.0	PANHANDLE EASTERN
8130349	8437	3508720459		103		THOMPSON N 1		0.0	
-PHOENIX ENERGY CORP						RECEIVED: 05/04/81 JA: OK			
8130249	8449	3504722110		103		PRIBYL #1	SOONER TREND	125.0	
-PHOENIX RESOURCES COMPANY						RECEIVED: 05/04/81 JA: OK			
8130357	8622	3500721840		103		NOE #3	ALLEN & PARKER	38.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PORTS OF CALL OIL CO						RECEIVED: 05/04/81 JA: OK			
8130354	08551	3501721778			103	J W BURMEIER NO 22-1	EL RENO	146.0	
-RED EAGLE OIL CO						RECEIVED: 05/04/81 JA: OK			
8130272	08349	3509321830			103	THOMPSON NO 1	NW FAIRVIEW	328.0	PHILLIPS PETROLEU
-REINEKE-PURSER OIL & GAS INC						RECEIVED: 05/04/81 JA: OK			
8130247	8455	3504722323			103	HOUSER #2	SOONER TREND	192.0	GRACE PETROLEUM C
-S K TUTHILL & B J BARBEE						RECEIVED: 05/04/81 JA: OK			
8130368	8668	3515321108			103	SIMPSON WALKER 1-29	SOUTH FREEDOM	320.0	PANHANDLE EASTERN
-SAMEDAN OIL CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130300	08598	3508520290			103	GAITHER B #1		400.0	CIMARRON TRANSMIS
-SAMSON RESOURCES COMPANY						RECEIVED: 05/04/81 JA: OK			
8130294	7953	3507920367			102-4	ROY REED NO 1-19	RED OAK - NORRIS	164.0	ARKANSAS LOUISIAN
8130294	7953	3507920367			103	ROY REED NO 1-19	RED OAK - NORRIS	164.0	ARKANSAS LOUISIAN
-SERVICE DRILLING CO						RECEIVED: 05/04/81 JA: OK			
*8130335	08350	3510100000			102-4	MCALESTER #1		36.0	TENNESSEE GAS PIP
-SHELLY ENERGY INC						RECEIVED: 05/04/81 JA: OK			
8130317	08629	3508100000			102-3	SADLER NO 1	SOUTH CARNEY	25.6	SUN GAS CO
-SOUTHLAND ROYALTY CO						RECEIVED: 05/04/81 JA: OK			
8130307	8189	3513921303			103	BROWN #1-28	CAPLE	100.0	NORTHERN NATURAL
8130259	08649	3509321868			102-2	STAMBAUGH 3-32	ORION	100.0	MICHIGAN WISCONSI
8130258	08648	3509321947			102-2	STAMBAUGH 4-32	ORION	105.0	MICHIGAN WISCONSI
-SOUTHPORT EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130251	08591	3504520803			102-2	ROLLIN NO 1		183.0	
-TENNECO OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130320	08646	3509321962			103	TAYLOR 1-2	CHEYENNE VALLEY	14.0	PHILLIPS PETROLEU
-TEXACO INC						RECEIVED: 05/04/81 JA: OK			
8130377	08111	3513900431			108-ER	HARRY BROWN UNIT NO 1	CAMRICK	14.0	NATURAL GAS PIPEL
8130250	08490	3511720632			103	W J LAUDERDALE NO 17	TERLTON NORTH	7.0	HJD CATTLE CO INC
8130343	08485	3511720873			103	W J LAUDERDALE NO 25	TERLTON NORTH	29.0	HJD CATTLE CO INC
-TEXAS OIL & GAS CORP						RECEIVED: 05/04/81 JA: OK			
8130359	08528	3501721590			103	CALUMET #1	WILDCAT	0.0	DELHI GAS PIPELIN
8130278	08600	3507322656			103	KUNNEMAN A #1	ALTONA	0.0	
8130281	08599	3512120724			103	WARD D #1	S E ULAN	150.0	
-TEXAS PACIFIC OIL COMPANY INC						RECEIVED: 05/04/81 JA: OK			
*8130241	8573	3512920457			103	LIBBY #3	REYDON	88.8	KANSAS NEBRASKA N
-THE GHK COMPANY						RECEIVED: 05/04/81 JA: OK			
8130255	08692	3500920310			102-4	#1-19 THORNTON	CARPENTER FIELD	456.0	PANHANDLE EASTERN
-THOMAS N BERRY & CO						RECEIVED: 05/04/81 JA: OK			
8130353	08589	3510321060			103	SHOOP #3	SOUTH POLO	40.0	AMINOIL USA INC
-TOWER OIL AND GAS COMPANY INC						RECEIVED: 05/04/81 JA: OK			
8130271	08569	3504722322			103	MERRITT #1	SOONER TREND	109.5	PANHANDLE EASTERN
-WALLACE OIL & GAS INC						RECEIVED: 05/04/81 JA: OK			
8130375	08466	3513900000			103	LAST MINUTE SMITH #1	GUYMON HUGOTON	346.6	NORTHERN NATURAL
-WILLIS EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130260	8658	3501721697			103	SOUTHBOUND #1	NE MUSTANG	500.0	MOBIL OIL CORP
-WOHNLICH OIL CO						RECEIVED: 05/04/81 JA: OK			
8130313	8676	3509321952			103	VAN THOMPSON NO 27-1	MCWILLIE	18.0	AMINOIL USA INC
-WOODS PETROLEUM CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130344	08192	3504321074			102-4	EDWARDS #5-2	KODRAS	217.0	DELHI GAS PIPELIN

****

WEST VIRGINIA DEPARTMENT OF MINES

****

-APPALACHIAN EXPLORATION & DEVEL INC RECEIVED: 05/06/81 JA: WV

VOLUME 437 PAGE 006

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130200		4701501100		108		A HOWES #11	PLEASANT	7.8	CABOT CORP
8130193		4703903578		103		A MIDELBURG #1	WASHINGTON	7.0	TENNESSEE GAS PIP
8130163		4706700413		108		C & H CORPORATION B-10	JEFFERSON	16.7	CABOT CORP
8130165		4701501211		108		C & H CORPORATION B-6	PLEASANT	18.9	CABOT CORP
8130164		4701501215		108		C & H CORPORATION B-7	PLEASANT	18.9	CABOT CORP
8130166		4701501207		108		C & H CORPORATION B-8	PLEASANT	18.9	CABOT CORP
8130168		4701501113		108		F F MCINTOSH #1	PLEASANT	11.0	CABOT CORP
8130167		4701501202		108		F F MCINTOSH #5	PLEASANT	11.0	CABOT CORP
8130201		4706700436		108		HILL & LONG B-11	JEFFERSON	13.8	CABOT CORP
8130162		4706700428		108		HILL & LONG B-12	JEFFERSON	14.0	CABOT CORP
8130202		4706700437		108		HILL & LONG B-13	JEFFERSON	13.8	CABOT CORP
8130204		4706700429		108		HILL & LONG B-14	JEFFERSON	13.8	CABOT CORP
8130203		4706700430		108		HILL & LONG B-15	JEFFERSON	13.8	CABOT CORP
8130194		4707900962		103		J L MCLEAN A-24	UNION	28.0	TENNESSEE GAS PIP
8130199		4707900966		103		J L MCLEAN A-41	UNION	16.0	TENNESSEE GAS PIP
8130188		4703903611		103		JOHN W FORD #1	JEFFERSON	27.0	TENNESSEE GAS PIP
8130169		4708100348		108		PINEY COKING COAL A-20	SLAB FORK	16.5	CABOT CORP
8130171		4708100349		108		PINEY COKING COAL A-21	SLAB FORK	16.5	CABOT CORP
8130172		4708100350		108		PINEY COKING COAL A-23	SLAB FORK	16.5	CABOT CORP
8130173		4708100351		108		PINEY COKING COAL A-26	SLAB FORK	0.0	CABOT CORP
8130174		4708100352		108		PINEY COKING COAL A-27	SLAB FORK	15.3	CABOT CORP
8130175		4708100364		108		PINEY COKING COAL A-28	SLAB FORK	0.0	CABOT CORP
8130176		4708100384		108		PINEY COKING COAL A-41	SLAB FORK	4.0	CABOT CORP
8130177		4708100424		108		PINEY COKING COAL A-42	SLAB FORK	16.8	CABOT CORP
8130170		4708100422		108		POCAHONTAS LAND CORP A-8	SLAB FORK	10.1	CABOT CORP
-BEREA OIL AND GAS CORPORATION				RECEIVED: 05/06/81 JA: WV					
*8130186		4700101202		103		D SOUTHERLY #1	VALLEY	12.2	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED: 05/06/81 JA: WV					
8130227		4700701325		108		COBERLY NO 1	HEATERS	30.0	CONSOLIDATED GAS
8130228		4700701360		108		CRUTCHFIELD NO 1	HEATERS	50.0	CONSOLIDATED GAS
8130226		4704102525		108		ECKES NO 1	VANDALIA	50.0	CONSOLIDATED GAS
8130229		4700701431		108		NO 1 HILDEBRAND	CHAPEL-GERMAN	10.0	CONSOLIDATED GAS
8130225		4700701440		108		WATSON NO 1		15.0	CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC				RECEIVED: 05/06/81 JA: WV					
8130220		4707300765		102-3		AUBRA GRACE THORN #1	BENS RUN	0.0	COLUMBIA GAS TRAN
8130213		4707300743		102-3		WALDO WAGNER #1	BENS RUN	0.0	COLUMBIA GAS TRAN
8130221		4707300747		102-3		WALDO WAGNER #2	BENS RUN DISTRICT	0.0	
-CHASE PETROLEUM				RECEIVED: 05/06/81 JA: WV					
8130211		4708504800		102-3		GOODWIN #1	CLAY DISTRICT	79.2	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 05/06/81 JA: WV					
8130205		4703301912		108		COMMERCIAL COAL & COKE 12513	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
8130210		4707700192		108		FERMAN H CLARKSON 12526	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
8130207		4704102148		108		I B SNYDER 12311	WEST VIRGINIA OTHER A857	21.0	GENERAL SYSTEM PU
8130209		4706100371		108		J RUSSELL SMITH 12408	GREER-GLADESVILLE 290235	9.0	GENERAL SYSTEM PU
8130208		4704700797		108		OLGA COAL COMPANY 12441	PINEVILLE FIELD AREA A59	19.0	GENERAL SYSTEM PU
8130206		4703302088		108		WATER NEELY ET AL 12593	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PU
-GENE STALNAKER INC				RECEIVED: 05/06/81 JA: WV					
8130197		4700101322		103		BARBOUR COUNTY COMMISSION B-46-1	BARBOUR COUNTY PARK & RE	25.0	COLUMBIA GAS TRAN
8130196		4700101414		103		BARTLETT B-53-1	M BARTLETT	25.0	COLUMBIA GAS TRAN
8130189		4700101381		103		KINES B-52-1	KINES	25.0	CONSOLIDATED GAS
8130190		4700101433		103		KINES B-54-2	DON KINES	25.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS				RECEIVED: 05/06/81 JA: WV					
8130187		4707300897		103		CHARLES PETHTEL H-1019	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN

VOLUME 437 PAGE 007

JO NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130212		4707300891	103	CHARLES PETHTEL H-1020	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
-JAMES F SCOTT			RECEIVED: 05/06/81 JA: WV				
8130198		4703302443	103	DESSIE MOORE S-313	EAGLE	5.0	CONSOLIDATED GAS
8130182		4704102893	103	ROSEMARY SANFORD S-300	HACKERS CREEK	25.0	CONSOLIDATED GAS
8130195		4703302467	103	SALERNO S-321	CLAY DISTRICT	10.0	CONSOLIDATED GAS
8130192		4703302461	103	TRUMAN GORE S-319	COAL DISTRICT	10.0	CONSOLIDATED GAS
-PENNZOIL COMPANY			RECEIVED: 05/06/81 JA: WV				
8130238		4702100006	108	CORA HOLT #1	DEKALB	0.0	CONSOLIDATED GAS
8130233		4703903270	108	J M & V SUMMERS (4A) #1	ELK	0.0	
8130232		4703903271	108	J M & V SUMMERS #2	ELK	0.0	
8130231		4703903272	108	J M & V SUMMERS #3	ELK	7.0	
8130239		4701702962	108	MINDA ALLEN #6	MCCLELLAN	0.0	CONSOLIDATED GAS
8130234		4702103272	108	PERRY BLACK #1	DEKALB	0.0	CONSOLIDATED GAS
8130237		4702100573	108	PERRY BLACK #2	DEKALB	0.0	CONSOLIDATED GAS
8130236		4702100590	108	PERRY BLACK #3	DEKALB	0.0	CONSOLIDATED GAS
8130235		4702101848	108	S M HARDMAN #7	DEKALB	0.0	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP			RECEIVED: 05/06/81 JA: WV				
8130183		4703302043	103	L CLEVENGER #1	BRIDGEPORT	10.0	CONSOLIDATED GAS
-QUAKER STATE OIL REFINING CORP			RECEIVED: 05/06/81 JA: WV				
8130223		4703903602	103	J H CARTE #11	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8130214		4703923478	103	J H COPENHAVER #12	ELK DISTRICT	13.9	COLUMBIA GAS TRAN
8130224		4703903586	103	L KELLY #6	ELK DISTRICT	13.9	COLUMBIA GAS TRAN
8130222		4703903607	103	W H EWING #2	ELK	11.0	COLUMBIA GAS TRAN
-RAY RESOURCES CORP			RECEIVED: 05/06/81 JA: WV				
8130181		4710500831	103	HARRY BELT UNIT #827	BURNING SPRINGS	1.0	COLUMBIA GAS TRAN
8130180		4710500840	103	HARRY BELT UNIT #848	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
8130179		4710500847	103	HARRY BELT UNIT #858	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
8130178		4710500854	103	THORN ROBERTS #863	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
-ROBERT R JONES			RECEIVED: 05/06/81 JA: WV				
8130185		4702103662	103	JONES NO 4-A	GLENVILLE NORTH	0.0	CONSOLIDATED GAS
8130184		4702103663	103	JONES NO 5-A	GLENVILLE NORTH	60.0	CONSOLIDATED GAS
-RUSSELL V JOHNSON JR			RECEIVED: 05/06/81 JA: WV				
8130216		4708504438	103	C A WILSON #1 (H-831)	INDIAN CREEK	6.0	CONSOLIDATED GAS
8130215		4708504437	103	C A WILSON #2 (H-829)	INDIAN CREEK	8.5	CONSOLIDATED GAS
8130218		4708504752	103	E V COOKRO #1 N	MURPHY DISTRICT	16.0	CONSOLIDATED GAS
8130230		4708504751	103	E V COOKRO #1 S	MURPHY DISTRICT	16.5	CONSOLIDATED GAS
8130219		4708504753	103	RICHARDS #1	ADDIS RUN	24.0	CONSOLIDATED GAS
8130217		4708504555	103	VALENTINE-DOWLER #1	SUGARCAMP RUN OF INDIAN	8.0	CONSOLIDATED GAS
-UNION DRILLING INC			RECEIVED: 05/06/81 JA: WV				
8130191		4708101400	103	JOHN A MOSESSO ET AL #2 1573	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS

OTHER PURCHASERS

8130186	BROOKLYN UNION GAS
8130241	PANHANDLE EASTERN P L CO
8130256	CHASE GATHERING SYSTEMS
8130257	CHASE GATHERING SYSTEMS
8130285	CHASE GATHERING SYSTEMS
8130286	CHASE GATHERING SYSTEMS
8130287	CHASE GATHERING SYSTEMS
8130288	CHASE GATHERING SYSTEMS
8130289	CHASE GATHERING SYSTEMS
8130290	CHASE GATHERING SYSTEMS
8130291	CHASE GATHERING SYSTEMS
8130292	CHASE GATHERING SYSTEMS
8130335	COLUMBIA GAS TRANS CORP
8130336	CHASE GATHERING SYSTEMS

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104 Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section
- 107-DP:15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enchanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 8117874 Filed 6-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 438]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 9, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-ABRAXAS PETROLEUM CORP						RECEIVED: 05/11/81 JA: CO			
8130403	80-439	0507508749		102	-4	KERSCHNER NUMBER 1	RAYMER CREEK	100.0	KANSAS NEBRASKA N
-AMOCO PRODUCTION CO						RECEIVED: 05/11/81 JA: CO			
8130406	81-30	0512307271		108		BERNARD E TEETS WELL #1	WATTENBERG	17.6	PANHANDLE EASTERN
8130407	81-29	0512308242		108		RAYMOND H PRESTON WELL #1	WATTENBERG	16.0	PANHANDLE EASTERN
-BEREN CORPORATION						RECEIVED: 05/11/81 JA: CO			
8130404	80-365	0507508771		102	-4	HELEN NO 1	SEAL FIELD	15.8	
-DONNELLY CASING PULLING CO						RECEIVED: 05/11/81 JA: CO			
8130427	79-86	0512307914		108	-ER	LOUSBERG #1	MCKENZIE	0.0	KANSAS-NEBRASKA N
-ENERGY MINERALS CORPORATION						RECEIVED: 05/11/81 JA: CO			
8130412	81-107	0512307708		108		#1 VONASEK	SPINDLE	7.0	COLORADO INTERSTA
8130414	81-110	0512308301		108		#3 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130413	81-111	0512308341		108		#4 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130411	81-106	0512308523		108		#4 VONASEK	SPINDLE	13.8	COLORADO INTERSTA
8130415	81-109	0512309203		108		#5 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130410	81-105	0512309218		108		#5 VONASEK	SPINDLE	10.6	COLORADO INTERSTA
8130409	81-108	0512309179		108		#7 CLEVELAND	SPINDLE	9.0	COLORADO INTERSTA
-GRIFFIN PETROLEUM CORP						RECEIVED: 05/11/81 JA: CO			
8130417	80-339	0512308544		102	-0	RUTH #1	KIOWA CREEK	118.0	CRYSTAL GAS RESOU
-GULF ENERGY CORP						RECEIVED: 05/11/81 JA: CO			
8130392	80-459	0500107478		103		B W TRUPP #1	RADAR	240.0	COLO INTERSTATE G
8130393	80-463	0500107604		103		B W TRUPP #2	RADAR	12.0	COLO INTERSTATE G
8130395	80-461	0500107607		103		CLYDE E WILLIAMS JR #1	RADAR	36.0	COLORADO INTERSTA
8130396	80-460	0500107653		103		CLYDE E WILLIAMS JR #2	RADAR	36.0	COLORADO INTERSTA
8130394	80-462	0500107466		103		FARM RANCH EXPLORATION #2	RADAR	12.0	COLO INTERSTATE G
-KANSAS-NEBRASKA NATURAL GAS CO INC						RECEIVED: 05/11/81 JA: CO			
8130424	81-83	0512500609		108		ALLISON 1-29	WILDCAT	20.0	KANSAS-NEBRASKA N
-MGF OIL CORP						RECEIVED: 05/11/81 JA: CO			
8130400	80-377	0512309907		103		ANDREWS 13-18X	LANYARD FIELD	10.0	CRYSTAL GAS RESOU
8130416	81-435	0512309133		102	-4	HOOPER 11-32	WAITE LAKE	73.0	PHILLIPS PETROLEU
8130401	80-274	0512309933		103		PREMIER 22-4	LANYARD	60.0	CRYSTAL GAS RESOU
8130421	80-436	0512307112		102	-4	STATE 23-29	WAITE LAKE	159.8	PHILLIPS PETROLEU
-MIDLANDS GAS CORPORATION						RECEIVED: 05/11/81 JA: CO			
8130398	80-472	0512506419		103		ALLEN 1-12	BEECHER ISLAND	65.0	KANSAS-NEBRASKA N
8130399	80-471	0512506450		103		ALLEN 1-7X	BEECHER ISLAND	48.0	KANSAS-NEBRASKA N
8130419	80-470	0512506424		103		ROCKWELL 1-14	REPUBLICAN	36.0	KANSAS-NEBRASKA N
-MOUNTAIN PETROLEUM CORPORATION						RECEIVED: 05/11/81 JA: CO			
8130422	81-95	0512506225		108		BLACH 1-19	PONY EXPRESS	1.5	NATURAL GAS PIPEL
8130423	81-94	0512506159		108		BLACH 1-24	PONY EXPRESS	10.0	NATURAL GAS PIPEL
-NIELSON ENTERPRISES INC						RECEIVED: 05/11/81 JA: CO			
8130408	81-3	0512308410		108		KERN #1	WATTENBERG J FIELD	16.0	PANHANDLE EASTERN

VOLUME 438 PAGE 002

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130426	81-67	0512309259		108		STROMBERGER UNIT #2	HAMBERT FIELD	19.0	PANHANDLE EASTERN
-PREMIER RESOURCES LTD						RECEIVED: 05/11/81 JA: CO			
8130405	81-60	0500106624		108		VETTER #73001	CHIEFTAIN	0.0	PANHANDLE EASTERN
-RINCON OPERATING CO						RECEIVED: 05/11/81 JA: CO			
8130420	80-236	0500506405		102-4		CRAIG #1		500.0	SUN GAS CO
-SAGE DRILLING CO INC						RECEIVED: 05/11/81 JA: CO			
8130389	80-417	0500900000		102-4		SAGE-ALLEY #1-17	WALSH	250.0	
8130390	80-416	0500906257		102-4		SAGE-DOKE #1-8	WALSH	212.0	PANHANDLE EASTERN
8130391	80-415	0500900000		102-4		SAGE-DOKE #2-8	WALSH	300.0	
-SAMSON OIL COMPANY						RECEIVED: 05/11/81 JA: CO			
8130402	80-473	0500906253		103		ELLIS 1-25	GREENWOOD	110.0	COLORADO INTERSTA
8130397	80-474	0500906254		103		HOLT 1-26	GREENWOOD	110.0	COLORADO INTERSTA
-TENNECO OIL COMPANY						RECEIVED: 05/11/81 JA: CO			
8130425	81-69	0500900000		108		C V COGBURN #1	MIDWAY	20.0	PANHANDLE EASTERN
-TOM F MARSH						RECEIVED: 05/11/81 JA: CO			
8130418	80-267	0500906221		103		COGBURN 2-22 WELL #2	MIDWAY	17.0	PANHANDLE EASTERN
**********									
MONTANA BOARD OF OIL & GAS CONSERVATION									
**********									
-J BURNS BROWN						RECEIVED: 05/07/81 JA: MT			
8130387	8-80-180	2500522131		108		BURNS 4-32-18	WILDCAT	11.0	NORTHERN NATURAL
8130388	6-80-139	2504122074		108		KULBECK 3-32-15	WILDCAT	20.0	NORTHERN NATURAL
-MIDLANDS GAS CORPORATION						RECEIVED: 05/07/81 JA: MT			
8130386	9-80-194	2507121490	D	108		1370 1-13 REX BURWELL	BOWDOIN	19.0	KANSAS-NEBRASKA N
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ADAMS PETROLEUM ENTERPRISES CORP						RECEIVED: 05/11/81 JA: OK			
8130483	08685	3506321033		103		DIAMOND #1	GREASY CREEK	182.5	TRANSOK PIPE LINE
-ASTRO DRILLING CO						RECEIVED: 05/11/81 JA: OK			
8130448	08730	3504921383		103		BLEVINS 1-32	S E ELMORE CITY PROSPECT	11.5	ENSERCH CORP
8130486	8815	3504921374		103		BLEVINS 1-33	SE ELMORE CITY PROSPECT	11.5	ENSERCH CORP
8130449	8731	3504921408		103		BLEVINS 2-32	S E ELMORE CITY PROSPECT	11.5	ENSERCH CORP
-B J BROWN						RECEIVED: 05/11/81 JA: OK			
8130461	08519	3509100000		108		BEEN #3	COALTON	9.4	PHILLIPS PETROLEU
8130462	08520	3509100000		108		BEEN #5	COALTON	6.8	PHILLIPS PETROLEU
-BROWN & BORELLI INC						RECEIVED: 05/11/81 JA: OK			
8130431	8577	3507322691		103		GEORGE #1	WEST OF DOVER	36.5	PHILLIPS PETROLEU
-COBRA OIL AND GAS CORPORATION						RECEIVED: 05/11/81 JA: OK			
8130479	08695	3505920808		103		DEWEESE 21 #1	UNALLOCATED	0.0	NORTHERN NATURAL
8130454	08694	3505920939		103		DEWEESE 21 #2	UNALLOCATED	0.0	NORTHERN NATURAL
-DAVIS OIL COMPANY						RECEIVED: 05/11/81 JA: OK			
8130489	6914	3501520892		103		BODE NO 2	HINTON	450.0	ARKANSAS LOUISIAN
8130446	8725	3504321098		103		KROWS #1	CESTOS	350.0	MICHIGAN WISCONSI
-DON J LEEMAN						RECEIVED: 05/11/81 JA: OK			
8130490	07804	3509321563		103		DON J LEEMAN #1 W B JOHNSON	SOUTH BELVA	10.2	DELHI GAS PIPELIN
8130476	07806	3511122092		103		MAGGARD #1	BRITTON	35.0	SWABB CORP
8130475	07805	3511100000		103		PALMER #1-A	TIGER FLATS	190.0	SWABB CORP
-ECC OIL CO						RECEIVED: 05/11/81 JA: OK			
8130451	8734	3514721838		103		C SUMPTER #1 C NE/4 NW/4 29-25N-14E	OGLESBY GAS FIELD	43.8	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY						RECEIVED: 05/11/81 JA: OK			
8130463	08724	3500935560		108		PUCKETT #2	ERICK SOUTH-BROWN DOLOMI	17.0	EL PASO NATURAL G
-G S CECIL						RECEIVED: 05/11/81 JA: OK			

VOLUME 438 PAGE 003

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130498	8708	3514721642		102-2		BARBARA JO #1		28.0	DIAMOND-S GAS SYS
8130499	8709	3514721643		102-2		BARBARA JO #2		28.0	DIAMOND - S GAS S
-GETTY OIL COMPANY				RECEIVED: 05/11/81		JA: OK			
8130438	08739	3507920353		103		COUCH 22-1	KINTA	110.0	ARKANSAS LOUISIAN
-GIN INC				RECEIVED: 05/11/81		JA: OK			
8130442	06791	3507300000		103		ACE #1	SOONER TREND	2.0	DALCO MARKETING &
-HAMILTON BROTHERS OIL CO				RECEIVED: 05/11/81		JA: OK			
8130458	8011	3504520842		102-4		PARKER NO 1-22	WILDCAT	720.0	UNITED GAS PIPE L
8130458	8011	3504520842		103		PARKER NO 1-22	WILDCAT	720.0	UNITED GAS PIPE L
-HAP DRILLING CO				RECEIVED: 05/11/81		JA: OK			
8130496	08559	3504900000		108		WILLIAMS UNIT NO 1	NORTH LINDSAY	0.0	WARREN PETROLEUM
-HENRY PETROLEUM INC				RECEIVED: 05/11/81		JA: OK			
8130432	8615	3510920131		108		VOREL #1	LUTHER	9.0	SUN GAS CO
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 05/11/81		JA: OK			
8130471	08647	3504520855		103		BERRYMAN #1	S E ARNETT	858.0	NORTHERN NATURAL
-IPS 80 - 1 LTD				RECEIVED: 05/11/81		JA: OK			
8130480	08716	3513100000		102-2		MACH #1	TALALA	18.0	DIAMOND S GAS SYS
-J W ALBRITTON				RECEIVED: 05/11/81		JA: OK			
8130470	8614	3513300000		108		RAGLAND #1	WILDCAT	12.2	ARKANSAS LOUISIAN
-JIMMY W GRAY				RECEIVED: 05/11/81		JA: OK			
8130435	8675	3504921328		103		ROSE #3	WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
8130434	8672	3504921388		103		SHIRLEY NO 1	WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
8130488	8674	3504921393		103		SHIRLEY NO 2	WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
8130495	08548	3504921293		103		TURNEY NO 1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
-KETAL OIL PRODUCING CO				RECEIVED: 05/11/81		JA: OK			
8130460	08457	3511921278		103		MYERS #4	LOST CREEK	117.0	SUN GAS CO
-L & T OIL & GAS INC				RECEIVED: 05/11/81		JA: OK			
8130468	08747	3507322679		103		HOLLAND 18 NO 1	SOONER TREND	531.0	CONTINENTAL OIL C
8130450	06752	3507322243		103		MARTIN 3 NO 1	SOONER TREND	18.5	CONOCO INC
8130457	06753	3507322415		103		VILHAUER 33 NO 2	SOONER TREND	146.0	CITIES SERVICE GA
-LONG CONSTRUCTION CO				RECEIVED: 05/11/81		JA: OK			
8130469	08794	3504722270		103		HERMANSKI L-2	NORTH GARBER	100.0	ARCO OIL & GAS CO
-MORGAN & STEINERT INC				RECEIVED: 05/11/81		JA: OK			
8130491	08475	3507322404		103		VADDER #1	SOONER TREND	92.0	EXXON CO
-PETRO-LEWIS CORPORATION				RECEIVED: 05/11/81		JA: OK			
8130472	08657	3505120945		103		CRAWFORD-EDWARDS #3	WEST MARLOW	54.0	ARKANSAS LOUISIAN
-PHILLIPS OIL OPERATING CO				RECEIVED: 05/11/81		JA: OK			
8130453	08773	3508121057		103		GREEN NO A-1	SOUTHWEST PRAIRIE GEM	33.0	SUN OIL CO
-PHOENIX RESOURCES COMPANY				RECEIVED: 05/11/81		JA: OK			
8130459	08456	3507300000		103		RACER #2	W HENNESSEY	33.6	
-PIONEER PRODUCTION CORPORATION				RECEIVED: 05/11/81		JA: OK			
8130485	08800	3502520446		103		SMALTS #1-22	N E GRIGGS	450.0	
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 05/11/81		JA: OK			
8130466	08743	3501721455		103		B KOUBA NO 1-30	SOUTH YUKON	288.0	PHILLIPS PETROLEU
8130467	08744	3501721682		103		DAVIS NO 1-9	YUKON	226.8	MOBIL OIL CORP
-S K TUTHILL & B J BARBEE				RECEIVED: 05/11/81		JA: OK			
8130481	8671	3515121079		102-2		MYRTLE ENGLE UNIT 1-16	NORTH EAST FARRY	75.0	PANHANDLE EASTERN
8130437	8669	3515321088		103		WALKER NO 1-6	SOUTH FREEDOM	120.0	PANHANDLE EASTERN
8130433	8670	3515321095		103		WOODWARD TRUST NO 1-5	SOUTH FREEDOM	125.0	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED: 05/11/81		JA: OK			
8130477	08382	3509321895		103		CAMPBELL #I-35	ORION	95.0	PANHANDLE EASTERN
8130445	08723	3509321865		103		WOODRING #1-31	ORION	80.0	PHILLIPS PETROLEU
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED: 05/11/81		JA: OK			

VOLUME 438 PAGE 004

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130474	07502	3508321390	102-4	GALE #1	CRESCENT	0.0	EASON OIL CO
-STIMCO OIL CO			RECEIVED: 05/11/81 JA: OK				
8130441	06703	3514700000	102-2	CARTER #1CS	CANARY POOL	0.0	CITIES SERVICE GA
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/11/81 JA: OK				
8130443	7890	3500700000	108	BOYD UNIT NO 11-1	E GRAND VALLEY	7.0	PHILLIPS PETROLEU
8130473	07014	3500721744	103	MANSE WOOD NO 3	COMO S E	0.0	TRANSWESTERN PL C
8130494	08544	3503700000	108	STEWART FEE NO 30	CUSHING	0.2	ARCO OIL & GAS CO
-TEXACO INC			RECEIVED: 05/11/81 JA: OK				
8130444	08742	3511720689	103	R LUNSFORD 1-B	TERLTON NORTH	4.8	HJD CATTLE CO INC
8130464	08737	3511720809	103	R LUNSFORD 2-B	TERLTON NORTH	5.5	HJD CATTLE CO INC
8130439	08738	3511720878	103	R LUNSFORD 3-B	TERLTON NORTH	5.5	HJD CATTLE CO INC
8130440	08741	3511720894	103	R LUNSFORD 4-B	TERLTON NORTH	5.5	HJD CATTLE CO INC
-TEXAS OIL & GAS CORP			RECEIVED: 05/11/81 JA: OK				
8130456	08690	3502520429	103	DURHAM A #1	N E GRIGGS	82.0	PHILLIPS PETROLEU
8130455	08691	3515321103	103	HUFFMAN #2	N W CEDARDALE	195.0	
-THE GHK COMPANY			RECEIVED: 05/11/81 JA: OK				
8130482	08684	3500920326	103	#1-27 THURMOND	WEST CARPENTER FIELD	3.1	
-THE WIL-MC OIL CORP			RECEIVED: 05/11/81 JA: OK				
8130478	08686	3510320992	103	CINNAMON #1	POLO	36.0	AMINOIL USA INC
8130447	8728	3510720838	103	HYDEN #1		120.0	
-VIERSEN & COCHRAN			RECEIVED: 05/11/81 JA: OK				
8130452	08689	3515321072	103	HAMILTON #1-28	WEST VICI	180.0	PANHANDLE EASTERN
8130487	8816	3501121514	103	TRIBAL #1-31	WATONGA TREND	150.0	DELHI GAS PIPELIN
-VULCAN ENERGY CORP			RECEIVED: 05/11/81 JA: OK				
8130484	8795	3507322591	103	MARY HOFFMAN #1	MARY HOFFMAN #1	100.0	PHILLIPS PETROLEU
-W C PAYNE			RECEIVED: 05/11/81 JA: OK				
8130492	8338	3507300000	108	HOFFMAN A NO 1	SOONER TREND	0.0	CONOCO INC
8130430	08564	3508700000	108	KIRBY NO 1	S W WAYNE	0.0	WARREN PETROLEUM
8130428	08562	3508700000	108	MITCHELL NO 1	S W WAYNE	0.0	WARREN PETROLEUM
8130429	08563	3507300000	108	NELSON NO 1	SOONER TREND	0.0	EXXON CORP
8130497	08561	3509300000	108	SCANNELL A NO 1	RINGWOOD	0.0	PIONEER GAS
8130493	08482	3508300000	108	VIETH NO 2	SOONER TREND	0.0	CONOCO INC
-WALKER & WITHROW INC			RECEIVED: 05/11/81 JA: OK				
8130465	08740	3501721788	103	SALISBURY 10-2	YUKON	190.0	CONOCO INC
-WHITMAR EXPLORATION CO			RECEIVED: 05/11/81 JA: OK				
8130436	08717	3504921369	103	WILLIE B SMITH #2-12	E ANTIOCH	200.0	WARREN PETROLEUM
-WILLIFORD ENERGY CO			RECEIVED: 05/11/81 JA: OK				
*8130500	08688	3513722198	103	C QUINN 1-A	SHO-VEL-TUM	250.0	GETTY OIL CO

Other Purchasers
8130500 Lone Star Gas Co

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TE: New tight formation
- 107-RT: Recompletion tight formation

Section
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17875 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-12-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

June 8, 1981.

Take notice that Distrigas Corporation (Distrigas) on May 29, 1981 tendered for filing Seventh Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Seventh Revised Sheet No. 3A.

Seventh Revised Sheet No. 1 and Seventh Revised Sheet No. 3A are being filed pursuant to distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (increase) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas together with demurrage and amortization over the six-month period, July 1, 1981 through December 31, 1981, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, July 1, 1981 through December 31, 1981, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective July 1, 1981 to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17850 Filed 6-15-81; 8:45am]

BILLING CODE 6450-85-M

[Project No. 4623-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

June 10, 1981

Take notice that Frankfort Electric and Water Plant Board (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4623 known as the Kentucky River Lock and Dam No. 4 located on the Kentucky River in Anderson and Woodford Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Rodney R. Ratliff, Board Chairman, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40604.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam. The project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 6 MW; (2) a proposed 800-foot long transmission line; and (3) appurtenant facilities. The project would be located on Federal lands. The Applicant estimates the average annual generation to be 34 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $100,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 5 Project No. 3676 filed on November 5, 1980, by Dam Five Development, Ltd under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing notices of intent has passed. Therefore, notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it well be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretrary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17800 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4612-000]

Hydro Development, Inc.; Application for Preliminary Permit

June 10, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on April 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)—825(r)] for Project No. 4612 to be known as the Canyon Creek Water Power Project located on the Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard L. Stone, President, Hydro Development Inc., Suite 711, Kirkeby Center, 10889 Wilshire Boulevard, Los Angeles, California 90024.

Project Description—The project would consist of: (1) an instream diversion structure; (2) a 600-foot long closed water conduit; (3) a 7-mile long ditch; (4) two 600-foot long, 24-inch diameter penstocks leading to; (5) a powerhouse to contain two generating units with a total rated capacity of 3 MW; and (6) a 50-foot long, 12-kV tie line to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize contruction. The Applicant seeks an 18-month preliminary permit to study the feasibility of construction and operating the proposed project. The cost of the feasibility studies has been estimated by the Applicant to be about $130,000.

Competing Applications—This application was filed as a competing application to Canyon Creek Project No. 3262 filed on November 18, 1980, by the Modesto Irrigation District under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all Capital letters the title "COMMENTS", PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4612. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17867 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-270-000]

Louisiana Resources Co.; Application for Approval of Rates

June 10, 1981.

Take notice that on May 11, 1981, Louisiana Resources Company (Applicant), 4100 One Williams Center, Tulsa, Oklahoma 74172, filed in Docket No. ST81-270-000 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas on behalf of Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a gas transportation agreement with Texas Gas dated February 18, 1981, Applicant has agreed to transport by exchange up to 125 billion Btu's of gas per day. It is stated that the gas would be transported from a point on the facilities of Applicant located in Iberville Parish, Louisiana, to a point on the facilities of Applicant located in Cameron Parish, Louisiana.

Applicant states that in view of the limited nature of the services being performed by Applicant and the operational benefits which would accrue to Applicant by reason of the exchange, Applicant would assess no additional rates or charges for the services so performed on behalf of Texas Gas.

Applicant therefore proposes to charge a transportation service rate of 0 cents per million Btu for the volumes of gas delivered on behalf of Texas Gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17877 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-70-000]

Midwestern Gas Transmission Co.; Revisions to Tariff

June 8, 1981.

Take notice that on May 29, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing certain proposed changes to its FERC Gas Tariff to be effective July 1, 1981, consisting of the following:

Original Volume No. 1
- Original Sheet No. 86A
- First Revised Sheet Nos. 6, 84, 85, 86 and 168

Original Volume No. 2
- Fifth Revised Sheet No. 37
- Original Sheet No. 37A

Midwestern states that the revisions make certain changes in the minimum bill provisions of certain Northern System rate schedules to flow-through the benefits of changes made in the gas purchase contracts of TransCanada Pipelines Limited with Midwestern and Michigan Wisconsin Pipeline Company. Midwestern also states that the tariff provisions related to the recovery of unrecovered purchased gas costs are being revised to reflect properly the treatment of revenues received pursuant to the minimum bill provisions of Midwestern's tariff.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17861 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-5-002 (PGA81-3, IPR81-2, DCA81-2)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 8, 1981.

Take notice that on May 29, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing First Revised Sheet Nos. 5, 7 and 8 and Substitute First Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1981. Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Article XVII;

(2) a PGA Rate Adjustment for the Northern System pursuant to Article XVIII;

(3) a Curtailment Credit Rate Adjustment for the Southern System pursuant to Article XIX;

(4) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Article XXII; and

(5) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Article XXIII.

Midwestern states the copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17852 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-71-000]

Montana-Dakota Utilities Co.; Proposed Change in Rates

June 8, 1981.

Take notice that on May 29, 1981, Montana-Dakota Utilities Co. ("MDU"), a Delaware corporation, whose mailing address is 400 North Fourth Street, Bismarck, North Dakota 58501, filed proposed changes in rates charged to its jurisdictional customers.

More specifically, MDU filed the following tariff sheets as part of its FERC Gas Tariff in which are reflected an increase in jurisdictional rates:

Original Volume No. 4
- Eighteenth Revised Sheet No. 3A

First Revised Volume No. 2
- Eleventh Revised Sheet No. 10

The proposed effective date is July 1, 1981.

Increased revenues from the rates as proposed would amount to $509,139 annually under MDU's Rate Schedules G-1, PR-1, X-1, and I-1.

MDU also filed the following alternate tariff sheets:

Original Volume No. 4
- Alternate Eighteenth Revised Sheet No. 3A

First Revised Volume No. 2
- Alternate Eleventh Revised Sheet No. 10

The proposed rates under the alternate tariff sheets reflect the inclusion of certain new on-system and off-system sales and services that are either currently pending before this Commission in a Section 7 proceeding or, will be the subject of Section 7 applications during the pendency of this rate proceeding. The inclusion of such sales and services would result in a rate decrease of 14.403 cents per Mcf for MDU's jurisdictional customers under its Rate Schedules G-1, PR-1, I-1, and X-1. MDU states that if the rates proposed for its existing jurisdictional customers become effective on July 1, 1981, and one or more of the new sales

are commenced shortly thereafter, MDU proposes to reduce the rates for all customers, effective on the day of commencement of service to each new customer.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests file with the Commission will be considered by it in determing the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17863 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-53-000]

Montana-Dakota Utilities Co.; Tariff Filing

June 8, 1981.

Take notice that on May 29, 1981, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. TC81-53-000 pursuant to Section 4 of the Natural Gas Act and the "Order Approving Settlement" issued November 29, 1979, in said docket the following tariff sheets for inclusion in MDU's FERC Gas Tariff, First, Revised Volume No. 1:

Third Revised Sheet No. 100
Third Revised Sheet No. 101
Third Revised Sheet No. 102
Third Revised Sheet No. 103
Third Revised Sheet No. 104
Third Revised Sheet No. 105
Third Revised Sheet No. 106
Third Revised Sheet No. 107
Third Revised Sheet No. 108
Third Revised Sheet No. 110

The proposed effective date is July 1, 1981. The volume changes in said sheets are said to reflect changes in the requirements for essential agricultural use based upon affidavits submitted to MDU by each agricultural user. In addition to the changes in volumes of natural gas, the revised tariff sheets reflect deletions of two customers from the index of requirements because they have ceased operations and reflect a change in corporate name and a change in identity of a purchaser. The revised sheets are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17864 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-91]

Montana-Dakota Utilities Co.; Informal Conference

June 9, 1981.

Take notice that at the conclusion of a conference on a related matter in Docket No. CP81-316 which commences at 10:00 a.m. on June 17, 1981, Staff will meet with represenatatives of the above-captioned company for the purpose of a possible resolution of the issues in a proposed amendment to the currently effective curtailment settlement in the above-captioned docket.

The conference will be held in Room 3200 of the Commission's offices at 941 North Capitol Street, NE., and all interested parties at their option may attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17865 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-269-000]

Monterey Pipeline Co., Application for Approval of Rates

June 10, 1981.

Take notice that on May 8, 1981, Monterey Pipeline Company (Applicant), 1700 Commerce Building, New Orleans, Louisiana 70112, filed in Docket No ST81-269-000 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas on behalf of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has agreed to transport up to 1,000 Mcf of natural gas per day on behalf of Columbia for a period of up to two years. It is stated that Applicant would receive gas from Columbia at the inlet flange to a measurement station owned and operated at a point on Applicant's existing Baton Rouge-West pipeline system located in Acadia Parish, Louisiana, and would then redeliver the gas to Columbia at existing or other mutually agreeable future points between Applicant and Columbia. Applicant asserts that the transportation service would be subject to interruption by Applicant to the extent necessary for Applicant to provide adequate service to its intrastate customers.

Applicant herein proposes to charge Columbia a transportation service rate of 17.5 cents per million Btu of gas redelivered by Applicant. It is further stated that Columbia would reimburse Applicant for the full amount of any present or future taxes with respect to this transportation service to the extent that such taxes are not included in the 17.5 cents per million Btu rate. Applicant states that justification for the proposed rate is set forth in Docket No. ST81-207-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17870 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-502-000]

Niagara Mohawk Power Corp.; Filing

June 8, 1981.

The filing Company submits the following:

Take notice that on May 29, 1981, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a Notice of Cancellation of an agreement between Niagara Mohawk and the Green Mountain Power Corporation (Green Mountain) dated December 13, 1980. Niagara Mohawk requests an effective date of January 9, 1981.

Copies of this filing have been served upon the Green Mountain Power Corporation and the Public Service Commission of the State of New York.

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 26, 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. 81-17856 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-327-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 10, 1981.

Take notice that on May 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-327-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

According to Northern, in the instant application, it is offering to its customers further increases [1] in service under all of its firm rate schedules in an effort to provide the broadest service to meet the varying needs of all of its utility customers. At the request of its market area customers, Northern says it proposes to make additional volumes available under its existing Rate Schedules CD-1, SS-1, PS-1 and WPS-1. Further, Northern says that those customers currently purchasing under rate schedules included in its FERC Gas Tariff, Original Volume No. 2 who desire additional service are also being provided increased entitlement under their existing rate schedules.

According to Northern, over the last several years, it has had significant improvement in its acquisition efforts. This is reflected, it says, by recent gas reserve bookings of 409,000,000 Mcf in 1978, 608,000,000 Mcf in 1979, and 725,000,000 Mcf in 1980 and by 800,000,000 Mcf of Canadian gas and 4.6 billion Mcf of Alaskan gas currently under contract.

Northern says that during the time period 1981 to 1992, it expects to add to its production inventory an average of about 500,000,000 Mcf per year and that, accordingly, it is in a position to offer expanded service to meet its customers' market requirements. A comparison by Northern of its projected supply sources versus projected consumption during that period is as follows:

[1] Northern states that, in Docket No. CP80-135, it proposed to provide additional service to its utility customers under its SS-1 Rate Schedule. The presiding administrative law judge in that proceeding approved the increase in service as proposed and the matter is now before the Commission on exception of the "Brick People".

Comparison of Projected Supply Sources vs. Projected Consumption Peakday Volumes From 1982-83 Through 1991-92 Heating Seasons

[Millions cubic feet per day at 14.73 Psia]

Particulars (a)	1982-83 (b)	1983-84 (c)	1984-85 (d)	1985-86 (e)	1986-87 (f)	1987-88 (g)	1988-89 (h)	1989-90 (i)	1990-91 (j)	1991-92 (k)
Sources:										
Onshore	1,954	1,854	1,769	1,690	1,616	1,537	1,453	1,378	1,312	1,240
Offshore	541	539	472	461	466	467	471	466	470	471
Alaska					413	413	413	413	413	413
Consolidated (Trans Canada)	200	200	150	100	50					
Northwest Alaska (Pan Alberta)	200	200	200	200	200	90				
Total supply areas	2,895	2,793	2,591	2,451	2,745	2,507	2,337	2,257	2,195	2,124
Deliveries from Storage:										
Redfield	345	345	345	345	345	345	345	345	345	345
Lyons	85	85	85	85	85	85	85	85	85	85
Cunningham	500	500	530	530	530	530	530	530	530	530
LNG Wrenshall—Garner	200	200	200	200	200	200	200	200	200	200
NSP LNG	73									
Michigan Wisconsin	42	42	42	42	42	42	42	42	42	42
Michigan Consolidated [2]	56	56	56	56	56	56	56	56	56	
Other storage to be developed								75	125	250
Total from storage	1,301	1,228	1,258	1,258	1,258	1,258	1,258	1,333	1,383	1,452
Total sources	4,196	4,021	3,849	3,709	4,003	3,765	3,595	3,590	3,578	2,576
Consumption:										
Total system peak day demand	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306
Associated sales	38	23	2	1	1					
Off-system sales	100	100	100	100						
Fuel, use, and unaccounted for	249	255	256	258	248	264	272	261	255	245
Total consumption	3,693	3,684	3,664	3,665	3,555	3,570	3,578	3,567	3,561	3,551

Comparison of Projected Supply Sources vs. Projected Consumption Peakday Volumes From 1982-83 Through 1991-92 Heating Seasons—Continued

[Millions cubic feet per day at 14.73 Psia]

Particulars (a)	1982-83 (b)	1983-84 (c)	1984-85 (d)	1985-86 (e)	1986-87 (f)	1987-88 (g)	1988-89 (h)	1989-90 (i)	1990-91 (j)	1991-92 (k)
Sources above/(below) consumption	503	337	184	44	448	195	17	23	17	25

[1] Excludes Daily Volume Associated with 5 Bcf Seasonal Firm Service.

Northern states that it has requested nominations for increased service from each of its customers and that, in response to such request, customers have requested the following net changes in entitlements:

Gas Sales Volumes Estimated for the First Year of Operation

[Million cubic feet at 14.73 Psia]

Classification	Contract demand	Seasonal service	Winter period service	Peaking service	Annual incremental sales
Jurisdictional:					
Rate Zone 1	0	860	0	0	16,753
Rate Zone 2	1,664	8,161	0	(179)	307,701
Rate Zone 3	19,140	13,707	3,525	(29)	3,217,456
Rate Zone B	22,907	9,742	(70)	(1,858)	1,770,815
Rate Zone C	1,172	5,163	0	0	128,461
Rate Zone D	0	3,270	0	212	4,033
Total jurisdictional	44,883	41,903	3,455	(1,854)	5,445,219
Non-Jurisdictional:					
Rate Zone 1	(151)	1,030	172		7,275
Rate Zone 2	7,886	(5,395)	410		47,012
Rate Zone 3	16,624	9,890	(1,059)		569,473
Rate Zone B	2,455	(1,057)	419		1,148
Rate Zone C	246	132	58		7,525
Rate Zone D	0	0	0		3,865
Total non-jurisdictional	27,060	4,600	0		636,298
Total jurisdictional and non-jurisdictional	71,943	46,503	3,455	(1,854)	6,081,517
Field and other Sales:					
Argus System—Group O	27				2,000
Panhandle	201				1,000
Plains	0				0
Permian	300				2,002,000
Total system	72,471	46,503	3,455	(1,854)	8,086,517

Northern says that the total requested increases would assist its utility customers in providing natural gas service to a market not now fully served and at a price lower than competitive fuels. This increase, according to Northern, would also allow its utility customers to respond to the changing sales pattern emerging as a result of varying market loads, conservation on the part of existing customers and the addition of new customers. Further, Northern says the increase would allow its customers the opportunity to maintain their natural gas markets to assure better utilization of natural gas in all market segments, while at the same time providing the ultimate consumer an opportunity to utilize economical natural gas.

It is stated that, in order to accommodate the delivery of the proposed increase in firm entitlement, Northern proposes to construct and operate the following facilities:

(1) 5.49 miles of 4-inch loop on the Perry Branch Line from Green County, Iowa, to the Perry, Iowa, TBS in Dallas County, Iowa.

(2) 4.0 miles of 4-inch loop on the Spirit Lake Branch Line all in Dickinson County, Iowa.

(3) 5.27 miles of 6-inch loop on the Gilmore City Branch Line from Buena Vista County, Iowa, to Pocahontas County, Iowa.

(4) 2.07 miles of 4-inch line in replacement of a like segment of the existing 2-inch Milford Branch Line, all in Seward County, Nebraska.

(5) Approximately 38.6 miles of new 12-inch pipeline from Willmar, Kandiyohi County, Minnesota, to a point northwest of Benson, Swift County, Minnesota.

(6) 1.98 mile of 6-inch loop on the Mound Branch Line from Carver, Minnesota, to the Mound TBS in Hennepin County, Minnesota.

(7) 7.71 miles of 6-inch loop on the Buffalo Branch Line, all in Wright County, Minnesota.

(8) 2.99 miles of 4-inch loop on the St. Michael Branch Line, all in Sherbourne County, Minnesota.

(9) 4.13 miles of 4-inch loop on the Rockford Branch Line from Wright County, Minnesota to Hennepin County, Minnesota.

(10) 8.00 miles of 6-inch loop on the St. Joseph Branch Line from Benton County, Minnesota, across the Mississippi River to Stearns County, Minnesota, and a new St. Cloud TBS along the St. Joseph Branch Line in Stearns County, Minnesota.

(11) 3.99 miles of 6-inch loop on the Sartell Branch Line, all in Benton County, Minnesota.

(12) 7.27 miles of 6-inch loop on the New Ulm Branch Line, all in Blue Earth County, Minnesota.

(13) 22.11 miles of 10-inch loop on the Marshall Branch Line from Yellow Medicine County, Minnesota, to Lyon County, Minnesota.

(14) A new TBS for St. Paul, Minnesota, adjacent to the existing Hastings #1C TBS in Washington County, Minnesota.

Northern says that several town border stations associated with the above branch line loopings would also require modifications to measuring and/or regulator facilities to meet the increased delivery volumes.

The estimated cost of the proposed facilities in $15,956,113, according to Northern, and would be financed with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant 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. 81-17868 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-473-000]

Northern States Power Co.; Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on May 20, 1981, tendered for filing the Exchange Agreement, dated April 14, 1981, with the United Power Association.

The Agreement provides for the Northern States purchase of the Prairie Substation from United Power and United Power's purchase of substation facilities at Voltaire, North Dakota, and St. Cloud, Minnesota, from Northern States.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17867 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4360-000]

Richard H. Kaster; Application for Preliminary Permit

June 10, 1981.

Take notice that Richard H. Kaster (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4360 known as the Briggs Creek located on Briggs Creek in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard H. Kaster, Route 3, Buhl, Idaho 83316.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 500-foot long penstock; (3) a powerhouse containing a 750 kW generating unit; (4) a 0.75-mile long transmission line. The Applicant estimates that the average annual energy output would be 5,987,520 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would perform engineering and technical electrical studies and design. The cost of these studies is estimated by the Applicant to be $3,000 to $5,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17869 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-73-000]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 8, 1981.

Take notice that Sea Robin Pipeline Company (Sea Robin), on June 1, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes are based on the twelve-month period ending March 31, 1981, as adjusted, and would increase jurisdictional revenues by $4,322,483.

Sea Robin states that the revenue increase results from increases in costs for several areas of Sea Robin's operations including cost of debt and equity capital and depreciation.

Copies of the filing have been served upon Sea Robins's jurisdictional customers and the Public Service Commission of the State of Louisiana.

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, NW., Washington, D.C. 20426, in accordance with the §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party 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. 81-17858 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA-81-2-8-000]

South Georgia Natural Gas Co.; Revision to Tariff

June 8, 1981.

Take notice that on June 1, 1981, South Georgia Natural Gas Company (South Georgia) tendered for filing Filing Fourteenth Revision Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No.1. This tariff sheet and supporting information is being filed 30 days before the effective date of July 1, 1981, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14, of South Georgia's tariff.

South Georgia states that its Fourteenth Revised Sheet No. 4 reflects increases in the rates of its pipeline supplier, Southern Natural Gas Company as filed to be effective July 1, 1981. This rate change will increase the cost of purchased gas to South Georgia's jurisdictional customers $7,828,090. Also reflected in Fourteenth Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. The credit balance in the Unrecovered Purchased Gas Cost Account of $298,669 will be amortized over the estimated sales for the six-month period commencing July 1, 1981 by a negative surcharge adjustment rate of 3.24¢ per MMBtu.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17859 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-65-007 (Phase I)]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition to Amend

June 10, 1981.

Take notice that on May 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-65-007 (Phase I) a petition to amend the order issued October 31, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the substitution by assignment of Granite State Gas Transmission, Inc. (Granite State) for Bay State Gas Company (Bay State) as recipient of the interruptible storage transportation service authorized in the said order all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 31, 1980, it was authorized to render a long-term interruptible storage transportation service for Bay State in connection with a long-term underground storage service to be rendered by Consolidated Gas Supply Corporation.

It is further submitted that Granite State, an affiliate of Bay State, has proposed to effect a realignment of various gas supply transportation, and sales arrangements between and among Bay State, Granite State and Northern Utilities, Inc., another affiliate of Bay State.

Petitioner asserts that upon consummation of the proposed realignment, Bay State proposes to assign to Granite State its rights and obligations under the October 31, 1980, order issued to Petitioner. It is stated that Petitioner, Granite State and Bay State have entered into a precedent agreement dated April 15, 1981, reflecting the proposed substitution of Granite State for Bay State.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17870 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-2-9-000 (PGA81-2) (IPR81-2) (DCA81-2) (R&D81-2) (LFUT81-2)]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Rate Change Under Tariff Rate Adjustment Provisions

June 8, 1981.

Take notice that on May 29, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing First Revised Sheet Nos. 20, 21, 22, and 23 through 30 to Original Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1981.

Tennessee states that the purposes of the revised tariff sheets are to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, XXV, XXVIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment credits, an R&D rate adjustment, a First Use Tax rate adjustment, and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

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 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17860 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-1-001]

Union Light, Heat and Power Co.; Amended Application

June 9, 1981.

Take notice that on May 26, 1981, The Union Light, Heat and Power Company filed an amendment to its application pursuant to Section 204 of the Federal Power Act, seeking authority to increase the amount of unsecured short-term debt authorized from $10 million to $15 million, with no change in the issuance date or maturity dates.

Any person desiring to be heard or to make any protest with reference to said Application should file petitions or protests on or before June 26, 1981, with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17861 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4561-000]

Village of Winnetka, Ill.; Application for Preliminary Permit

June 10, 1981.

Take notice that the Village of Winnetka (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4561 to be known as the Brandon Road Lock and Dam Project located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 15 MW; and (2) appurtenant facilities. The project would occupy Federal lands.

The Applicant estimates that the average annual energy output would be 70 GWh.

Purpose of Project—The Applicant proposes to market the energy output of the project to meet existing municipal demand and energy requirements.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be about $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Mitchell Energy Company Project No. 3567 filed on October 14, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4561. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17871 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-348-000]

Western Transmission Corp.; Application

June 10, 1981.

Take notice that on May 26, 1981, Western Transmission Corporation, 3000 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81-348-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing June 1, 1981, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant, and supplies of natural gas from Applicant's own production or acquired for system supply under Section 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total expenditures for the remainder of 1981 would not exceed $291,666.66. It is asserted that total and on-shore single project expenditures would not exceed $500,000 for each calendar year thereafter. Such costs would be financed by funds from operations, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17872 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59048A; TSH-FRL 1845-4]

Urethane Oligomer, Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 2, 1981, EPA received an application for a test marketing exemption (TM-81-9) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer claimed its identity confidential.

EPA has determined that the manufacturer's test marketing of urethane oligomer will not be present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application and subject to restrictions specified in this notice.

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its decision in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On April 2, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. Notice of receipt of this application, designated TM-81-9, was published in the **Federal Register** of May 1, 1981 (46 FR 24675). The manufacturer claimed all information as confidential business information, pursuant to section 14 of TSCA.

The substance is described generically as a urethane oligomer with a generic use as an intermediate for manufacture of coatings. EPA has established that the test marketing of the substance described in TM-81-9, under the conditions set out in the application and subject to the restrictions noted below, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the new substance. No significant worker exposure is expected; potential exposure would be due to accidental spills. Consumer exposure to the substance in TM-81-9 will be nil because the coatings in which it is present will be cured before the final product is sold. Environmental release is expected to be low and is not judged to be a concern.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for TM-81-9, effective on June 9, 1981, but subject to all conditions set out in the exemption application, and those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to its customers and the quantities shipped

in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed 50 gallons.

5. The test marketing activity approved in this notice is limited to a period of six months, commencing on the date of publication of this notice in the Federal Register.

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

7. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the substance will not present an unreasonable risk of injury to human health or the environment.

Dated: June 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-17792 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-31-M

[WH-FRL 1853-2]

Commonwealth of Virginia, Marine Sanitation Device Standard; Receipt of Supplemental Information in Support of Petition

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt of supplemental information and request for public comments.

SUMMARY: The Environmental Protection Agency has received supplemental information from the Commonwealth of Virginia in support of its petition for a determination by the Administrator that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of certain portions of the Rappahannock River and its tributaries. The Agency is soliciting comments on this new information.

DATES: Comments on this information are due no later than July 16, 1981.

ADDRESSES: The Commonwealth's submissions and previous public comments are available for inspection and copying in Room 2824, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should be addressed to Joseph A. Krivak, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Krivak, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202/755-0100.

SUPPLEMENTARY INFORMATION: On August 16, 1979, the Commonwealth of Virginia submitted a petition under Section 312(f)(3) of the Clean Water Act, 33 U.S.C. 1322(f)(3), and submitted additional information in support of the petition on October 19, 1979. The petition requested that the Administrator make a determination that adequate facilities for safe and sanitary removal and treatment from all vessels are reasonably available for the waters of certain portions of the Rappahannock River and its tributaries. The Commonwealth of Virginia wants to prohibit all discharges of sewage from vessels in certain portions of the Rappahannock River, but may not do so until after the Administrator has made this determination.

On November 26, 1979, the Agency published a Notice of Receipt of the Petition and requested comments on the petition (44 FR 67524). The Commonwealth submitted additional information in response to Agency requests on April 9, 1980, and June 4, 1980. On August 20, 1980, the Agency published a Notice of Receipt of the Commonwealth's supplemental information and solicited additional public comments (45 FR 55526).

Representatives of the Environmental Protection Agency (EPA) met with representatives of the Commonwealth of Virginia on December 17, 1980, December 23, 1980, and March 18, 1981. Minutes of these meetings may be found in Room 2824 at EPA. At these meetings, representatives of EPA expressed the concern that while the existing pumpout facilities appear to be adequate to service the existing boats with holding tanks in the proposed no discharge area, there may not be adequate facilities available to meet the increased demand when the no discharge requirements take effect. The Commonwealth has requested that the Agency approve its petition on the grounds that by the time Virginia's no discharge regulations take effect one year from the date of the Administrator's certification, adequate facilities will be available. The Commonwealth has affirmed that once the no discharge requirements take effect and boaters begin to install holding tanks, marina operators will install pumpout facilities to meet the demand. Virginia has indicated a willingness to compel the installation of pumpout facilities if the operation of market forces does not lead to voluntary installation.

As a result of these meetings, EPA asked the Commonwealth to provide three pieces of additional information. The Agency requested:

1. A letter signed by the Attorney General of the Commonwealth stating that existing authority allows the Commonwealth to mandate operation of all pumpout facilities.

2. A letter signed by the Director of the Department of Health of the Commonwealth stating that if market conditions do not result in the installation of adequate and reasonably available pumpout facilities prior to the time that Virginia's no discharge regulations take effect, the Commonwealth itself will assure that these facilities will be installed and operating;

3. A plan signed by the Director of the Department of Health detailing how many facilities will be installed at which locations by which dates in order to meet the requirements of adequacy and reasonable availability.

The Commonwealth has submitted this information and the Agency is soliciting public comments on it.

A copy of this information is being mailed to each person who submitted comments on the Commonwealth's petition and copies are available for inspection and copying in Room 2824 at EPA. 40 CFR 2.120 provides that a fee may be charged for reproducing material at a cost of $0.20 per page, if the fee in connection with a request is in excess of $10.00. Thus, there is no charge for the first 50 pages reproduced; the fee is $0.20 per page thereafter.

Dated June 6, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17793 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 6, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3930-A.

Filing party: John C. Barnett, Assistant Chief, Leases & Operating Agreements Division, The Port of New York & New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T-3930-A, between the Port Authority of New York and New Jersey (Port) and Universal Maritime Service (Universal), supplements Agreement No. T-3930 by adding a small portion of upland area to the premises under lease at the Red Hook Container Terminal, Brooklyn, New York and by the letting of an additional container crane at the terminal. The crane is to be installed and fabricated at an initial cost to the Port not to exceed $3,100,000 with provison for an equipment rental to be paid by Universal to the Port.

Agreement No.: T-3976.

Filing party: Ms. Annette Ubinas Landrau, Acting General Counsel, Commonwealth of Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3976, between Puerto Rico Ports Authority and Sea-Land Service, Inc. (Sea-Land), provides for the exclusive use of Parcel 8 located at Puerto Nuevo Terminal, San Juan Harbor, Puerto Rico. The leased area consists of 7.1846 "cuerdas" of land with a cyclone fence, 70,380 sq. ft. of warehouse space, 2,500 sq. ft. for a gate house and a transformer substation. The term of the lease will be from date of approval until November 30, 1982, with renewal options. The premises shall be used for Sea-Land's full container, LTL and break bulk terminal operations. As compensation, Sea-Land shall pay a monthly rental of $9,991.14, with rental adjustments provided for upon utilization of renewal options. In addition, the parties agree to terms of a guarantee payment by Sea-Land, assignments, liability insurance and other conditions provided for in the agreement.

Agreement No.: T-3977. Filing Party: Mr. Bradley J. Schultz, Assistant Manager, Property Department, Port of San Diego, P.O. Box 488, San Diego, California 92112.

Summary: Agreement No. T-3977, between the San Diego Unified Port District (Port) and Melwire Trading Company, Inc. (Melwire), provides for the lease by Port to Melwire of certain premises to be used for bulk cement handling and storage facilities. As compensation, Melwire will pay Port a monthly rental based on the area of the premises, as well as all applicable rates and charges established under Port's tariff. The term of the lease is for one year, with four additional one-year renewal options.

Agreement No.: 161-37.

Filing party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 161-37 modifies the basic agreement of the Gulf/United Kingdom Conderence by authorizing the Conderence Chairman, Secretary or Counsel to execute agreement modifications on behalf of conference members.

Agreement No.: 2846-47.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K. Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 2846-47 amends the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference's basic agreement by adding a new Article 33 which designates the authority to execute and file amendments to the basic agreement.

Agreement No.: 5660-32.

Filing party: Mr. John R. Attanasio, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 5660-32 modifies the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference by increasing the amount of the member's financial guarantee from $25,000 to $50,000.

Agreement No.: 8090-20.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 8090-20 amends the Mediterranean North Pacific Coast Freight Conference's basic agreement by adding a new Article 25 which designates the authority to execute and file amendments to the basic agreement.

Agreement No.: 8770-11.

Filing party: Mr. Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8770-11 modifies the basic agreement of the U.K./U.S.A. Gulf Westbound Rate Agreement (1) to provide that the Agreement may be amended by the unanimous vote of its partiesand (2) to provide that such amendments may be executed by the Conference Chairman or Counsel on behalf of conference members.

Agreement No.: 9615-31.

Filing Party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street N.W., Washington, D.C. 20006.

Summary: Agreement No. 9615-31 modifies the basic agreement of the Iberian/U.S. North Atlantic Freight Conference by extending the Conference scope to inland points in the United States.

Agreement No.: 9982-15.

Filing party: Howard A. Levy, Esquire, Patricia E. Byrne, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9982-15 modifies the basic agreement of the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference by authorizing the conference Chairman to execute agreement modifications and Merchant's Freight Contracts on behalf of conference members.

Agreements Nos.: 9984-17, 9984-18, 9984-19, 9984-20, 9984-21, 9984-22 and 9984-23.

Filing party: John McCluskey, Chairman, South Atlantic-North Europe Rate Agreement, 17 Battery Place, New York, New York 10004.

Summary: *Agreement No. 9984-17*, among the member lines of the South Atlantic-North Europe Rate Agreement, Modifies Article II of the basic agreement by including within the rate agreement's rate-making authority, the establishment of uniform credit rules as well as terms and conditions of brokerage, and increasing the time period for notice of intent to exercise independent action, from 48 hours to ten (10) days. *Agreement No. 9984-18* modifies Article IV of the basic

agreement by providing for the election of an Acting Chairman whose duties shall correspond to those of the Chairman and Deputy Chairman. In addition, reference to the filing of conference minutes is deleted. *Agreement No. 9984–19* modifies Article V of the basic agreement by establishing a $50,000 financial guarantee and clarifying the terms of admission, resignation and readmission to the agreement. *Agreement No. 9984–20* adds a new Article VI to the basic agreement for the purpose of clarifying voting requirements. *Agreement No. 9984–21* modifies existing Article VI of the basic agreement by providing, when and if the number of signatories to the agreement exceeds two, for compliance with the Commission's self-policing requirements as set forth in General Order No. 7 (46 CFR 528). *Agreement No. 9984–22* adds a new Article VIII to the basic agreement to provide for the sharing of office quarters, personnel, equipment, facilities and banking arrangements with other conferences and/or rate agreements. *Agreement No. 9984–23* modifies existing Article VII of the basic agreement by extending the term of the basic agreement for an additional two years, from September 30, 1981, through September 30, 1983.

Agreement No. 10423

Filing party: David F. Anderson, Esquire, Matson Navigation Company, P.O. Box 3933, San Francisco, California 94119.

Summary: Agreement No. 10423 is a transshipment agreement between Matson Navigation Company and Philippines, Micronesia & Orient Navigation Company, applicable to the trade between ports of Micronesia and the Western Pacific on the one hand, and U.S. West Coast ports on the other, with transshipment at Honolulu, Hawaii. The agreement applies to: containerizable cargo in 20-foot dry, flatrack, and refrigerated containers; noncontainerizable cargo; and, vehicles.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Acting Secretary.

Dated: June 10, 1981.

[FR Doc. 81–17811 Filed 6–15–81; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Yusen Air & Sea Service (U.S.A.) Inc., 60 East 42nd Street, Lincoln Bldg., Rm. 1212, New York, NY 10165. Officers: Yasuyuki Mizuno, President, Shoji Oguri, Executive Vice President, Mike M. Wada, Director

Larmex International Freight Forwarders, Inc., 7310 N.W. 79th Avenue, Miami, FL 33166. Officers: Silvia Mejias, President/Vice President, Jorge L. Armada, Secretary/Treasurer

Peggy J. Augsburger dba Peachtree Forwarding, P.O. Box 2492, 407 Harbor Loop, Peachtree City, GA 30269.

Consular Documentation, Inc., 1444 International Trade Mart Bldg., New Orleans, LA 70130. Officers: Rafael De La Torre, Chairman/President, Jeffrey De La Torre, Vice President, Mabel J. De La Torre, Secretary/Treasurer

Bekins Moving & Storage Co., Inc., Northwest Forwarding Division, 9401 Aurora Avenue, North, Seattle, WA 98103. Officers: Claude Bekins, President, Fred Bekins, Secretary/Treasurer, Claude K. Hulbert, Vice President, Wells F. Bekins, Vice President, Howard Tuttle, Director, Gerald G. Tuttle, Director, D. E. Morris, Assistant Vice President

Pacifico D. San Pedro dba St. Peter Shipping Company, c/o Western Overseas Corp., 556 Commercial Street, San Francisco, CA 94111.

Lura M. Williams dba Lura M. Williams, CHB.103B Beaufain St., P.O. Box 2969, Charleston, SC 29401.

By the Federal Maritime Commission.

Dated: June 10, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17812 Filed 6–15–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–27; Agreements Nos. 10355 and 10402]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–27 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 USC 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This proceeding involves investigation, hearing and *pendente lite* approval of Agreements Nos. 10355 and 10402.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17761 Filed 6–15–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–5]

International Association of NVOCC's et al. and Atlantic Container Line, et al.; Notice of Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–5 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, and that preparation of an environmental impact statement is not required. In this proceeding the Commission will determine whether the respondents have violated the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, by implementing the 50 mile container rule.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 C.F.R. 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17762 Filed 6–15–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

American Bancorp, Inc.; Formation of Bank Holding Company

American Bancorp, Inc., Reading,

Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring up to 100 percent of the voting shares of American Bank and Trust Company of Pennsylvania, Reading, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17783 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens National Bancshares, Inc.; Formation of Bank Holding Company

Citizens National Bancshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Citizens National Bank & Trust Co., Oklahoma City, Oklahoma. The factors that are considered in acting on the application ae set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17784 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

First Arkadelphia Bancshares, Inc.; Formation of Bank Holding Company

First Arkadelphia Bancshares, Inc., Arkadelphia, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens first State Bank, Arkadelphia, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17785 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Franklin Bancorp, Inc.; Formation of Bank Holding Company

Franklin Bancorp, Inc., College Grove, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.7 percent of the voting shares of the Bank of College Grove, College Grove, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17786 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Grant S. Clark Investment Co.; Formation of Bank Holding Company

Grant S. Clark Investment Company, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 54.47 percent or more of the voting shares of Davis County Bank, Farmington, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17787 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Hartman Bancshares, Inc.; Formation of Bank Holding Company

Hartman Bancshares, Inc., Okabena, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Okabena, Okabena, Minnesota. The factors that are considered in acting on the application are set forth in

section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a writen presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board

[FR Doc. 81-17788 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

The People's First National Bancshares, Inc.; Formation of Bank Holding Company

The People's First National Bancshares, Inc., New Iberia, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 66.67 percent or more of the voting shares of The People's National Bank of Iberia Paris, New Iberia, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17789 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Royalton Bancshares, Inc.; Formation of Bank Holding Company

Royalton Bancshares, Inc., Royalton, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent of the voting shares of Royalton State Bank, Royalton, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17790 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

York Bancshares, Inc.; Formation of Bank Holding Company

York Bancshares, Inc., Elmhurst, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to York State Bank and Trust Company, Elmhurst, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17791 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Amsouth Bank International Corporation To Do Business; Establishment of U.S. Branch of a Corporation

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25 (a) of the Federal Reserve Act ("Edge Corporation"), to be known as AmSouth Bank International, Birmingham, Alabama. AmSouth Bank International would operate as a subsidiary of The First National Bank of Birmingham, Birmingham, Alabama. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1) to establish a branch in Mobile, Alabama. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17832 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1)) for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been

determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Commnents and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 9, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

The Chase Manhattan Corporation, New York, New York (mortgage banking and related lending and insurance activities; Maryland): to engage, through its subsidiary, Chase Home Mortgage Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on a one-to-four family residential properties; servicing loans and other extensions of credit for any person; selling mortgage loans in the secondary market; and offering mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office located in the area of the intersection of Routes 2 and 50 in Annapolis, Maryland, serving the State of Maryland.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bancorp Hawaii, Inc., Honolulu, Hawaii (industrial banking and insurance activities: Hawaii): to engage, through its indirect subsidiary, Bancorp Finance of Hawaii, Inc., in the operations of an industrial loan company as permitted by Hawaii law, and, as agent or broker, in the sale of credit-related life, accident, and health insurance. These activities would be conducted from an office in Lahaina, Hawaii, serving the western part of the island of Maui.

2. BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; New Jersey and Pennsylvania: to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Jersey corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life and credit-related accident and health insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and the offering of credit-related life, accident, and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from existing offices in Camden, Cookstown, Northfield, and Runnemede, New Jersey, serving the entire State of New Jersey and the eastern region of Pennsylvania.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 17838 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Braman Bancshares, Inc.; Formation of Bank Holding Company

Braman Bancshares, Inc., Braman, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Braman, Braman, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17833 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Chester State Bancshares, Inc.; Formation of Bank Holding Company

Chester State Bancshares, Inc., Chester, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Chester State Bank of Chester, Chester, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17834 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc., Formation of Bank Holding Company

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 100 per cent of the voting shares of the successor by merger to First Bancorp, Inc., Corsicana, Texas. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842 (c)).

First International Bancshares, Inc., Dallas, Texas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of Old Reliable Mortgage Company, Corsicana, Texas, and First Bancorp Insurance Company, Corsicana, Texas.

Applicant states that the proposed indirect subsidiaries would perform respectively: real estate mortgage activities, and credit life or mortgage redemption insurance underwriting and credit accident and health insurance underwriting. These activities would be performed from offices of Applicant's indirect subsidiaries in Corsicana, Texas, and the geographic areas to be served are the banking markets for each of the subsidiary banks of Applicant's proposed subsidiary holding company. These banks are located in the following Texas cities: Addison, Clifton, Corsicana, Ennis, Forney, Greenville, Hillsboro, Hutchins, Kaufman, and Malakoff. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later that July 10, 1981.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17835 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Oxford Bancshares, Inc.; Formation of Bank Holding Company

Oxford Bancshares, Inc., Oxford, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Oxford Bank, Oxford, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17836 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Investment Corp.; Formation of Bank Holding Company

Peoples Investment Corporation, Cuba, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Peoples Bank of Cuba, Cuba, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1852(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17837 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. July 20 and 21, 8:30 a.m., Bldg. B-Auditorium, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and executive secretary. Open public hearing, July 20, 8:30 a.m. to 9:30 a.m.; open committee discussion, July 20, 9:30 a.m. to 3 p.m., July 21, 8 a.m. to 12 m.; closed committee deliberations, July 21, 1 p.m. to 2 p.m.; Conrad J. Ledet, Bureau of Drugs (HFD-160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3500.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary diseases and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in

writing, on issues pending before the committee.

Open committee discussion. The committee will discuss theophylline/ephedrine combinations; tumorigenicity of $Beta_2$ agoinst bronchodilators; bronchodilator testing guidelines; unlabeled uses of approved drugs; methacholine and other drugs used for inhalation challenge; pulmonary function tests and requirements for evaluating efficacy in bronchodilators; systemic effect after administration of intra-nasal and intra-bronchial steroids; and $Beta_2$ agonist/theophylline combinations.

Closed committee deliberations. The committee will be updated on various investigational new drug (IND's) studies in progress. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 3, 1981.

Date, time, and place. July 23 and 24, 9 a.m., Rm. 800, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, July 23, 9 a.m. to 10 a.m.; open committee discussion, July 23, 10 a.m. to 12 m.; closed committee deliberations, July 23, 1 p.m. to 5 p.m.; open public hearing, July 24, 9 a.m. to 10 a.m.; open committee discussion, July 24, 10 a.m. to 12 m.; closed committee deliberations, July 24, 1 p.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7320.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 9, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. Time will be allocated to interested persons.

Open committee discussion. On July 23, the committee will discuss statistical/epidemiological questions pertaining to intraocular lenses, and it may discuss premarket approval applications for sodiumhyaluronate. On July 24, the committee may discuss premarket approval applications and general issues relating to contact lens products.

Closed committee deliberations. The committee will conduct reviews of premarket approval applications on July 23 and 24. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 2, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative

sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: June 6, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-17587 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0160]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-tert-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP-1B3562) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants and/or stablizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17584 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0179]

Nebraska Department of Economic Development; Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Nebraska Department of Economic Development has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters in foods.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1A3564) has been filed by the Nebraska Department of Economic Development, P.O. Box 94666, Lincoln, NE 68509, proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as an emulsifier, stabilizer, and texturizer in some foods for human consumption.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17586 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0161]

Springborn Institute for Bioresearch, Inc., Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Springborn Institute for Bioresearch, Inc., has filed a petition proposing the safe use of polyester elastomer, 1,4-benzenedicarboxylic acid, polymer with 1,4 butanediol and α-hydro-w-hydroxy poly (oxy-1,4-butanediyl), as polymer modifiers in polyethylene terepthalate film intended for use in contact with food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3557) has been filed by Springborn Institute for Bioresearch, Inc., Spencerville, OH 45887, proposing that § 178.3790 *Polymer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR 178.3790) be amended to provide for the safe use of polyester elastomer, 1,4-benzenedicarboxylic acid, polymer with 1,4 butanediol and α-hydro-w-hydroxy poly (oxy-1,4-butanediyl), as polymer modifiers in polyethylene terepthalate film intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17585 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-41915]

Alaska Native Claims Selection

On February 4, 1981, Cook Inlet Region, Inc., filed selection application AA-41915, under the provisions of Sec. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Gold Creek Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cook Inlet Region. The lands within selection AA-41915 were placed in the pool of properties available for Cook Inlet Region, Inc., subject to valid existing rights, by notice dated June 15, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, located in T. 31 N., R. 2 W., Seward Meridian, Alaska, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

U.S. survey No. 3626, Alaska, lot 3, situated at Gold Creek, Alaska,
containing 5.00 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement act (ANCSA).

The grant of lands shall be subject to:

Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, premittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (Pub. L.) 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal, the lands described above have been appraised at a value of $10,000. Under Sec. I.C. (2)(e) of the Terms and Conditions, this property constitutes 20.00 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 20.00 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 16, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Brawer 4-N, Anchorage, Alaska 99509.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81-17794 Filed 6-15-15-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780, that the Idaho Falls District Advisory Council will meet Friday, July 24, 1981.

The Idaho Falls Advisory Council members will convene at 8:30 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, for a field tour. The tour is open to the public. Anyone wishing to go on the tour must provide their own transportation and is asked to notify the Idaho Falls BLM District Manager at the above address by July 20.

The purpose of the field tour is to make an on-site inspection of and discuss Big Southern Butte communication conflicts. Other topics on the Advisory Council's agenda include recreational development at Dike Lake and the Omitted Lands of the Snake River. The Advisory Council will accept public statements from 8:30 a.m.-9:00 a.m. at the Idaho Falls BLM Office. The Advisory Council will also make arrangements for their next meeting.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours 30 days after the meeting.

Dated: June 8, 1981.

O'dell A. Frandsen,
District Manager.

[FR Doc. 81-17797 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-84

Wilderness Appeal—Idaho

In the April 6, 1981 issue of the **Federal Register**, page 20607 listed wilderness inventory units for which the decision to drop the units had been appealed.

The Interior Board of Land Appeals (IBLA) on May 21, 1981, advised the Idaho State Office of the BLM that one of the letters received during the appeal period should be considered as a protest filed after the close of the protest period, and should not be considered as an appeal.

Therefore, the following inventory units, originally listed as appealed, are now dropped from further wilderness review:

111-36b—7,352 acres
26-1—20,615 acres
26-3—6,615 acres
27-1—9,609 acres
27-2—6,646 acres
32-4—11,134 acres
33-5—8,650 acres
33-6—8,000 acres
33-13—20,650 acres
33-14—35,720 acres
33-16—9,420 acres
33-23—13,860 acres
41-3—10,720 acres
44-2—12,602 acres
44-3—9,707 acres
44-4—28,040 acres
44-9—7,470 acres
16-9—14,650 acres

The above listed units will no longer be subject to the wilderness interim management policy.

For further information contact: Bureau of Land Management, Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated June 8, 1981.

T. G. Bingham,

Acting State Director, Bureau of Land Management, Idaho.

[FR Doc. 81-17756 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W14928]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81-16067, appearing in the issue of Friday, May 29, 1981, on page 28955 the heading should have read as set forth above.

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 5, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 1, 1981.

Carol Shull,

Chief, Registration Branch.

CALIFORNIA

Amador County

Jackson, *Kennedy Tailing Wheels*, Jackson Gate Rd.

Contra Costa County

Walnut Creek vicinity, *Old Borges Ranch*, 1035 Castle Rock Rd.

Kern County

Taft, *Fort, The*, Ash and Lincoln Sts.

Los Angeles County

Long Beach, *Rancho Los Alamitos*, 6400 Bixby Hill Rd.

San Francisco County

San Francisco, *Beach Chalet*, 1000 Great Hwy.

INDIANA

Lake County

Cedar Lake, *Lassen Hotel*, 7808 W. 138th Pl.

MINNESOTA

Hennepin County

Wayzata, *Great Northern Railroad Depot*, 402 E. Lake St.

NEW JERSEY

Morris County

Dover, *Baker Building*, 16 W. Blackwell St.

WISCONSIN

Dodge County

Beaver Dam, *Dodge County Historical Museum*, 127 S. Spring St.

Milwaukee County

Milwaukee, *Milwaukee Fire Department High Pressure Pumping Station*, 2011 S. 1st St.

Waukesha County

Eagle vicinity, *Ward District No. 3 Schoolhouse*, WI 67 and Betts Rd.

Mukwonago, *Andrews, Sewall, House*, 103 Main St.

[FR Doc. 81-17378 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contract Negotiations With the Westlands Water District—San Luis Unit, Central Valley Project (CVP), California

The Department of the Interior, through the Bureau of Reclamation, reopened contract negotiations with the Westlands Water District on May 26, 1981, in Washington, DC. This represents the continuation of negotiations that were announced in the **Federal Register** on July 11, 1978 (43 FR 29839). Negotiations to date have not resulted in acceptable contracts.

At the meeting in Washington, DC, on May 26 and 27, contracting principles and guidelines were established for water pricing, water supply, acreage limitation, repayment of the costs of the distribution system and the San Luis Drain. The Bureau of Reclamation has been directed to seek resolution and develop contract terms and conditions with the Westlands District representatives for three forms of contracts covering: (1) payments for water service to the Westlands Water District, involving the irrigable land in the San Luis Unit and which includes the area previously identified as the Westplains area, and for the municipal and industrial customers; (2) repayment of the costs of the distribution and drainage system constructed and under construction for the above service area; and (3) a service or utility-type contract that will ensure repayment of costs involved for constructing the San Luis Drain or suitable alternative.

The meetings in Washington, DC, were recessed until June 16, 1981, at which time negotiations will resume in Sacramento, California. The Bureau's negotiating team is chaired by Acting Regional Director Michael A. Catino. Messrs. John Budd, Contracts and Repayment Specialist; James E. Turner, Regional Solicitor's Office; Department of the Interior; and Richard J. Dauber, Consultant for the Bureau of Reclamation are the other members of the negotiating team for the Department of the Interior.

Negotiation meetings scheduled by the Bureau with the Westlands Water District for the purpose of discussing the terms and conditions of the proposed contracts shall be open to the general public as obsevers. Advance notice of the meetings in Washington, DC, was furnished to those parties having previously furnished a written request for such notice in line with procedures established for previous negotiations. However, in view of the urgency to

complete these contract negotiations so that the contracts and appropriate legislation can be submitted to this session of the Congress, I am waiving the 7-day notice requirement covering the date, time, and location of the next meeting when that information is provided at a given negotiation session.

The public is invited to submit written comments on the forms of the proposed contracts within 15 days after the contracts are declared to be available to the public. In view of the requirement for congressional approval of the contracts and the enactment of appropriate legislation, no public hearings will be held on the contracts except those scheduled by the Congress. The Commissioner of the Bureau of Reclamation will review the written comments and submit a summary of the appropriate Committees of the Congress when the contracts and legislation are presented. The availability of the proposed contracts will be announced in the **Federal Register** or other media, as appropriate.

For further information please contact Mr. John Budd, Bureau of Reclamation, attention MP-440, 2800 Cottage Way, Sacramento, California 95825, or telephone (916) 464-4380.

Dated: June 12, 1981.

Garry E. Carruthers,

Assistant Secretary—Land and Water Resources.

[FR Doc. 81-18017 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decision Volume No. OPY-5-84]

Motor Carrier; Permanent Authority; Decision-Notice

Decided: June 5, 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 3, members Krock, Joyce and Dowell.

James H. Bayne,

Acting Secretary.

MC-F 14634, filed May 14, 1981. PULLEY FREIGHT LINES, INC., (PFL) (405 S.E. 20th Street, Des Moines, IA 50317)—CONTINUANCE IN CONTROL—PULLEY CONTRACT CARRIERS, INC. (PCC) (405 S.E. 20th Street, Des Moines, IA 50317) Representative: Jack H. Blanshan, 205 West Touhy, Avenue, Suite 200-A Park Ridge, IL 60068. PFL seeks authority to continue control of PCC through ownership of all of the outstanding capital stock of PCC upon issuance to PCC of operating authority by the Commission. By the same application, Nenver Rietveld and John Burroughs, who control PFL by stock ownership, seek authority to continue the control of PCC through the same transaction. PCC is a wholly owned subsidiary of PFL and has filed concurrently with the Commission an application in Docket No. MC-156158 for operating authority as a contract carrier, by motor vehicle, over irregular routes, in the transportation of general commodities (except classes A and B explosives), between points in the United States, under continuing contracts with 5 supporting shippers. PFL is a motor common carrier authorized in Docket No. MC-117815 and subs thereunder to transport various specified commodities, over irregular routes, to, from and between all points in the United States. An application has not been filed by PFL for temporary authority under 49 U.S.C. 11349.

Note.—Pulley Contract Carriers, Inc. has filed a directly related contract carrier application. This application, docketed No. MC-156158 is published in the same **Federal Register** issue.

MC 156158 filed May 28, 1981. Applicant: PULLEY CONTRACT CARRIERS, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, 312-698-2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Oscar Mayer & Co., of Madison, WI and its subsidiaries, Louis Rich, Inc., Clausen Pickle Company., Chefs Pantry., O.M. Ingredients., SPL, Inc., and Oscar Mayer of PA; Kitchens of Sara Lee., of Deerfield, IL; S.C. Johnson & Son, Inc., of Racine, WI; Swift Independent Packing Company of Chicago, IL; and Campbell Soup Company of Camden, NJ, and its subsidiaries.

Note.—Common Control is involved, this application directly related to MC-F 14634 published in the same **Federal Register** issue.

[FR Doc. 81-17770 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

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.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

James H. Bayne,

Acting 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".

Vol. No. OPY-5-82

Decided: June 9, 1981.

MC 5888 (Sub-61), filed June 1, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth St., Kansas City, MO 64105. Representative: Tom Zaun (same address as applicant) 816-842-1355. Transporting *machinery* between Cleveland, OH, and points in Lake County, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, and WI.

MC 18038 (Sub-6), filed June 1, 1981. Applicant: JACK N. TEDFORD, P.O. Box 1505, Fallon, NV 89406. Representative: Pat Fagan, 402 N. Division St., P.O. Box 646, Carson City, NV 89701, 702-882-0202. Transporting *general commodities* (except A and B explosives), between points in CA, OR, ID, UT, and AZ, on the one hand, and, on the other, points in Churchill, White Pine, Nye, Lincoln, Lander, and Eureka Counties, NV.

MC 41608 (Sub-2), filed May 29, 1981. Applicant: CORRIGAN MOVING & STORAGE CO., 2000 Westwood, Dearborn, MI 48124. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *household goods*, between points in AL, AR, CO, CT, FL, GA, IA, KS, KY, LA, MA, MD, ME, MO, MN, MS, NC, NE, NH, NM, OK, RI, SC, TN, TX, VA, VT, and WV.

MC 118318 (Sub-62), filed June 1, 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 the U.S., under continuing contract(s) with Fred Meyer, Inc., and its subsidiaries, Sun Labs and Roundup Company, all of Portland, OR.

MC 124408 (Sub-20), filed June 2, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235-4487. Transporting (1) *machinery, and* (2) *metal products*, between points in the U.S., under continuing contract(s) with Jerry's Electric, Inc., of Colman, SD.

MC 135078 (Sub-76), filed June 1, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *Furniture and fixtures*, between points in the U.S. under continuing contract(s) with Jordan Manufacturing Company, of Peoria, IL.

MC 143568 (Sub-4), filed June 1, 1981. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave. Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *chemicals and related products*, between points in IA, IL, MO, and WI.

MC 149369 (Sub-2), filed May 29, 1981. Applicant: GRAMBLETT TRUCKING, INC., 2232 Avalon Road NW., Carrollton, OH 44615. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *coal and coal products*, and (2) *ores and minerals*, between points in OH, KY, MI, PA, and WV.

MC 150509 (Sub-8), filed June 1, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant), 212-492-7332. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Seabrook Foods, Inc., of Fresno, CA.

MC 152108 (Sub-2), filed June 1, 1981. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: George V. C. Muscato, 188 East Ave., Lockport, NY 14094, (716) 434-9177. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal products, between points in the U.S., under continuing contract(s) with Sherwood Selpac Corp., of Lockport, NY.

MC 152758, filed June 2, 1981. Applicant: STRONG TRANSPORT COMPANY, INC., 15534 West Hardy Road, Suite 130, Houston, TX 77060. Representative: A. William Brackett, 623 S. Henderson, Fort Worth, TX 76104, (817) 332-4415. Transporting *general commodities* (except classes A and B explosives), between the facilities of Valmont Industries, Inc. and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154419, filed May 29, 1981. Applicant: PAUL GAILEY, P.O. Box 3703, (520 Mobile Home Park), Enid, OK 73701. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (450) 528-3884. Transporting *food and related products*, between points in St. Louis County, MO, and St. Clair County, IL, on the one hand, and, on the other, Ponca City, OK, and points in Garfield County, OK.

MC 154519, filed June 2, 1981. Applicant: GEORGE B. and J. JOANNE BROCKLEY, 4430 S. 56th St., Lincoln, NE 68528. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, 303-839-5856. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in NE, and extending to points in the U.S.

MC 156208, filed May 29, 1981. Applicant: RESORT BUS LINE, INC., 1223 N.E. First St., Bend, OR 97701. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at those points in OR in and east of Josephine, Douglas, Klamath, Deschutes, Jefferson, Wasco and Hood River Counties, and extending to points in the U.S.

MC 156249, filed June 2, 1981. Applicant: MACHINERY ACCEPTANCE CORPORATION, 2000 Harvester Drive, Milwaukie, OR 97222. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226-6491. Transporting *vehicle washing systems*, between points in the U.S., under continuing contract(s) with Hanna Industries, of Portland, OR.

Volume No. OPY-5-81

Decided: June 8, 1981.

MC 10068 (Sub-1), filed May 28, 1981. Applicant: I-GO VAN & STORAGE CO., a corporation, 7601 Dodge, Omaha, NE 68114. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *household goods*, between points in WY, CO, SD, NE, KS, OK, TX, AR, MO, IA, MN, WI, IL, IN, and OH.

MC 19778 (Sub-120), filed May 27, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Robert F. Munsell (same address as applicant), (312) 860-4878. Transporting *fly ash*, between points in Yellowstone County MT, on the one hand, and, on the other, points in ND.

MC 39969 (Sub-7), filed may 29, 1981. Applicant: SOUTH HUDSON TRUCKING COMPANY, INC., 736 Avenue E., Bayonne, NJ 07002. representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201-322-5030. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S. under continuing contract(s) with Inland Steel Container Company, division of Inland Steel Company, of Jersey City, NJ.

MC 110328 (Sub-22), filed May 21, 1981. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *automobile parts and textile mill products*, between points in Mifflin and Cumberland Counties, PA and Escambia and Mobile Counties, AL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 123048 (Sub-494), filed May 29, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: Carl S. Pope (same address as applicant), 414-554-5400. Transporting *general commodities* (except classes A and b explosives), between points in the U.S.

MC 127738 (Sub-8), filed May 26, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, Wyoming 82190. Representative: S. B. Freeman III, P.O. Box 550, Cody, WY 82414, (307) 587-5594. Transporting *passengers and their baggage* in the same vehicle, in charter and special operations, beginning at points in ID, and extending to points in the U.S., under continuing contract(s) with Western Tour and Travel, of Idaho Falls, ID, Big Valley, Inc., d/b/a Grand Targhee Resort, of Briggs, ID, and Becon tours, of Rexburg, ID.

MC 133589 (Sub-3), filed May 28, 1981. Applicant: BCT, INC., P.O. Box 7747, Boise, ID 83707. Representative: John D. Burke (same address as applicant), (208) 384-7172. Transporting (1) *miscellaneous products* of manufacturing, (2) *furniture and fixtures*, and (3) *such commotities* as are dealt in or used by the manufacturers and distributors of lawn and garden products, between points in the U.S., under continuing contract(s) with Marathon Carey-McFall Company, of Montoursville, PA.

MC 138328 (Sub-137), filed May 27, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant), (402) 895-6640. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Henry Pratt Company, of Aurora, IL.

MC 150618 (Sub-2), filed May 29, 1981. Applicant: AVION TRANSPORT, INC., 43 East Hollis St., Nashua, NH 03060. Representative: Wesley S. Chused, 15 Court Sq., Boston, MA 02108, 617-742-3530. Transporting (1) *general commodities* (except classes A and B explosives), between points in MA, NH, and RI on the one hand, and, on the other, points in the U.S. (2) *pet products and pet supplies*, between points in Winnebago County, IL, on the one hand, and, on the other, points in the U.S.

MC 153979 (Sub-1), filed May 29, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd. Richmond, VA 23234. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, 804-745-0446. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bear Island Paper Co., Greenwich, CT; Colgate-Palmolive Co., New York, NY; Electrolux Corp., Stamford, CT and Nabisco, Inc. and its subsidiaries Freezer Queen Foods, J. B. Williams Co., Hygiene Industries and Everlon Fabrics, of New York, NY. Condition: The person or persons who appear to be engaged in 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 for common control to Team 5 Room 6370.

MC 154458 (Sub-1), filed May 27, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO

MC 155009, filed May 28, 1981. Applicant: K & B EQUIPMENT LEASING, 1004 11th St., NE, Ardmore, OK 73401. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting *metal products, machinery*, and *transportation*

equipment, between points in Carter County, OK, on the one hand, and, on the other, points in the U.S.

MC 156228, filed May 29, 1981. Applicant: RDC TRUCKING, INC., Charles St., P.O. Box 151, Glen Cove, NY 11542. Representative: Peter R. Gilbert, 5th Floor, 1000 Potomac Street NW., Washington, D.C. 20007, (202) 965-6600. Transporting *such commodities* as are dealt in or used by photographic and graphic arts supply manufacturers and distributors, between points in the U.S., under continuing contract(s) with Power Chemco, Inc., of Glen Cove, NY.

Volume No. OPY-5-83

Decided: June 10, 1981.

MC 8989 (Sub-225), filed June 1, 1981. Applicant: HOWARD SOBER, INC., 5810 Moeller Rd., P.O. Box 216, Fort Wayne, IN 46808. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332-5106. Transporting *transportation equipment*, between the facilities of Freightliner Corporation, and International Harvester, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 51018 (Sub-17), filed June 3, 1981. Applicant: THE BESL TRANSFER CO., 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, and (2) *metal products*, between points in Boone, Campbell and Kenton Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 81908 (Sub-19), filed June 3, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *food and related products*, between the facilities of Heinz USA, Division of H. J. Heinz Co., at points in the U.S. in and east of ND, SD, NE, CO, and NM, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 84728 (Sub-66), filed June 3, 1981. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Over *regular* routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Philadelphia, PA, and junction of NJ Hwy 73 and NJ Hwy 38; from Philadelphia over the Tacony/Palmyra Bridge to NJ Hwy 73, then over NJ Hwy 73 to junction NJ Hwy 38 and return over the same routes, serving all intermediate points.

MC 99439 (Sub-19), filed June 1, 1981. Applicant: SUWANNEE TRANSFER, INC., 9800 Normandy Blvd., P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353-9707. Transporting *general commodities* (except classes A and B explosives), between points in GA, FL, and AL.

MC 111289 (Sub-17), filed June 2, 1981. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, (717) 232-8000. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Peter Paul Cadbury, Inc., of Naugatuck, CT.

MC 121489 (Sub-25), filed June 3, 1981. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Transporting *food and related products*, between those points in the U.S. in and east of MI, IN, IL, MO, AR, and TX.

MC 133689 (Sub-370), filed June 3, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *general commodities* (except classes A and B explosives), between the facilities of GTE Electrical Products, Inc., at points in San Mateo and Los Angeles Counties, CA; Denver County, CO; Orange County, FL; Fulton County, GA; Cook County, IL; Jackson County, IN; Wyandotte County, KS; Clark and Woodford Counties, KY; Orleans County, LA; Essex and Bristol Counties, MA; Wayne County, MI; St.Louis County, MO; Anoka County, MN; Cumberland, Oxford, and Lincoln Counties, ME; Bergen County, NJ; Erie County, NY; Mecklenburg County, NC; Hillsborough and Rockingham Counties, NH; Hamilton and Cuyahoga Counties, OH; Lycoming, Elk, Chester, and Allegheny Counties, PA; Dyer County, TN; Dallas and Harris Counties, TX; Fairfax County, VA; and King County, WA, on the one hand, and, on the other, points in the U.S.

MC 134229 (Sub-14), filed June 1, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box A97, Richmond, MO 64085. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781-6000. Transporting *general commodities* (except classes A and B explosives), between points in Lafayette and Ray Counties, MO, on the one hand, and, on the other, points in AR, AZ, TN, and MO.

MC 138438 (Sub-109), filed June 3, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *pulp, paper and related products, printed matter*, and *rubber and plastic products*, between points in the U.S.

MC 138469 (Sub-275), filed June 1, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *chemicals and related products*, between points in the U.S.

MC 142368 (Sub-36), filed June 3, 1981. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth St., Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *waste or scrap materials not identified by industry producing*, between points in Beaver County, UT, on the one hand, and, on the other, points in the U.S.

MC 145639 (Sub-3), filed June 1, 1981. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *transportation equipment*, between points in the U.S. under continuing contract(s) with Wilson Trailer Company and Multech Corporation both of, Sioux City, IA.

MC 150339 (Sub-30), filed June 2, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 302 Bloomingdale Ave., Federalsburg, MD 21632. Representative: Stephen J. Hammer (same address as applicant), (301) 673-7151. Transporting *such commodities* as are dealt in or used by manufacturers of plastic articles, between points in the U.S., under continuing contract(s) with W. R. Grace & Company, Formpac Division, of Reading, PA.

MC 150509 (Sub-9), filed June 3, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with American Wilcon Plastics, Inc., of Orrick, MO.

MC 150509 (Sub-10), filed June 3, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Danver Division, Cir-Tex, Inc., of Hamden, CT.

MC 151819 (Sub-5), filed June 2, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *metal products*, between the facilities of Commercial Metals Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155159, filed June 2 1981. Applicant: R & R VISIONS, INC., d.b.a. B & N TRUCKING CO., 9768 Maine St., Lakeside, CA 92040. Representative: William R. Daly, 4340 Vandever Ave., Suite S, P.O. Box 20521, San Diego, CA 92120, (714) 282-7337. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Teledyne-Inet, Inc., of Torrance, CA.

MC 155829 (Sub-1), filed June 1, 1981. Applicant: AQUATOURS, INC., 37 Prospect St., Caldwell, NJ 07006. Representative: Joseph Lipman (same address as applicant), (201) 226-4804. To engage in operations in interstate or foreign commerce as a *broker* at New York, NY, in arranging the transportation of *passengers and their baggage*, in special, or charter operations, beginning and ending at New York, NY and extending to points in the U.S.

MC 156268, filed June 1, 1981. Applicant: COASTAL PLAIN CHARTER SERVICE, INC., 2913 South Church St., P.O. Box 153, Rocky Mount, NC 27801. Representative: Lee A. Spinks, 225 S. Franklin St., P.O. Box 1053, Rocky Mount, NC 27801, (919) 977-2211. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Nash, Edgecombe, Halifax, Warren, Franklin, Johnston, Pitt, and Martin Counties, NC, and extending to points in the U.S.

MC 156269, filed June 2, 1981. Applicant: CO-OPERATIVE DELIVERY SERVICE, INC., 1925 East Vernon Ave., Los Angeles, CA 90058. Representative: Robert L. Cope, Suite 501, 1730 N St. NW., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with L.T.L. Shippers Association, Inc., of Los Angeles, CA.

[FR Doc. 81-17772 Filed 6-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP5-95]

Motor Carrier Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

James H. Bayne,

Acting Secretary.

MC 119118 (Sub-67F) (republication), filed December 5, 1980, published in the **Federal Register** issue of February 20, 1981, and republished this issue. Applicant: HIGHLAND EXPRESS, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. An Order of the Commission, Division 1, decided May 5, 1981, and served May 22, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *malt beverages*, in containers, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above, between points in Butler County, OH, Lehigh County, PA, Vanderburgh County, IN, Campbell County, KY, Saginaw County, MI, and the Baltimore, MD, Commercial Zone, on the one hand, and, on the other, points in the U.S. in and east of Wisconsin, Illinois, Missouri, Tennessee and Mississippi.

MC 150088 (Sub-1F) (republication), filed October 27, 1980, published in the **Federal Register** issue of November 21, 1980, and republished this issue. Applicant: STERLING TRANSPORT DIVISION, INC., 801 Heinz Way, Grand Prairie, TX 75071. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234. A Decision of the Commission, Review Board Number 1, decided March 6, 1981, and served March 23, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *household appliances, air conditioning units, television receiving sets, and television receiving set stands*, between Pulaski County, AR, on the one hand, and on the other, points in Texas and Oklahoma, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 153489F (republication), filed December 29, 1980, published in the **Federal Register** issue of February 3, 1981, and republished this issue. Applicant: TEX-WEST ENTERPRISES, INC., 5802½ Jensen, Houston, TX 72312. Representative: C. Jack Pearce, Suite 1200, 1000 Conn. Ave., NW., Washington, DC 20036. An Order of the Commission, Review Board 2, decided April 30, 1981, and served May 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *iron and steel articles*, (2) *fabricated metal products*, (3) *lumber*, (4) *building materials*, and (5) *commodities* which by reason of size or weight require the use of special equipment, between points in Illinois and those in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-17780 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 101]

Restriction Removals; Decision-Notice

Decided: June 10, 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 $10,000.

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.

James H. Bayne,

Acting Secretary.

FF-29 (Sub-1)X, filed: May 28, 1981. Applicant: FLORIDA-TEXAS FREIGHT, INC., 11405 N.W. 36th Avenue, Miami, FL 33167. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its freight forwarder Permit No. FF-29 to replace one-way authority with radial authority, betweeen CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and, AL, AZ, AR, FL, LA, MS, NM, OK, TN, and TX.

MC 8933 (Sub-3)X, filed June 4, 1981. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions from its certificate in the lead and Sub-No. 1 and its permits in MC-140509 (Sub-Nos. 1, 5F and 6F) to (1) broaden the commodity description (a) from farm implements and farm machinery, groceries, meat, fish, drygoods, seeds, salt and feed to "machinery, food and related products, and textile mill products"; and from washing machines, hardware, electrical appliances, wire and building materials to "machinery, metal products, and building materials,"; and from livestock to "farm products", all in the lead; and (b) from emigrant movables to "household goods, machinery, and farm products" in Sub-No. 1; and (c) from potato products and alcoholic beverages (except in bulk) to "food and related products" in MC-140509 Sub-Nos. 1 and 6F; and (d) from floor and wall coverings, and materials, hand tools and supplies for the installation of floor and wall coverings to "textile mill products, metal products, clay, concrete, glass, or stone products, lumber and wood products, rubber and plastic products" in MC-140509 Sub-No. 5; (2) replace specified points with county-wide authority as follows: Cass County, ND and Becker County, MN for Fargo ND and Audubon, MN; Jasper County, IA and Becker County, MN for Newton, IA and Detroit Lakes and Audubon, MN; Cass County, ND for West Fargo and Union Stockyards, ND; and Dakota County, MN for St. Paul, MN in the lead and Sub-No. 1 of MC-8933; (3) replace existing one-way authority with radial authority in the lead and Sub-No. 1F of MC-8933 between the counties named above and points in MN, ND, IA, SD, and WI; and (4) authorize service between points in the U.S. under a continuing contract(s) with named shippers in MC-140509 Sub-Nos. 1, 5F and 6F; and (5) delete a "mixed loads" restriction in MC-140509 Sub-No. 1; (6) delete "originating at or destined to" restriction in MC-140509 Sub-No. 1.

MC 47583, (Sub-145)X, filed May 18, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P. O. Box 225, Lawrence, KS 66044. Applicant seeks to remove restrictions in its Sub-Nos. 98, 100, 117, 128 and 136 to (1) broaden the commodity description in Sub No. 98 from containers, and materials, equipment and supplies used in the manufacture and distribution of containers, to "containers" (2) remove the restriction to commodities in bulk in Sub Nos. 98, 100, 117, and 128 (3) remove the in tank vehicles restriction in Sub-No. 128; (4) change city to county-wide authority: Tarrant County, TX for Fort Worth, TX; in Sub-No. 117 (5) remove the restriction against service to AK and HI in Sub-Nos. 98, 100 and 128; (6) remove the "originating at or destined to" restrictions in Sub-Nos. 98, 100, 117, 128 and 136, and (7) change one-way to radial authority between points in 2 States, and, 1 TX county in Sub-No.117.

MC 60014 (Sub-209)X, filed May 28, 1981. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-No. 183F certificate to (1) broaden the commodity description from lumber and lumber mill products to "lumber and wood products"; and (2) replace existing one-way authority with radial authority between points in CA, NV, OR, WA, ID, MT, and, points in the US in and east of ND, SD, NE, KS, OK, and TX.

MC 62110 (Sub-19)X, filed February 10, 1981, previously noticed in the **Federal Registers** of February 24 and March 12, 1981, republished as follows: Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry St., North Wilkesboro, NC 28659. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its Sub-No. 8, 10, and 12 certificates. By a certificate served April 23, 1981, applicant was granted certain commodity and territorial modifications. However, it was not granted authority for all counties within 75 miles of North Wilkesboro, NC. Because of a recent decision authorizing the granting of counties for a milage radius description, this Board has decided to renotice this application concerning the granting of all counties within 75 Miles of North Wilkesboro. Notice is hereby given that applicant seeks to expand to all points in Cherokee and York Counties, SC Carter, Greene, Hawkins, Johnson Unicoi, Sullivan and Washington, Counties, TN, Floyd, Franklin, Carroll, Grayson, Henry, Patrick, Pulaski, Smyth, Washington, and Wythe Counties, VA and Alexander, Avery, Ashe, Allegheny, Burke, Buncombe, Cabbarus, Caldwell, Catawba, Cleveland, Davie, Davidson, Forsyth, Gaston, Guilford, Henderson, Iredell, Lincoln, McDowell, Madison, Mecklenburg, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanley, Stokes, Surry, Watauga, Wilkes, Yancey and Yadkin Counties, NC, from points within 75 miles of North Wilkesboro, NC.

MC 67234 (Sub-43)X, filed May 22, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 5 certificates to (1) remove the exception

which prohibits transportation of household goods to Alaska in its nationwide authority, and (2) expand the commodity description of household goods to "household goods, furniture and fixtures."

MC 80443 (Sub-49)X, filed May 27, 1981. Applicant:OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead certificate and authority acquired in No. MC-F-13602 to (1) broaden the commodity descriptions (a) from bakery products, yeast, baker's malt, dry malt, cakes and pies to "food products"; from empty containers to "containers"; and from newspapers to "printed matter" in its lead; and (b) remove exceptions to general commodities (except classes A and B explosives) in its lead and MC-F-13602 authority; (2) remove facilities limitations and replace Abbotsford, Prentice, Neillsville and Eau Claire, WI, with Clark, Pierce, and Eau Claire Counties, WI, and Chemolite, Northfield, Kenyon, and Hutchinson, MN, with Dakota, Rice, Goodhue, and Mc Leod Counties, MN, in the irregular route portion of its lead, Wahpeton, ND, with Richland and Wilkin County, MN in MC-F-13602, and Chemolite, MN, with Dakota County, MN, in the regular route portion of its lead and MC-F-13602; (3) replace one-way with two-way authority (regular route) or radial authority (irregular route) in its lead.

MC 83835 (Sub-172)X, filed May 15, 1981. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Applicant seeks to remove restrictions from its lead and Sub-Nos. 54, 55, 59, 60, 61, 62, 63, 65, 67, 68, 70, 71, 73, 74, 75, 77, 80, 82, 87, 88, 90, 91, 92, 99, 100, 102, 103, 104, 105, 106, 107, 112, 113, 114, 117, 118, 119, 120, 121, 122, 123, 124, 128, 130, 131, 132, 133, 134, 135, 137, 139, 140, 141, 143, 145, 146, 147, 149, 150, 151, 152, 153, 154, 157, 158, 159, 163, 164, 166, 168, and 170 certificates and E-litter notices Nos. 7, 13, 14, 15, 16, 27, 28, 31, 32, 34, 38, 39, 51, 56, 57, and 58 to (1) broaden the commodity descriptions as follows: lead certificate, par. 1, from contractors' machinery and equipment, to "machinery and metal products"; par. 2, in part (1) from mining and contractors' machinery, to "machinery and metal products"; pars. 3 and 4, from machinery, equipment, materials used in connection with the discovery, development, production, and distribution of Mercer commodities to "machinery, metal products and Mercer commodities"; par. 4, from machinery, equipment, materials and supplies used in connection with the discovery, development, production, and distribution of Mercer commodities to "machinery, metal products and Mercer commodities"; par. 5, from machinery, equipment, materials and supplies used in connection with the construction, operation, and repair of pipelines to "machinery and metal products"; par. 6, from heavy machinery to "machinery"; par. 8, from heavy machinery and other commodities requiring the use of special equipment to "machinery and those commodities which because of their size or weight require the use of special handling or equipment"; par. 10, from commodities which, because of their size or weight require the use of special equipment except Mercer commodities "machinery, metal products and those commodities which because of their size or weight require the use of special handling or equipment"; par. 11, from commodities, the transportation of which, because of size or weight require the use of special equipment, except Mercer commodities to "machinery, metal products and those commodities which because of size or weight require the use of special handling or equipment"; par. 13, from pipe to "metal products"; par. 14, from plastic pipe, plastic tubing, joint sealer, bonding cement, primer, coating, thinner, and accessories to "rubber and plastic products, petroleum, natural gas and their products, and chemicals and related products"; pars. 15 and 16, from self-propelled articles, each weighing 15,000 pounds or more and lift trucks, platform and warehouse tractors to "machinery"; Sub-Nos. 54, 59, 61, 62, 63, 65, 67, 70, 71, 75, 90, 105, 118, 122, 124, 128, 131, 132, 133, 145, 150, E-31 and E-51 from iron and steel articles or pipe or metal tubing and pipe or tubing to "metal products"; Sub-Nos. 55, 92, 107, 113, 135, 147, 154, and 157, from material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes highway freight trailers and terminal tractors, off-highway vehicles and parts, to "machinery and transportation equipment"; Sub-No. 60, from parts of cooling towers or parts of fluid coolers, and materials and supplies used in the construction or installation of cooling towers to "machinery, metal products, lumber and wood products, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 68, from towers, parts and accessories for towers and electronic equipment shelters to "metal products and machinery"; Sub-No. 73, from contractors' machinery, equipment, materials and supplies to "machinery, metal products, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 74, from sprinkler systems to "building materials, metal products, and rubber and plastic products"; Sub-No. 77, from enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feeder bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems to "metal products and machinery"; Sub-No. 80, in part (1) from pumps, pump parts, and pump motors to "machinery and metal products"; Sub-No. 82, from lumber to "lumber and wood products"; Sub-No. 87, from commodities, the transportation of which, because of size or weight, require the use of special equipment and self-propelled articles, each weighing 15,000 pounds or more to "machinery, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 88, from cooling towers, fluid coolers, and component parts and materials and supplies used in the manufacture, installation and erection of the foregoing to "machinery, metal products, Mercer commodities, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 91, from steel tanks to "metal products"; Sub-No. 99, from steel roof decking to "metal products"; Sub-No. 100, from iron and steel reinforcement products to "metal products"; Sub-No. 102, from particle board to "lumber and wood products"; Sub-No. 103, from natural asphalt and asphalt-asphalatum to "clay, concrete, glass and stone products, ores and minerals, and Mercer commodities"; Sub-No. 104, from plastic pipe fittings to "rubber and plastic products and building materials"; Sub-No. 106, from postal conveying equipment and parts to "machinery"; Sub-No. 112, from plastic and aluminum pipe and sprinkler systems to "rubber and plastic products, metal products, building materials"; Sub-No. 114, from refined copper and Sub-No. 121, from iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks and parts to "metal products"; Sub-No. 117, from iron and steel articles and iron and steel scraps to "metal products and waste or scrap material not identified by industry producing"; Sub-No. 119, from fabricated

metal products and pallets to "metal products and lumber and lumber products"; Sub-No. 120 from aluminum ingots, alloys and slag, and zinc ingots and alloys and nonferrous metal scrap to "metal products, ores and minerals and waste or scrap materials not identified by industry producing"; Sub-No. 123, from gas filters, flow filters, filter separators, cyclotube separators, launching and receiving scraper traps to "machinery, Mercer commodities, and metal products"; Sub-No. 130, from contractors' machinery, equipment, materials and supplies to "machinery, metal products and transportation equipment"; Sub-No. 134, from used rail track, and equipment used in connection with the removal and installation of rail track to "metal products, machinery, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 137, from metal building material and commodities used in the manufacture of metal building material to "metal products and building materials"; Sub-No. 139, from aluminum scrap to "metal products and waste or scrap metals not identified by industry producing"; Sub-No. 140, from barrel pumps, pump parts, accessories, equipment, valves, nipples, clamps and couplings to "machinery, metal products, and Mercer commodities"; Sub-No. 141, from asbestos drilling mud additives to "Mercer commodities, clay, concrete, glass or stone products"; Sub-No. 143, from machinery and metal building material and supplies to "machinery, metal products, and building materials"; Sub-No. 146, from cooling towers and parts accessories to "machinery, metal products, and lumber and wood products"; Sub-No. 149, from bentonite clay and lignite coal to "clay, concrete, glass or stone products, ores and minerals, coal and coal products, and Mercer commodities"; Sub-No. 151, from vessels, heaters, tubing and parts, accessories, and attachments for vessels and heaters and material and supplies used in the manufacture of vessels and heaters to "metal products, machinery, Mercer commodities and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 152, from pipe and materials, equipment and supplies used in the manufacture of pipe to "metal products and machinery"; Sub-No. 158, from parts (1) and (2) concrete mixer barrels, and parts and accessories for concrete mixer barrels, and in Sub-No. 159, parts (1) and (2) from material-handling equipment, and parts, accessories, and attachments for material-handling equipment, to "machinery and metal products"; Sub-No. 163, part (1) from fabricated iron and steel articles, alloy iron castings, and coal tipple parts, to "metal products and machinery"; Sub-No. 164, from molybdenum concentrate and nickel, and alloys and chemicals to "ores and minerals, chemicals and related products, and metal products"; Sub-No. 166, parts (1) and (2) from contractors and industrial equipment and self-propelled articles to "machinery, transportation equipment and metal products"; Sub-No. 168, from nonferrous metals; and Sub-No. 170, from aluminum, copper and steel wire, aluminum, copper, and steel cable, aluminum, copper and steel strands, aluminum, copper, and steel rods, reels used in the distribution of the commodities above, to "metal products and machinery"; E-7 from contractors' machinery and equipment used in connection with the repair, servicing, maintenance, and dismantling of pipelines, and used in connection with the development, production, and refining of natural gas and petroleum to "machinery, metal products, transportation equipment and Mercer commodities"; E-13, from contractors' machinery and equipment which are self-propelled and which are used in connection with Mercer commodities, and which are earth drilling commodities and which are heavy machinery and other commodities requiring the use of special equipment and which are used in connection with pipelines to "machinery, Mercer commodities, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; E-14, from machinery, equipment, materials, and supplies used in connection with Mercer commodities and the servicing, maintenance and dismantling of pipelines and earth drilling machinery and equipment to "Mercer commodities and metal products"; E-15, from contractors' heavy machinery and other contractors' commodities requiring the use of special equipment and contractors' machinery and equipment which are self-propelled articles, each weighing 15,000 pounds or more to "machinery, metal products, and those commodities which because of their size or weight require the use of special handling or equipment"; E-16, from contractors' machinery and equipment and supplies to "machinery and metal products"; E-27, from contractors' machinery and equipment which are self-propelled articles, each weighing 15,000 pounds or more and which are used in connection with the discovery, development and distribution with construction of pipelines which are earth drilling and which are commodities, which because of their size or weight require the use of special equipment, to "machinery, Mercer commodities, metal products, and those commodities which because of their size or weight require the use of special handling or equipment and transportation equipment"; E-28, from commodities which because of their size or weight, require the use of special equipment when used in connection with the construction, operation and dismantling of pipelines and which are transported as earth drilling machinery and equipment and self-propelled articles, each weighing 15,000 pounds or more when transported as machinery used in connection with the construction of pipelines and earth drilling commodities to "machinery, metal products, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; E-32, from machinery, and equipment used in connection with the discovery, development, and distribution of natural gas and petroleum and in commodities with pipelines to "Mercer commodities and metal products"; E-34, from machinery, equipment, materials and supplies used in connection with the discovery, development, and distribution of natural gas and petroleum which are earth drilling and commodities the transportation of which, because of size or weight, require the use of special equipment used in connection with the discovery, development and distribution of natural gas and petroleum and E-56, from commodities, the transportation of which because of size or weight require the use of special equipment and/or self-propelled articles each weighing 15,000 pounds or more when transported as Mercer and earth drilling commodities to "machinery, metal products, Mercer commodities, and those commodities which because of their size or weight require the use of special handling or equipment"; E-38, from pipe (except oilfield pipe) which because of their size or weight require the use of special equipment and related parts when their transportation is incidental to transportation of size or weight commodities and E-39, from pipe when transported as contractors' machinery, pipe, materials and which because of its size or weight require the use of special equipment to "metal products and those commodities which because of their size or weight require

the use of special equipment; E-57, from machinery, equipment, materials and supplies used in connection with the discovery, development and distribution of natural gas and petroleum, which are commodities, the transportation of which because of size or weight require the use of special equipment or self-propelled articles each weighing 15,000 pounds or more to "machinery, Mercer commodities, and those commodities which because of their size or weight require the use of special handling or equipment"; E-58, from contractors' machinery, equipment, materials, and supplies which are commodities, the transportation of which because of size or weight require the use of special handling equipment or self-propelled articles, each weighing 15,000 pounds or more to "machinery, metal products, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; (2) replace one-way with radial authority between named points in the U.S. in the lead 3, 4, 5, 7, 12, 13, 14, 15, and 16 and Sub-Nos. 54, 59, 60, 61, 62, 63, 65, 67, 68, 70, 71, 74, 75, 77, 82, 90, 91, 92, 99, 100, 102, 103, 104, 105, 106, 114, 117, 118, 119, 120, 121, 122, 124, 128, 131, 132, 133, 135, 137, 141, 143, 145, 146, and 153 and E-letter notices 31, 38, 39, and 51; (3) remove facility restrictions or orginating at and destined to restrictions in Sub-Nos. 55, 59, 62, 65, 68, 70, 71, 74, 75, 77, 80, 88, 90, 91, 99, 100, 102, 103, 104, 105, 107, 112, 113, 114, 117, 118, 120, 121, 122, 123, 124, 128, 130, 132, 133, 139, 140, 143, 145, 146, 147, 149, 150, 151, 152, 153, 154, 157, 158, 159, 163, 164, 166, 168, 170, E-31 and E-51; (4) remove in bulk restrictions in Sub-Nos. 73, 88, 103, 112, 114, 120, 122, 123, 124, 130, 137, 140, 149, 151, 154, 158, 166, 168, and E16, E39 and E58; (5) remove restriction against commodities which are transported on trailers in the lead par. 15 and Sub-Nos. 87, E15, E56, E57, and E58; (6) remove restriction excepting AK in Sub-Nos. 65, 71, 75, 92, 112, 114, 119, 124, 140, 146, 149, 151, 157, 159, 163, 166, 168, and

170;(7) remove the restriction other than oilfield or Mercer products of the restriction limiting service to pipelines used for transmission of gas except in connection with main or trunk pipelines in lead pars. 3, 5, 10, 11, and 13, and Sub-Nos. 59, 65, 67, 71, 75, 90, 118, and 112 and E-letter notices 27, 28, 34, 38, 39, 51, and 56; (8) removing and/or replacing named facilities limitations and city-wide authority with county-wide authority: lead, par 7, Findlay, Lorain, Marion, Elyria, and Cleveland, with Hancock, Lorain, Marion and Cuyahoga Counties, OH; par. 12, Columbus and Marietta with Franklin and Washington Counties, OH; par. 15, Findlay, Lorain, Marion, Elyria and Cleveland with Hancock, Lorain, Marion and Cuyahoga Counties, OH; par. 16, Danville, IL with Vermilion County, IL; Sub-No 54, Corpus Christi and Galveston,TX with Nueces and Galveston County, TX; Sub-No. 55, Danville and Kewanee with Vermilion and Henry Counties, IL; and Harvey with Cook County, IL; in Sub-No. 59, Gainesville, TX with Cooke County, TX; Sub-No. 60, Olathe, KS with Johnson County, KS; Sub-No. 62, Pueble, CO with Pueblo County, CO; Sub-65, Rosenberg, TX with Fort Bend County, TX; Sub-No. 67, Wagoner, OK with Wagoner County, OK; Sub-No. 70, Gerald with Franklin County, MO; Sub-No. 77, Kankakee and Eureka with Kankakee and Woodford Counties, IL; and Elkhorn with Walworth County, WI; Sub-No. 82, Pine Bluff and Sheridan, AR with Jefferson and Grant Counties, AR; Sub-No 91, Parsons, KS with Labette County, KS; Sub-No. 92, Longview, TX with Gregg County, TX; Sub-No. 100, Parsons, KS with Labette County, KS; Sub-No. 102, Bend with Deschutes County, OR; Sub-No. 103, Bonanza, UT with Uintah County, UT; Sub-No. 104, Newberry with Alachua Couny, FL; Sub-No. 105, Sand Springs with Tulsa County, OK; Sub-No. 170, Crawfordsville with Montgomery County, IN; Sub-No. 112, Lubbock with Lubbock County, TX; Colby, KS with Thomas County, KS; Brinkley with Monroe County, AR; and Grand Island with Hall County, NE; Sub-No. 113, Lufkin with Angelina County, TX; Conroe with Montgomery County, TX; and Niagara Falls with Niagara County, NY; Sub-No. 117, Midlothian with Ellis County, TX; Sub-No. 119, Jonesburg with Montgomery County, MO; Sub-No. 120, Checotah with McIntosh County, OK; Sub-No. 122, Mannford with Creek County, OK and Sand Springs with Tulsa County, OK; Sub-No. 123, Mineral Wells with Palo Pinto County, TX; Sub-No. 128, Norfolk with Madison County, NE; Sub-No. 131, Gerald with Franklin County, MO and Warsaw with Kosciusko County, IN; Sub-No. 133, Sand Springs with Tulsa County, OK; Sub-No. 139, Manvel with Brazoria County, TX; Sub-No. 141, from King City with Monterey County, CA; Sub-No. 143, Spokane with Spokane County, WA; Sub-No. 145, Harahan with Jefferson Parish, LA; Sub-No. 147, Lexington with Lexington County, SC; Sub-No. 150, Birmingham with Jefferson County, AL; Sub-No. 152, Union with Franklin County, MO; Sub-No. 154, Danville and Kewanee with Vermilion and Henry Counties, IL; Crawfordsville with Montogomery County, IN and Berea with Madison County, KY; Sub-No. 157, Corpus Christi with Nueces County, TX; Sub-No. 158, Bryan with Williams County, OH; Industry with Los Angeles County, CA; Calhoun, GA with Gordon County, GA; Sub-No. 163, Pittsburg with Crawford County, KS; Sub-No. 164, Ft. Madison with Lee County, LA; Sub-No. 166, Franklin with Venango County, PA; Birmingham with Jefferson County, AL; Claremont with Sullivan County, NH; Buffalo with Eire County, NY; Michigan City with LaPorte County, IN; Wilson with Wilson County, NC; and New Philadelphia with Tuscarawas County, OH; Sub-No. 168, Corpus Christi with Nueces County, TX; Grover with St. Louis County, MO; Sand Springs with Tulsa County, OK; Whiting with Lake County, IN; Newark and Trenton with Essex and Mercer Counties, NJ; and Hillsboro, with Montgomery County, IL; Sub-No. 170, Orange, Buena Park, Long Beach, and San Jose with Orange County, Los Angeles County, and Santa Clara County, CA; Harrisonville with Gass County, MO; Sycamore with DeKalb County, IL; Marion with Grant County, IN; LaGrange with Oldham County, KY; Forest Park with Clayton County, GA; Edenton and Tarboro with Chowan and Edgecomb Counties, NC; E-31 Pueblo with Pueblo County, CO; and Corpus Christi and Galveston with Nueces and Galveston Counties, TX; and E-5, Gerald with Franklin County, MO; (9) remove restrictions against transportation to specified points or States as follows: lead par. 3 from Columbus and Marietta, OH to points in KS, OK, and TX; lead pars. 1 and 2 and Sub-Nos. E-7, E-15, and E-16, the restriction against the transportation of iron and steel and iron and steel articles at points in IN which are within the Chicago, IL commercial zone; Sub-No. 63, except Decatur and except Atlanta; Sub-No. 82, except Memphis; Sub-No. 102, except AK, HI, and OR; Sub-No. 103, except AK, HI, and UT; and Sub-No. 146, except AK, HI, and OK; (10) remove the restriction against combining that authority with other authority, (11) in Sub-No. 60, remove the mixed load restriction; (12) is Sub-No. 87, remove restriction against the transportation of Aerospace products and equipment; (13) Sub-Nos. 138 and 140, remove the restriction "in tank vehicles"; (14) change authority to serve points of entry on the US-Canada Boundary line at Niagara Falls and Buffalo, NY to ports of entry in New York, in Sub-No. 135; (15) remove the foreign commerce any restriction in Sub-No. 113; and (16) in Sub-No. 153F remove the exception of facilities at or near Dillin, Darby, and Columbia Falls, MT.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10 (b).

MC 88368, (Sub-50)X, filed June 5, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions from its Sub-Nos. 37F and 40F certificates, to (1) broaden to commodity descriptions (a) in Sub-No. 37F, from playground equipment and recreational equipment, restaurant equipment, furnishings, and fixtures to "miscellaneous products of manufacturing, recreational kits, outfits, and products, restaurant equipment, and furniture, furnishings, and fixtures"; from plastic sheeting and plastic forms to "chemicals and related products and rubber and plastic products," and, (b) is Sub-No. 40F, from furniture to "furniture and fixtures"; (2) expand cities to county-wide authorities, (a) replacing, in Sub-No. 37F, Grinnell, Mount Ayr, and Seymour, IA, with Jasper, Poweshiek, Ringgold, Wayne, and Appanoose Counties, IA, and Glendale, CA, with Los Angeles County, CA, and (b) Mansfield, TX, with Johnson and Tarrant Counties, TX, and (c) replacing in Sub-No. 40F, La Crosse, KS, with Rush County, KS; (3) authorize radial authority in place of existing one-way authority between the counties named above and points throughout the US in both Sub-Nos.; and (4) delete the exception of service to AK in Sub-No. 37.

MC 111656 (Sub-14)X, filed June 1, 1981. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restriction in its Sub-Nos. 5, 6, 7, 9F and 13F permits to (1) broaden the commodity description (a) in Sub-No. 5 from yarn and in Sub-No. 9F from yarn wool to "textile mill products"; (b) in Sub-No. 6 from business machines and materials and supplies used in connection with business machines to such commodities as are dealt in by manufacturers and distributors of business machines," (c) remove "except in bulk" in Sub-No. 9F; (d) in Sub-No. 13F from computer paper to "pulp, paper and related products"; and (2) broaden the territorial description in Sub-Nos. 5, 6, 7, and 9F to between points in the United States under continuing contracts(s) with named shippers.

MC 111729 (Sub-770)X, filed March 3, 1981 previously noticed in the Federal Register of March 23, 1981, republished as follows: Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Peter A. Green, 1920 N. St., N.W., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-Nos. 250, 494, 497, 502, 519, 520, 535, 538, 542, 543, 547, 555, 557, 565, 571, 591, 595, 622, 693, 695, 707, 743F, 744F, 746F, 748F, 749F, 755F, 758F, and 765F certificates. This Board previously broadened these certificates by (1) removing all exceptions to the general commodities authority except classes A and B explosives, (2) eliminating size and weight restrictions and restrictions requiring that traffic have a prior or subsequent movement by a specified mode of transportation, (3) removing restrictions precluding service between named points, (4) broadening cities to county-wide authority and (5) replacing one-way authority with radial authority. Applicant also sought to remove a dual operation imposed restriction precluding service to banks and banking institutions. This was proper under the restriction removal rules, but through administrative oversight the Board failed to include this restriction among those to be removed in its federal register caption summary. The Restriction Removal Board has decided to renotice the application with respect to removal of the dual operations type restrictions. Notice is hereby given that applicant seeks to remove the restriction reading "restricted against providing service from or to the premises of banks and banking institutions" wherever this restriction appears in the above-referenced certificates.

MC 117415 (Sub-10)X, filed June 2, 1981. Applicant: JENSEN TRUCKING CO., INC., POB 402, American Fork, UT 84003. Representative: Irene Warr, Ste. 280, Western Home Bank Bldg. 311 S. State St., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub No. 6F certificate to (1) broaden the commodity description in part (2) from baler and binder twine to "textile mill products" and in part (3) from tires to "rubber and plastic products"; (2) replace cities with county-wide authority as follows; Pueblo with Pueblo County, CO; Preston with Franklin County, ID; Buena Park with Orange County, CA; and Bowling Green with Warren County, KY; and (3) change its one-way to radial authority between points in CO, CA, ID and UT, in part (1), OR, TX, CA, ID and UT, in part (2), and CA, KY, OH, ID and UT, in part (3).

MC 121507 (Sub-9)X, filed May 29, 1981. Applicant: PERISHABLE DELIVERIES, INC., 1520 Beason St., Baltimore, MD 21230. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 5, 7 and 8F certificates by: (1) broadening the commodity authorities in Sub-Nos. 1, 3, 4, 5, and 7 from meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses, as described in Section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 to "food and related products"; (2) removing the restriction "in vehicles equipped with mechanical refrigeration" from its Sub-Nos. 1 and 3; (3) broadening its named point authority to county-wide authority: Montgomery County, MD, for Wheaton and Silver Spring, MD, and Prince Georges County, MD, for Oxon Hill, MD, in Sub-No. 4, and Prince Georges County, MD, for Upper Marlboro, MD, in Sub-No. 5; and (4) broadening authority to serve named facilities at Baltimore and Landover, MD to city-wide and county-wide authority respectively in Baltimore and Prince Georges County, MD, in Sub-No. 8F.

MC 123279 (Sub-8)X, filed May 29, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Tallmadge Rd., R.D. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 5F certificates to (1) broaden its commodity description from paper and paper products, to "pulp, paper and related products", in Sub-No. 3F; (2) replace its facilities with city or county-wide authority: in Sub-No. 3F, facilities at or near Boston, MA with Boston, MA; and in Sub-No. 5F, facilities at or near North Hampton, Wadsworth, and West Salem, OH, with Clark, Medina, and Wayne Counties, OH; and (3) change one-way to radial authority between Boston, MA, and points in OH, MI, IN, IL, and WI, in Sub-No. 3F.

MC 125575 (Sub-7)X, filed May 28, 1981. Applicant: L. J. KENNEDY TRUCKING CORP., 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832-2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 4 permits to (1) broaden the commodity descriptions to (a) "containers" from empty glass bottles in cardboard containers, in Sub-No. 1, and, (b) "food and related products" from alcoholic beverages, in Sub-No. 4; and (2) broaden the territorial description to "between points in the U.S.", under continuing

contract(s) with named shippers, in both permits.

MC 129788 (Sub-19)X, filed May 21, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington DC 20001. Applicant seeks to remove restrictions in its Sub-No. 18 certificate to (1) broaden the commodity description from glass and glass products, to "clay, concrete, glass, or stone products"; (2) broaden the territory description from Toledo, OH to Monroe County, MI and Lucas and Wood Counties, OH; and (3) broaden the territorial description from one-way service to radial authority between La Salle County, IL, and, Monroe County, MI, Lucas and Wood Counties, OH, Davenport, IA, and points in that part of Wisconsin on and south of U.S. Highway 18.

MC 138748 (Sub-4)X, filed May 28, 1981. Applicant: DODDS REALTY CO., d.b.a. DODDS SERVICE CO., 40 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 3F permits to (1) broaden the commodity description from twine to "textile mill products," in both permits; and (2) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper, in both permits.

MC 140216 (Sub-7)X, filed June 1, 1981. Applicant: JOHN E. WAY, JR., d.b.a. WAY MESSENGER SERVICE, 205 E. King Street, Lancaster, PA 17602. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions from its Sub-Nos. 2 and 3 certificates to (a) remove a weight restriction in Sub-No. 3; (b) remove the restrictive language "restricted against traffic having a prior or subsequent movement by air" in sub-Nos. 2 and 3; and (c) substitute Lancaster County, PA for City of Lancaster, PA, in Sub-Nos. 2 and 3.

MC 140484 (Sub-95)X, filed May 18, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 3, 31F, 34F, 36F, 39F, 44F, 51F, 56F, 60F, 61F, 62F, 68F, 69F, 71F, 74F, 78F, 79F, 80F, 81F 83F, and 84F certificates to (A) broaden the commodity descriptions: In Sub-No. 3 from (1) organic potting soil, (2) materials and supplies used in the sale or production of mushrooms, and potting soil (except commodities in bulk) and (3) fresh mushrooms, to "farm products and food and related products"; in Sub-Nos. 34, 56F, 68F, 71F, 74F, 81F, and 83F from meats, meat products and meat by-products, etc; in Sub-Nos. 36, 80F and 83F from foodstuffs; in Sub-Nos. 44, 51F and 78F, from malt beverages; in Sub-No. 61, from flour and donut sugar topping; and in Sub-No. 62F and 79F, from meat, in boxes, to "food and related products"; in Sub-No. 3F, remove the restriction against the transportation of fertilizer and fertilizer materials from Baltimore, MD and Claymont, DE and points in their respective commercial zones; (B) in Sub-No. 31, substitute Wayne County, MI for the named facilities limitation at Taylor, MI; in Sub-No. 34F, substitute Ogle, Kane and Kankakee Counties, IL for the named facilities limitations at Rochelle, St. Charles and Bradley, IL; in Sub-No. 36F, substitute Polk County, FL for a facility limitation at or near Lakeland, FL; in Sub-No. 44F, substitute Dougherty County, GA, Rockingham County, NC and Tarrant County, TX for Albany, GA, Eden, NC, and Fort Worth, TX; and substitute Lee County, FL for Fort Myers, FL; in Sub-No. 51F, substitute Dougherty County, GA, for Albany, GA, in Sub-No. 56F, substitute Potter, El Paso and Lubbock Counties, TX, and Caddo County, LA, for a named facilities limitation at or near Amarillo, El Paso and Lubbock, TX, and Shreveport, LA; in Sub-No. 60F, remove restriction excepting service in AK; in Sub-No. 61F, substitute Marion County, OH, for a named facilities limitation at Martel, OH, and substitute Broward, Dade and Orange Counties, FL, for Fort Lauderdale, Hollywood, Miami and Orlando, FL; in Sub-No. 62F, substitute Fort Worth, TX, for a named facilties limitation at or near Forth Worth, TX: in Sub-Nos. 68F and 69F substitute Emmet and Woodbury Counties, IA and Minnehaha County, SD for a named facilities limitation at or near (a) Estherville and Sioux City, IA and (b) and Sioux Falls, SD; in Sub-No. 71F, substitute Hale County, TX for a named facilities limitation at or near Plainview, TX; in Sub-No. 74F, remove the "in foreign commerce only" restriction and substitute Dade, Palm Beach and Hillsboro Counties, FL, Chatham County, GA and Charleston County, SC for Miami, West Palm Beach and Tampa, FL, Savannah, GA and Charleston, SC; in Sub-No. 78F, substitute Vanderburgh County IN for a named facilities limitation at or near Evansville, IN; in Sub-No. 79F, substitute Forth Worth, TX for a named facilities limitation at or near Forth Worth, TX; in Sub-No. 81F, substitute Chicago, IL, Ogle County, IL, and St. Louis, MO for a named facilities limitation at (A) points within the Chicago Commercial Zone and (B) at or near Rochelle and East St. Louis, IL; (C) in all authorities except Sub-Nos. 3, 39F, 60F and 74F, replace one way with radial authority; (D) in Sub-Nos. 31F, 34F, 36F, 56F, 68F, and 69F, remove the restriction limiting transportation to traffic originating at or destined to named facilities, (E) in Sub-Nos. 31F, 34F, 36F, 44F, 51F, 56F, 60F, 61F, 68F, 69F, 71F, 74F, 78F, 81F, and 83F, remove restrictions excepting hides, skins, commodities in bulk in tank vehicles; and (F) in Sub-Nos. 39F and 79F remove the vehicles equipped with mechanical refrigeration language.

MC 140768 (Sub-51)X, filed May 21, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in it Sub-Nos. 3, 4, 7, 9, 11, 13, 16F, 17F, 19F, 22F, 23F, 25F, 28F, 29F, 33F, 34F, 36F, 40F, 41F, 42F, 46F, 47F, and 48F, certificates to (1) broaden the commodity descriptions (a) from malt beverages in Sub-No. 3 and from pet foods in Sub-No. 29F, to "food and related products", (b) from used, damaged, and defective automobile batteries and parts for such commodities, to "rubber and plastic products, machinery, lumber and wood products, metal products, petroleum, natural gas and their products and waste or scrap materials", in Sub-No. 4, (c) from paperboard and paperboard products, to "pulp, paper and related products", in Sub-No. 7, (d) from heating, equipment, stoves, fireplaces, furnaces and incinerators, to metal products, machinery, and furniture and fixtures", in Sub-Nos. 9 and 19F, (e) from insulating material (except in bulk), to "textile mill products, pulp paper and related products, clay, concrete, glass or stone products, building materials, rubber and plastic products, and lumber and wood products", In Sub-Nos. 11 and 25F, (f) from eletrolyte battery acid, brake fluid, lacquer, gasoline antifreeze, and windshield washer solution, to "chemicals and related products and petroleun, natural gas and their products", in Sub-No. 13, (g) from farm, dairy and water treatment equipment, materials and supplies and cleaning products, paints and pesticides, to "machinery, chemicals and related products, coal and coal products, rubber and plastic products, and petroleum, natural gas and their products", in Sub-No. 16F, (h) from office equipment and supplies (except in bulk), to "machinery,

instruments and photographic goods, furniture and fixtures, and pulp, paper and related products", in Sub-No. 17F, (i) from charcoal briquettes and fireplace logs, to "lumber and wood products, petroleum, natural gas and their products, metal products, pulp, paper and related products, in Sub-No. 22F, (j) from power tools, and equipment, materials, and supplies used in the manufacture, packaging, and distribution of power tools (with exceptions) to "machinery", in Sub-No. 23F, (k) from molded wood pulp products, and materials and supplies used in the manufacture, packaging and distribution thereof, to "pulp, paper and related products, building materials, and lumber and wood products", in Sub-No. 28F, (l) from alumina tri-hydrate (except in bulk), to "chemicals and related products", in Sub-No. 33F; (m) from air conditioners, heating equipment, stoves, ranges and trash compactors (with exceptions), and materials and supplies used in the manufacture or distribution thereof (with exceptions), to "machinery, metal products, and transportation equipment", in Sub-No. 34F; (n) from air conditioning, heating and cooling equipment, parts for named commodities, and materials and supplies used in the manufacture, repair, and distribution thereof (with exceptions), to "machinery, metal products, transportation equipment, rubber and plastic products, and instruments and photographic goods", in Sub-No. 36F, (o) from disposable diapers and diaper liners, to "textile mill products, rubber and plastic products, and pulp, paper and related products", in Sub-No. 40F, (p) from lawn mowers and grass catchers, accessories and equipment, materials, and supplies used in the manufacture and distribution thereof, to "machinery", in Sub-No. 41F, (q) from plastic containers, accessories for plastic containers, and materials, equipment and supplies used in the manufacture and distribution thereof (with exceptions), to "rubber and plastic products, pulp, paper and related products, and metal products", in Sub-No. 42F, (r) from wooden pallets, to "wood products" and alumina and synthetic cryolite (except in bulk), to "ores and minerals, and chemicals and related products", in Sub-No. 46F, (s) from insulation, and sound deadening and fireproofing materials, equipment, materials and supplies used in the manufacture and installation thereof (except in bulk), to "textile mill products, pulp, paper and related products, clay, concrete, glass or stone products, building materials, rubber and plastic products, and lumber and wood products", in Sub-No. 47F, and (t) from computer terminals, hardware, assemblies, sub assemblies, and parts and supplies used in the manufacture thereof, to "machinery, rubber and plastic products, and metal products", in Sub-No. 48F; (2) replace its facilities and cities with county-wide authority: in Sub-No. 3, Belleville, IL, with St. Clair County, IL; in Sub-No. 7, Augusta and St. Mary's, GA, with Richmond and Camden Counties, GA, Demopolis, AL, with Marengo County, AL, Downingtown, PA with Chester County, PA, Amsterdam, NY with Montgomery County, NY, Holyoke, MA, with Hampden County, MA, Chester, VA, with Chesterfield County, VA, and Marietta, GA, with Cobb County, GA; in Sub-No. 9, facilities at or near Athens and Huntsville, AL, with Limestone and Madison Counties, AL; in Sub-Nos. 11 and 25F, facilities at or near Grambling, LA, and Fruita, CO, with Lincoln Parish, LA, and Mesa County, CO; in Sub-No. 13, facilities at or near Bidgefield, NJ, Northlake, IL, and College Park, GA, with Bergen County, NJ, Cook and DuPage Counties, IL, and Clayton and Fulton Counties, GA; in Sub-No. 16F, facilities at or near Oak Brook and Romeoville, IL with DuPage and Will Counties, IL; in Sub-No. 17F, facilities at or near Park Ridge, NJ, Rochester, NY, Bardstown, KY, and City of Industry, CA with Bergen County, NJ, Monroe County, NY, Nelson County, KY, and Los Angeles, CA; in Sub-No. 19F, facilities at or near Sheffield, AL, and Americus, GA with Colbert County, AL, and Sumter County, GA; in Sub-No. 22F, facilities at or near Marion, OH, and Gamilla, GA with Marion County, OH, and Mitchell County, GA; in Sub-No. 23F, facilities at or near Walnut Ridge and Herber Springs, AR, with Lawrence and Cleburne Counties, AR, facilities at or near Berkeley, Chicago, Elk Grove Village, Skokie, and Wheeling, IL with Cook and DuPage Counties, IL; in Sub-No. 28F, Macon, GA and Griffith, IN with Bibb County, GA and Lake County, IN; in Sub-No. 29F, facilities at or near Red Bay, AL, and Tupelo, MS with Franklin County, AL and Lee County, MS; in Sub-No. 33F, South Plainfield, NJ with Middlesex County, NJ, Willow Grove, PA, with Montgomery County, PA, Fitchburg and Leominster, MA with Worcester County, MA, Utica and Hicksville, NY, with Oneida and Nassau Counties, NY, Bridgeport, CT, with Fairfield County, CT, Bow and Contoocook, NH, with Merrimack County, NH, Martinsburg, WV, with Berkeley County, WV, and Wilmington, DE, with New Castle County, DE; in Sub-No. 34F, facilities at or near Fayetteville, TN with Lincoln County, TN; in Sub-No. 36F, facilities at or near Edison, NJ, Effingham, IL, and Frederick, MD, with Middlesex County, NJ, Effingham County, IL, and Frederick County, MD; in Sub-No. 40F, facilities in Middlesex and Somerset Counties, NJ, and at or near Atlanta, GA, Memphis, TN, and Jacksonville, FL with the named counties and cities; in Sub-No. 41F, Genoa, IL with DeKalb County, IL; in Sub-No. 42F, facilities at or near Seymour, IN, Orlando, FL, and Langhorne, PA with Jackson County, IN, Orange County, FL, and Bucks County, PA; and in Sub-No. 46F, facilities at or near Randleman, NC, with Randolph County, NC; change its one-way to radial authority between specified cities counties and States in the U.S., in all of the above sub-numbers except Sub-Nos. 17F, 36F, 42F, 47F, and 48F; and (4) eliminate: (a) in Sub-No. 4, the restriction against the transportation of traffic to or from named facilities of Butler, NJ; (b) the AK and HI exceptions in Sub-Nos. 4, 9, 13, 16F, 19F, 28F, 34F, and 41F; and (c) the bulk or size and weight restrictions in Sub-Nos. 11, 13, 16F, 17F, 23F, 25F, 28F, 33F, 34F, 36F, 41F, 42F, 46F, and 47F.

MC 141917 (Sub-3)X, May 28, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representive: Gerald K. Gimmel, Suite 145, 4 Professional Dr. Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to broaden the commodity description from salt and calcium chloride to "chemicals and related products" between six eastern States.

MC 144645 (Sub-11)X, Filed May 26, 1981. Applicant: ROBERT HANSEN TRUCKING, INC., Route 2, Box 125, Delavan, WI 53115. Representive: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F permits to (1) broaden the commodity description: (a) from electrical copper wire to "metal products" in Sub-No. 2F; and (b) from paint and varnish (except in bulk) to "chemicals and related products" in Sub-No. 3F; and (2) broaden the territorial description to "between points in the U.S." under continuing contracts with the named shipper in its Sub-Nos. 2F and 3F permits.

MC 144692 (Sub-6)X, Filed May 26, 1981. Applicant: GARY L. MANN, d.b.a. MANN TRUCKING, Hastings, MN 55033. Representive: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks removal of restrictions in its certificates

to (A) broaden the commodity descriptions: to "chemicals and related products" from dry fertilizer (except in bulk, in tank vehicles) in Sub-No. 1F; to "petroleum, natural gas and their products" from petroleum coke, in bulk, in Sub-No. 3F; and to "chemicals and related products, and ores and minerals" from salt, in Sub-No. 4; (B) remove exceptions excluding service to ten named towns on service to ND, in Sub-No. 1; and (C) broaden the territorial descriptions to authorize county-wide service in lieu of named origin points, and change one-way service to radial service: in Sub-No. 1, (a) between Dakota County, MN (Pine Bend, MN), and, points in IA, NE, WI, ND, and those in the Upper Peninsula of MI, and (b) between Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN and St. Croix and Pierce Counties, WI (Minneapolis, MN) and Winona County, MN (Winona, MN), and, points the same as in (a) above; Sub-No. 3, between Dakota County, MN(Pine Bend, MN), and, points in WI.

MC 145163 (Sub-9)X, Filed May 18, 1981. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Lincoln, NE 68504. Representive: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 6F certificates to (1) broaden the commodity description from printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter in Sub-No. 6 "printed matter, and pulp, paper and related articles"; (2) remove the "in bulk" and "originating at or destined to" named points restrictions in Sub-No. 3F; (3) change city to county-wide authority from Lincoln, NE to Lancaster County, NE in Sub-No. 3F; and (4) remove the restriction against service to AK and HI in Sub-Nos. 3 and 6.

MC 145480 (Sub-1)X, Filed June 2, 1981. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representive: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "waste and scrap materials", from lime sludge; to "clay, concrete, glass or stone products", from volcanic aggregate, crushed agri-gypsum rock, and clay; and to "chemicals and related products", from dry fertilizer; (2) authorize county wide authority: Klamath County, OR, for Klamath Falls, OR; (3) eliminate the in bulk and in bulk in dump vehicles restriction; and (4) replace one way authority with with radial authority between specified counties, in WA, OR, NV, and CA and points in OR and WA.

MC 146035 (Sub-6)X, filed, May 28, 1981. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its MC-147787 Sub-No. 6F permit to (1) broaden the commodity description to "commodities sold in or distributed by packaged liquor stores" from rum; and (2) broaden the territorial description to "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 146583 (Sub-4)X, filed: May 27, 1981. Applicant: TERRAIN TAMERS, INC., Interstate Transport, Box 1457 Roseburg, OR 97470. Representative: Thomas Y. Higashi, 3762 Bayonne Dr., S.E., Salem, OR 97301. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity descriptions to (a) " metal products" from steel strapping, in coils, in part (2), and (b) " building materials" from rooding, roofing materials, wallboard and materials and supplies used in the installation and application of wallboard, gypsum products, siding and insulation materials, in part (3); (2) remove the restriction prohibiting the transportation of specified commodities, in part (3); (3) authorize county-wide authority to replace existing city-wide service: (a) from Bandon, Riddle, Roseburg and Wallowa, OR to Coos, Douglas and Wallowa Counties, OR, in part (1); (b) Pittsburg, CA and Roseburg, OR to Contra Costa County, CA, and Douglas County, OR, in part (2); and (c) Fremont, Fresno, Gilroy, Hollister, Los Angeles, Richmond, Sacramento, Santa Clara and Stockton, CA, Las Vegas, NV, and Bend, Roseburg and Salem, OR to Alameda, Fresno, Santa Clara, San Benito, Los Angeles, Contra Costa, Sacremento, Santa Clara and San Joaquin Counties, CA, Clark County, NV, and Deschutes, Douglas and Marion Counties, OR, in part (3); and, (4) authorize radial authority to replace existing one-way service between points in 5 western States.

MC 146605 (Sub-5)X, filed: May 27, 1981. Applicant: EVENSON BROS., INC., 835 First Street SW; Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3 and 4F certificates to (1) broaden the commodity description from (a) gypsum board to "clay, concrete, glass or stone products" and (b) siding, rafters and trusses to "construction materials", in Sub-No. 2F; (2) replace the facilities and city-wide service with county-wide authority: (a) Mandan, ND, with Morton County, ND, and (b) Detroit Lakes and Pelican Rapids, MN, with Becker and Otter Tail Counties, MN in Sub-No. 2F; (3) remove the "originating at" restriction, in Sub-No. 4; and (4) authorize radial authority to replace existing one-way service between points in States throughout the U.S., in all certificates.

MC 149258 (Sub-2)X, filed: June 2, 1981. Applicant: SELCO TRUCKING CO., P.O. Box 8801, Canton, OH 44711. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) eliminate: the commodity in bulk exception; the facilities limitation at specified origins; the AK and HI exception; and the originating at and destined to restriction; and (2) replace Malvern and Saxton, PA, with Chester and Bedford Counties, PA.

MC 149447 (Sub-1)X, filed: June 4, 1981. Applicant: VALLEY REFRIGERATED EXPRESS, INC., Box-3946, McAllen, TX 78501. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities" (except classes A and B explosives); (2) delete restriction requiring shipments move on bills of lading of freight forwarders; (3) broaden cities to counties: Akron, OH, with Summit County, OH; Boston, MA, with Suffolk County, MA; Philadelphia, PA, with Philadelphia County, PA; Cranston, RI, with Providence County, RI; Cincinnati, OH, with Hamilton County, OH; Cleveland, OH, with Cuyahoga County, OH; Milford, and New Haven CT, with New Haven County, CT; Secaucus, and North Bergen, NJ, with Hudson County, NJ; Syracuse, NY, with Onondaga, NY; Amarillo, Dallas, Ft. Worth, El Paso, Houston, Laredo, Lubbock, and San Antonio, TX, with Potter, Dallas, Tarrant, El Paso, Harris, Webb, Lubbock, and Bexar Counties, TX; and (4) authorize radial service in lieu of one-way authority between named points in OH, MD, MA, RI, CT, NJ, PA, NY, and points in TX.

MC 151115 (Sub-1)X, filed: June 1, 1981. Applicant: CHAS. J. BURNHAM CARTAGE, INC., 1448 Wabash, Detroit, MI 48216. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove

restrictions in its lead certificate to (1) broaden the commodity description from paper and paper products to "pulp, paper and related products"; (2) replace one-way with radial authority between Detroit, MI, and MI, and (3) remove a restriction requiring a prior movement by rail.

[FR Doc. 81-17824 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 100.251. 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 of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for 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. OP1-170

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 154661 (Sub-1), filed May 27, 1981. Applicant: D. L. CABLE, d.b.a. RED LINE EXPRESS, P.O. Box 6837, 2501 E. Bessmer Avenue (C), Greensboro, NC 27405. Representative: D. L. Cable, (Same address as applicant), (919) 275-0323. Transporting for or on behalf of the United States Government, of *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156221, filed May 29, 1981. Applicant: JAMES RICHMAN, R.R. 1, Box 259, Villa Grove, IL 61956. Representative: Dorothy Richman, (same address as applicant), (217) 832-9755. 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.

Volume No. OPI-172

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 87451 (Sub-5), filed June 3, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 628-1600.Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 134551 (Sub-24), filed June 2, 1981. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, IL 62060. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760, (301) 840-8565. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in the U.S.

MC 156270, filed June 2, 1981. Applicant: REGIS COURIER, INC., 2115 Pleasant, West Des Moines, IA 50265. Representative: William L. Fairbank, 2400 Financial Center, Des Mones, IA 50309, (515) 282-3525. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156271, filed June 1, 1981. Applicant: LAST CHANCE COMMODITY BROKERS, 40 West Sixth Ave., Helena, MT 59601. Representative: Geoffrey L. Brazier, 516 Harrison, Helena, MT 59601, (406) 442-8733. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156281, filed June 2, 1981. Applicant: IOWA CONTINENTAL SHIPPERS, INC., 1320 Hayne Street, Ottumwa, IA 52501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. As a *broker of general commodities* (except household goods), between points in the U.S.

Vol. No. OPY-3-092

Decided: June 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156224, filed June 1, 1981. Applicant: CARGO FORWARDING, INC., 168-01 Rockaway Blvd., Jamaica, NY 11434. Representative: David M. Stahl, 375 Park Ave., New York, NY 10152, (212) 759-5400. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Vol. No. OPY-5-85

Decided: June 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 55889, (Sub-73), filed May 22, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives), between Lutherville, GA, on the one hand, and, on the other, points in the U.S. Applicant intends to tack this authority with existing regular-route authority.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 85718 (Sub-20), filed June 1, 1981. Applicant: SEWARD MOTOR FREIGHT INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. 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 128709 (Sub-14), filed May 27, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: Charles H. Smidly (same address as applicant), (501) 785-2943. 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 145178 (Sub-2), filed May 29, 1981. Applicant CHARLES INKS, d.b.a. CHARLES INKS TRUCKING, 12400 Cypress, Space 37, Chino, CA 91710. Representative: William L. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745.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 147198 (Sub-12), filed May 27, 1981. Applicant: P. & E. I. TRUCK LINES INC., 210 North Chicago, P.O. Box 175, Rossville, IL 60963.) Representative: Thomas A Graham, 4 West Seminary, Danville, IL 61832, (217) 443-0304 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 151819 (Sub-4), filed May 22, 1981. Applicant: CARGO-MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Paul A. Lueck (same address as applicant), (214) 741-6185. 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 154859 (Sub-1), filed June 1, 1981. Applicant: DRAKE MOVING & STORAGE COMPANY, 414 Puyallup Ave., Tacoma, WA 98421. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155319 (Sub-1), filed May 29, 1981. Applicant: WILLIAM L. BLACK, d.b.a. BLACK'S TRUCKING, Rural Route #2, Franklin, IN 46131. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. 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 156058, filed May 18, 1981. Applicant: PHILLIP LANDPHIER, d.b.a. PHIL LANDPHIER TRUCKING, 5496 S. Bird St., Sun Prairie, WI 53590. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677-2586. 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 156159, filed May 22, 1981. Applicant: KENTON D. ARNOLD, d.b.a. K & J TRUCKING, P.O. Box 44, Sutherland, NE 69165. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397-9900. 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.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-17823 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

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.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

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".

Vol. No. OPI-169

Decided: June 9, 1981.

MC 48501 (Sub-19), filed May 29, 1981. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 S. Michigan, South Bend, IN 46624. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in IN, and those in Allegan, Barry, Branch, Calhoun, Clinton, Eaton, Ingham, Ionia, Jackson, Kent, Muskegon, Ottawa, and Washtenaw Counties, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Ja Mar Tours, Inc., of Grand Rapids, MI.

MC 59150 (Sub-194), filed May 29, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353-9707. Transporting *malt beverages*, between the facilities of Pabst Brewing Company at points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 61281 (Sub-15), filed May 29, 1981. Applicant: JOHN HENNES TRUCKING CO., a corporation, 320 South 19th Street, P.O. Box 10-H, Milwaukee, WI 53201. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in IL and WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OK, OR SC, TX, UT, WA, and WY.

MC 98701 (Sub-7), filed May 29, 1981. Applicant: CLEVELAND EXPRESS, INC., P.O. Box 158, South Lee Highway, Cleveland, TN 37311. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402, (615) 267-1135. Transporting *general commodities* (except classes A and B explosives), serving points in GA, Washington County, VA, and Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Sullivan, Unicoi, and Washington Counties, TN, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 129401 (Sub-17), filed May 28, 1981. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Piedmont Aviation, Inc., of Winston-Salem, NC.

MC 134820 (Sub-12), filed May 29, 1981. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave., S., P.O. Box 81025, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, GA, ID, IA, IL, IN, KY, MD, MI, MT, MN,ND, NJ, NM, NV, NY, OH, OR, PA, SD, UT, WA, WI, WY, and CO.

MC 141620 (Sub-5), filed May 29, 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 Soo Line Railroad Co., of Minneapolis, MN.

MC 142220 (Sub-5), filed May 29, 1981. Applicant: BAKER TRUCKING CORP., INC., 4600 Brazil St., Los Angeles, CA 90029. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barre National, Inc., of Baltimore, MD.

MC 142311 (Sub-4), filed May 29, 1981. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Ct., Denver, CO 80216. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203 (303) 839-5866. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with ECI Table Readi Meats, of Englewood, CO.

MC 144780 (Sub-5), filed June 1, 1981. Applicant: PAUL EVANS & SONS TRUCKING, INC., P.O. Box 185, Wilmington, OH 45177. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting (1) *sand and gravel* and (2) *coal*, between points in the U.S., under continuing contract(s) with R.B.S., Inc., and RODA Enterprises, Inc., both of Cincinnati, OH.

MC 144910 (Sub-21), filed May 29, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005 (202) 296-3555. Transporting *food and related products*, between points in Forsyth County, NC, on the one hand, and, on the other, points in VA, DE, MD, NJ, and NY.

MC 152011 (Sub-1), filed June 1, 1981. Applicant: VALLEY TRUCK RENTALS CO., INC., R.D. 5, Box 286, Jackson, NJ 08527. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with (a) Amato Solvents, Inc., of Silver Springs, MD, and (b) Buffalo Equipment & Chemicals Co., of Buffalo, NY.

MC 152451 (Sub-2), filed June 1, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Route 309 West, Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *metal products*, between points in Marion County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MN, and WI.

MC 152671 (Sub-3), filed May 29, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 153140, filed May 29, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417,

Hagerstown, MD 21740, (301) 797-6060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Carter Wallace, Inc. of Cranbury, NJ, and The Mennen Company of Morristown, NJ.

MC 153421, filed May 29, 1981. Applicant: PRINTCO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004, (202) 628-4600. Transporting *food and related products*, between points in FL, LA, MD, NC, PA, TN, TX, MA, DE, NY, NJ, and VA on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-9), filed May 28, 1981. Applicant: TRAILER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 435-7140. Transporting *food and related products*, between the facilities used by Seabrook Foods, Inc., its subsidiaries, division, vendors, and distributors, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-11), filed May 28, 1981. Applicant: TRAILNER CORP., P.O. Box 357 (Old Chester Rd.), Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 435-7140. Transporting *such commodities* as are dealt in or used by builders' and contractors', between the facilities used by Ajax Hardware Corp., its subsidiaries, divisions, vendors, and suppliers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154780 (Sub-4), filed June 2, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (202) 986-1410. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in the U.S.

MC 154961 filed June 2, 1981. Applicant: WINSKY CARTAGE COMPANY, a corporation, 27275 Mound Rd., Warren, MI 48092. Representative: John S. Barbour, 2711 E. Jefferson, Suite 202, Detroit, MI 48207, (313) 259-6555. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Cross Company, of Fraser, MI.

MC 155921, filed May 29, 1981. Applicant: EXECUTIVE COACH CORPORATION, Statler Office Bldg., Room 313, 20 Providence St., Boston, MA 02116. Representative: Robert M. Santaniello, 95 State St., Suite 1010, Springfield, MA 01103, (413) 781-2130. Transporting *passengers and their baggage*, in special and charter operations, in vehicles with a seating capacity of twenty-five persons or less, beginning and ending at points in CT, MA, ME, NH, NY, RI, and VT, and extending to points in the U.S.

MC 156021, filed May 18, 1981. Applicant: BOSTICK TRUCKING SERVICES, INC., 2004 Elgin St., P.O. Box 6057, Myers Branch, Charleston, SC 29405. Representative: George E. Bostick (same address as applicant), (803) 577-4539. Transporting (1) *lumber and wood products*, and (2) *metal products*, between points in FL, GA, NC, and SC.

MC 156241, filed May 29, 1981. Applicant: UNITED DC, INC., 1977 Tellepsen, Houston, TX 77023. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155 (617) 396-4090. Transporting *chemicals and related products, and rubber and plastic products*, between Lake Charles, LA, and Houston, TX. 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 1, Room 6358.

MC 156250, filed June 2, 1981. Applicant: FEDERAL TRANSPORT, INC., 301 Bulldog Drive, Chesapeake, VA 23320. Representative: Richard E. Doub (same address as applicant) (804) 547-5187. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with B. Green Company, Inc., of Baltimore, MD, Eberwine Brothers, Inc., of Portsmouth, VA, and Valley Poultry, of Norfolk, VA.

Volume No. OP1-171

Decided: June 9, 1981.

MC 28060 (Sub-65), filed June 3, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262-7855. Transporting *food and related products*, between points in SD, MN, ND, NE, KS, OK, MO, IA, WI, and IL.

MC 82841 (Sub-315), filed June 2, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *metal products*, between points in Oakland County, MI, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 95490 (Sub-55), filed June 1, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in Onodaga County, NY, on the one hand, and, on the other, Baltimore, MD, and the District of Columbia.

MC 119700 (Sub-79), filed June 1, 1981. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *metal products*, between points in Dallas, Harris, and Tarrant Counties, TX, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, and WI.

MC 127120 (Sub-3), filed June 1, 1981. Applicant: BOLLMAN CHARTER SERVICE, INC., R.D. #1, Route 1, Everett, PA 15537. Representative: William A. Gray 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800 Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Allegany and Washington Counties, MD, and Franklin, Fulton, Cambria, Blair and Huntingdon Counties, PA, and extending to points in the U.S. (including AK, but excluding HI).

MC 127820 (Sub-21), filed June 2, 1981. Applicant: TRANS-SERVICE INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *pulp, paper and related products*, between the facilities used by Stone Container Corporation, its divisions and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134821 (Sub-11), filed May 22, 1981. Applicant: DONALD L. DROSTE, d.b.a. DON DROSTE TRUCKING, 1004 West Carroll St., Portage, WI 53901 Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629.

Transporting *(1) metal products*, (2) *rubber and plastic products, clay, concrete, glass or stone products, machinery, and transportation equipment*, and (3) *fiberglas products*, between points in IL, IN, IA, KS, MI, MO, MN, NE, ND, SD and WI.

MC 135691 (Sub-65), filed June 2, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Dr. Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489-3585. Transporting *such commodities* as are dealt in or used by manufacturers of cellulose film, plastic film, and paper film, between the facilities of Printpack, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146021 (Sub-8), filed June 1, 1981. Applicant: RALPH OWENS TRUCKING CO., INC., P.O. Box 711, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in TX, NM, OK, LA, KS, MS, TN, AL, AR, and CO.

MC 146521 (Sub-3), filed June 1, 1981. Applicant: JOHN LILLEY d.b.a. LILLEY TRUCKING, Box 264, Princeton, IL 61356. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *metal products*, between points in AR, IL, IN, IA, KY, KS, MO, MI, NE, NJ, OH, PA, and WI.

MC 147101 (Sub-3), filed June 3, 1981. Applicant: LDF, INC., 30 Enterprise Ave., Secaucus, NJ 07094. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 148831 (Sub-5), filed June 1, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.R. #1, Box 57, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *clay, concrete, glass or stone products*, between points in Wyandot County, OH, on the one hand, and, on the other, points in the U.S.

MC 151571 (Sub-1), filed June 1, 1981. Applicant: STORES DELIVERY SERVICE, INC., d.b.a. SOUND DELIVERY SERVICE, 3601 South 263rd Street, Kent, WA 98031. Representative: David Ramey, 9302 10th Ave., South, Seattle, WA 98108, (206) 762-3564. Transporting (1) *Metal products, waste or scrap materials not identified by Industry Producing, and building materials*, between points in ID, WA, and OR, and (2) *ores and minerals, clay, concrete, glass or stone products, and chemicals and related products*, between Springdale, WA, on the one hand, and, on the other, points in OR.

MC 152251, filed June 1, 1981. Applicant: DKM, INC., P.O. Box 1083, Gunnison, CO 81230. Representative: William F. Schenkein, 718 17th St., Suite 1600 Denver, CO 80202, (303) 629-1800. (1) *Over regular routes:* Transporting *general commodities* (A) between Gunnison, CO, and the facilities of the Homestake Mining Company at or near Sargents, CO: from Gunnison over U.S. Hwy 50 to junction unnumbered Hwy, then over unnumbered Hwy to the facilities of the Homestake Mining Company, and return over the same route, and (B) between Gunnison and Lake City, CO: from Gunnison over U.S. Hwy 50 to junction CO Hwy 149, then over CO Hwy 149 to Lake City, and return over the same route, serving all intermediate points in routes I (A) and (B) above. (2) *Irregular routes:* Transporting *general commodities*, between points in Cheffee, Gunnison, Hinsdale, Lake, Mesa, Montrose and Saguache Counties, CO, on the one hand, and, on the other, points in CO. Condition: To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 152451 (Sub-3), filed June 1, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Route 309 West, Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *metal products*, between points in Richland County, OH, Starke County, IN, Baltimore, MD, and Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 154410 filed June 1, 1981. Applicant: BALDUC TRUCKING, INC., d.b.a. PAULSON TRUCKING CO., P.O. Box 1034, Station A, San Mateo, CA 94403. Representative: Thomas E. Kurtenback (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nabisco, Inc., of San Francisco, CA.

MC 155131 filed June 1, 1981. Applicant: CISZAR INTERSTATE TRANSPORTATION CO., INC., P.O. Box 446, Dolton, IL 60419. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726-9722. Transporting *rubber and plastic products*, between points in Cook County, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, MO, and WI.

MC 156311 filed June 4, 1981. Applicant: SOUTHWEST CONTINENTAL FREIGHT LINES, INC., P.O. Box 175, Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant), (616) 456-5351. Transporting *general commodities* (except classes A and B explosives), 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 1, Room 6358.

MC 156320, filed June 1, 1981. Applicant: J. D. McCOTTER, SR., P.O. Box 937, Washington, NC 27889. Representative: Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, NC 27601, (919) 832-5732. Transporting *boats*, between those points in the U.S. in and east of WI, IL, MO, OK and TX.

Vol. No OPY-2-101

Decided: June 8, 1981.

MC 9812 (Sub-22), filed June 1, 1981. Applicant: C. F. KOLB TRUCKING COMPANY, INC., R.R. 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204, 1-(317) 634-8313. Transporting *general commodities*, between points in the U.S. Conditions: (1) To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance; and (2) 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 2, Room 2379.

MC 115413 (Sub-9), filed May 29, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 1-22155-SH2, Box 245, Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives),

between points in Williams, Defiance, Paulding, Van Wert, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Wyandot, Seneca, Sandusky, Ottawa, Crawford, Huron, and Erie Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—Applicant intends to tack this grant of authority with its existing regular-route authority in MC-115413 extending between Toledo, OH, and Blissfield, MI.

MC 139023 (Sub-16), filed May 28, 1981. Applicant: 2-G TRANSPORTATION, INC., 12515 Pennsylvania Ave., Savage, MN 55378. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141443 (Sub-69), filed May 27, 1981. Applicant: JOHN LONG TRUCKING INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848-7946. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in TX.

MC 142603 (Sub-49), filed May 27, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant), (413) 732-6283.Transporting *such commodities* as are dealt in or used by manufacturers of games, toys, and swimming pools, between points in the U.S., under continuing contract(s) with Coleco Industries, of Amsterdam, NY.

MC 142672 (Sub-171), filed May 29, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *resin solutions and flammable liquid*, between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Condition: To the extent that this certificate authorizes transportation of flammable liquids it shall be limited in term expiring 5 years from its date of issuance.

MC 148143 (Sub-7), filed May 28, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862-7460. Transporting *food and related products*, between points in Los Angeles County, CA, Fulton County, GA, and Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 150393 (Sub-2), filed May 29, 1981. Applicant: AUGUSTA TRANSPORTATION, INC., P.O. Box 185, Augusta, GA 30903. Representative: Timothy S. Mirshak, 702 Georgia Railroad Bank Bldg., Augusta, GA 30902 (404) 722-1551.Transporting *general commodities* (except classes A and B explosives), between points in Abbeville, Aiken, Allendale, Bamberg, Barnwell, Edgefield, Greenwood, Hampton, Lexington, McCormick, Orangeburg, and Saluda Counties, SC, and Richmond County, GA.

MC 151283 (Sub-2), filed April 17, 1981. (Correction), previously published in the **Federal Register** issue of May 7, 1981, and republished this issue. Applicant: MOBY DICK, INC., 815 Max Ave., P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting *general commodities* (except classes A and B explosives), between the facilities of Dow Chemical U.S.A. and its customers and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.— This republication is to correct the territory description.

MC 151383 (Sub-6), filed May 27, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103, (918) 583-9000. *General commodities* (except classes A and B explosives) between points in the U.S. under continuing contract(s) with (a) Litwin Engineers and Constructors, Inc. of Houston, TX, (b) Freeman Pump & Supply co. of Garden City, KS, (c) supreme Mfg. Inc. of Garden City, KS, (d) Con-Rad Industries, Inc. of Sand Springs, OK (e) Tulsa Steel Mfg. Co., Inc. of Tulsa, OK, (f) Sapulpa Tank Company of Sapulpa, OK, and (g) Webco Tank Co., Inc. Of Sapulpa, OK.

MC 151743 (Sub-1), filed May 27, 1981. Applicant: A. H. MISSANT, INC., 1930 Marston, Detroit, MI 49211. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *general commodities* (except classes A and B explosives), between points in MI, OH, and IN.

Vol. No. OPY-3-095

Decided: June 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Williams not participating).

MC 67024 (Sub-29), filed June 2, 1981. Applicant: SERVICE COACH LINES, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Millen, GA and Augusta, GA, from Millen over U.S. Hwy 25 to Waynesboro, then over GA Hwy 56 to Augusta and return over the same route.

Note:—Applicant intends to tack and interline this authority with its existing authority.

MC 72914 (Sub-2), filed June 1, 1981. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Boulevard, Bethel Park, PA 15102 Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471-1800. Transporting *household goods*, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY and DC.

MC 120615 (Sub-2), filed June 2, 1981. Applicant: SOUTH SHORE MOTOR SERVICE, INC., 11510 S. Oakley, Chicago, IL 60643. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting *general commodities* (except classes A and B explosives), (a) between points in Cook, DuPage, Grundy, Kans, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, and (b) between points in Cook, DuPage, Grundy, Kane, Kankakee, kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in IL. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration No. MC-120615 at applicant's written request.

MC 127284 (Sub-5), filed June 3, 1981. Applicant: DOMINION-CONSOLIDATED TRUCK LINES LIMITED, 775 The Queensway, Toronto, Ontario, Canada M8Z 1N2. Representative: Owen B. Katzman, 1828 L St., N.W., Suite 1111, Washington, DC 20036 (202) 296-2929. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, MN, NJ, NY, OH, PA, and WI.

MC 134105 (Sub-102), filed June 3, 1981. Applicant: CELERYVALE TRANSPORT, INC. 3420 New Cummings Rd., Chattanooga, TN 37419. Representative: James E. Elgin (same

address as applicant), (615)756-4066. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace & Co., Construction Products Division, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135895 (Sub-129), filed May 29, 1981. Applicant: B & DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *furniture and fixtures*, (4) *pulp, paper, and related products*, (5) *printed matter*, (6) *chemical and related products*, (7) *rubber and plastic products*, (8) *clay, concrete, glass and stone products*, (9) *metal products*, (10) *building materials*, and (11) *containers*, between points in the U.S.

MC 139814 (Sub-4), filed June 1, 1981. Applicant: G. W. TRANSFER, INC., 3100 State Route 95, Mt. Gilead, OH 43338. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *Mercer commodities*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 140464 (Sub-12), filed June 4, 1981. Applicant: D-X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255-8220. Transporting *transportation equipment*, between points in Greene County, AR, Hart County, GA, Lucas County, OH and Dawson County, NE, on the one hand, and, on the other, points in the U.S.

MC 148355 (Sub-3), filed June 2, 1981. Applicant: A-1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *hazardous waste materials* (except nuclear waste and explosives) between the facilities of General Electric Co., Apparatus Service Division, at Schenectady, NY, on the one hand, and, on the other, points in the U.S.

MC 148394 (Sub-4), filed June 2, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Peerless Distributing Co., of Southfield, MI, Crystal Refining Company, of Carson City, MI, and Lakeside Refining Company, of Kalamazoo, MI.

MC 148674 (Sub-1), filed June 4, 1981. Applicant: RED DIAMOND LINES, INC., P.O. Box 553, Bedford, NY 10506. Representative: Deborah K. Schroedel, RFD #3 Loop Rd., Bedford, NY 10506, (203) 661-6638. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Fairfield County, CT, and extending to points in the U.S.

MC 150185 (Sub-5), filed June 2, 1981. Applicant: STAM-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122., Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transportating *metal products*, between points in the U.S., under continuing contract(s) with Atlas Alloys, of Cleveland, OH.

MC 150295, filed June 4, 1981. Applicant: K & M DIESEL SERVICE, INC., 10 East Maple Ave., Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Bridgeton Transfer Point, Inscon Cable, Manhattan Electric Corp., and Petro Cable Corp., all of Bridgeton, NJ.

MC 150334 (Sub-1), filed June 3, 1981. Applicant: ASA NOLTENSMEIER, Box 109A, Chandlerville, IL 62627. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *building materials;* and (2) *metal products*, between points in Sangamon County, IL, on the one hand, and, on the other points in WI.

MC 155115 (Sub-1), filed June 3, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622, (803) 225-2571. Transporting (1) *precious metals;* and (2) *machinery*, between points in the U.S., under continuing contract(s) with Owens-Corning Fiberglas Corporation, of Toledo, OH.

MC 156254 (Sub-2), filed June 1, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Simplex Products Division of Anthony Industrial Group, of Adrian, MI.

MC 156274, filed June 2, 1981. Applicant: IOWA MEAT DISTRIBUTING COMPANY, INC., P.O. Box 36, Hope Hull, AL 36043. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262-2756. Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in the U.S.

MC 156274 (Sub-1), filed June 3, 1981. Applicant: IOWA MEAT DISTRIBUTING CO., INC., P.O. Box 36, Hope Hull, AL 36053. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262-2756. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 156304, filed May 27, 1981. Applicant: WILLIAM HALL, 1116 Great Plain Avenue, Needham, MA 02192. Representative: Robert V. Cauchon, 100 Federal Street, Boston, MA 02110, (617) 338-2906. As a *broker*, at Needham, MA in arranging for the transportation of *passengers and their baggage*, is special or charter operations, between points in the U.S.

MC 156314, filed June 4, 1981. Applicant: AALCO MOVING & STORAGE, INC., d.b.a. WEST COAST MOVING SYSTEMS, 5747 Imperial Way, S.W., Port Orchard, WA 98366. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202)-785-0024. Transporting *household goods*, between points in WA, OR and MT, on the one hand, and on the other, points in WA, OR, MT, CA, UT, NV, AZ, ID and WY.

MC 156315, filed June 4, 1981. Applicant: WILLIAM G. SMAILES, County Road 6-19568, Coshocton, OH 43812. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, (614) 224-3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Columbus and Southern Ohio Electric Company, Columbus, OH.

MC 156324, filed May 27, 1981. Applicant: SOLJET-TOURS, INC., Suite 2003, 1500 Broadway, New York, NY 10036. Representative: Howard S. Boros, Suite 460, 1120 Connecticut Ave. NW, Washington, DC 20036, (200) 296-3766. As a *broker*, at New York, NY, of *passengers and their baggage*, between points in the U.S.

MC 153994, (Sub-1), filed April 13, 1981, previously published in the FR on April 28, 1981. Applicant: NORM

SCHILLING TRUCKING, INC., 18042 S Kedzie Ave., Hazelcrest, IL 60429. Representative: Philip A. Lee, 120 W Madison, St., Chicago, IL 60602, (312)-236-8225. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Permacrete Products Corp., of South Holland, IL.

Note.—This republication indicates that the applicant is a contract carrier.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-17828 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-80-149-C]

G & A Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

G & A Coal Company, Box 69—Keyrock Road, Pineville, WV 24874 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its #2 Deep Mine located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The coal seam varies from 42 to 50 inches in height, with uneven top and bottom conditions. Petitioner states that a lower coal height is anticipated in the near future.

2. Petitioner states that the use of cabs or canopies on the mine's shuttle cars would result in a diminution of safety to the miners affected because:

a. The canopies strike the roof, dislodging roof support and weakening the roof;

b. The seats must be removed to allow sufficient room for the operator, causing a painful and discomforting seating position;

c. The equipment operator's visibility is hampered by the canopies, causing the operators to lean out from the equipment and expose themselves to hazards;

d. When the equipment hits a bump, it bounces the operator's head against the top of the canopy, causing injury and discomfort to the operator.

3. For these reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 16, 1981. Copies of the petition are available for inspection at that address.

Dated: December 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17827 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-118-C]

Mary Lou Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mary Lou Coal Company, Route 1, Box 31, Hurley, Virginia 24620 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 1 mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety by a certified person.

2. Numerous roof falls have occurred along the return airways making travel of the entire airways extremely hazardous.

3. As an alternate method petitioner proposes to establish and maintain three air measuring stations at specified locations. Results of each examination will be recorded in a date book at each location.

4. Petitioner states that this alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 16, 1981. Copies of the petition are available for inspection at that address.

Dated June 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17831 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

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 26, 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 26, 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. 202210.

Signed at Washington, D.C. this 8th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Clinton Mills of Geneva (workers)	Geneva, AL	6/3/81	5/26/81	TA-W-12,736	Cotton cloth.
Columbian Chemicals Company (workers)	Trenton, NJ	6/2/81	5/27/81	TA-W-12,737	Iron oxide.
Ford Aerospace & Communications Corp. (workers)	Lansdale, PA	5/22/81	5/20/81	TA-W-12,738	Onboard computers, speed control device, stereo tape cassette radio, electronic voltage regulators, solid state ignition module, sensors.
General Tire & Rubber Co., Chemical Plastic/Industrial Products Group (workers).	Newcomerstown, Ohio	6/2/81	5/20/81	TA-W-12,739	Rigid plastics sheets.
J.C. Sportswear Company, Inc. (company)	New york, NY	5/29/81	5/26/81	TA-W-12,740	Jackets, skirts and pants.
Jeri Morton, Inc. (workers)	New York, NY	5/29/81	5/26/81	TA-W-12,741	Contractors of ladies' lingerie.
Jeri Morton (Shipping) (workers)	Beacon, NY	5/29/81	5/26/81	TA-W-12,742	Contractor of ladies' lingerie.
LGAM Manufacturing Company (ILGWU)	Woodsfield, Ohio	6/3/81	5/26/81	TA-W-12,743	Ladies' blouses.
Sanchez International, General Metal Fabricators (workers).	Gray, TN	5/15/81	5/10/81	TA-W-12,744	Auto parts.
T.M. Landis, Inc. (workers)	Mainland, PA	6/3/81	5/28/81	TA-W-12,745	Beef slaughtering.
(The) Toro Company, Shakopee Die Cast Plant (workers).	Shakopee, MN	6/4/81	5/26/81	TA-W-12,746	Die cast aluminum lawn mower decks, gear cases and other small parts.
Wean United, Inc. (USWA)	Canton, Ohio	6/3/81	5/30/81	TA-W-12,747	Iron rolls.
Zevon Textile-Service Co., Inc (workers)	New York, NY	6/3/81	6/1/81	TA-W-12,748	Textile refolding.
Ford Motor Co.-Virginia Parts Distribution center (workers).	Richmond, VA	5/28/81	5/6/81	TA-W-12,749	Parts depot.

[FR Doc. 81-17828 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Exemption Application No. D-1777]

Proposed Exemption for Certain Transactions Involving the Mead Retirement Master Trust Located in Dayton, Ohio; Hearing

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: This document contains a notice of public hearing with respect to an application filed on behalf of the Mead Retirement Master Trust (the Plan). The application is for an exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The public hearing will allow persons who would be affected by the proposed exemption to present oral comments to the Department of Labor (the Department).

DATES: The hearing will be held Friday, July 10, 1981 at 10 a.m. Persons who wish to present oral comments at the hearing shall submit a statement to that effect, which must be received by the Department on or before Thursday, July 2, 1981.

ADDRESSES: The hearing will be held in Room N-5437 C and D of the Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C.

Statements and any written comments on the proposed exemption should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Hearing for Application No. D-1777. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held before the Department with respect to a proposed exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

The proposed exemption, if granted, would permit: (1) The contribution by the Mead Corporation (Mead), the sponsoring employer, of several parcels of improved real estate subject to an existing ground lease to the Plan; (2) the holding by the Plan of such real estate; (3) the guaranteed payment of rent by Mead to cure an act of default for a limited period of time; (4) the guaranteed repurchase of the real estate by Mead in the event of a default on the ground lease or inability of the Plan to rent or sell the property upon the expiration of the ground lease; and (5) the exercise of certain contingent voting rights by Mead during the existence of the ground lease.

A Notice of Pendency of the proposed exemption was published in the **Federal Register** on Friday, February 20, 1981 (46 FR 13425). By means of the Notice of Pendency, interested persons were invited to submit written comments and requests for a public hearing with respect to the proposed exemption. Two comments and one request for a public hearing have been received by the Department.

Based on the request, the Department has determined that a public hearing regarding the proposed exemption will be held on Friday, July 10, 1981 beginning at 10 a.m. in Room N-5437 C and D of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Any person who desires to present oral comments at the hearing, and who wishes to be assured of being heard, shall submit a statement to that effect, indicating the amount of time he wishes

to devote to his oral comments. Such statement and any written comments that such person wishes to be considered in conjunction with his presentation should be submitted to the address specified in "Address" above, within the time period set forth in "Dates" above.

An agenda will be prepared by the Department, containing the order of presentation of oral comments. Copies of the agenda will be available at the hearing. Information concerning contents of the agenda may be obtained on or after Monday, July 6, 1981 by telephoning the person whose name and number are shown above.

Ordinarily, ten minutes will be allowed each person for making an oral presentation. In addition, persons presenting such oral comments should be prepared to answer questions relating to the proposed exemption. At the conclusion of presentation of comments by persons listed on the agenda, other comments will be received to the extent time permits. The public hearing will be transcribed.

Signed at Washington, D.C., this 12th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services, Department of Labor.

[FR Doc. 81-17964 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday and Tuesday, June 29 and 30, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

Monday, June 29, 1981

Plenary

9:00 a.m.-9:30 a.m.—Announcements
9:30 a.m.-11:00 a.m.—Federal Oceans Program, Martin Belsky, Executive Secretary, Committee on Atmosphere and Oceans, Assistant Administrator, Policy & Planning, National Oceanic and Atmospheric Administration (NOAA)
11:00 a.m.-12:00 noon—Guest Speaker: Gerald J. Kovach, General Counsel, Senate Commerce, Science, and Transportation Committee
12:00 noon-1:00 p.m.—Lunch
1:00 p.m.-2:30 p.m.—Proposals for new NACOA activity
1:00 p.m.-1:30 p.m.—Provision of Weather Services: Warren Washington
1:30 p.m.-2:00 p.m.—Regulatory Activity: Peter Emerson
2:00 p.m.-2:30 p.m.—Environmental Research: John Knauss

Panel Meetings

2:30 p.m.-5:00 p.m.—Oil Spill Liability and Compensation, Room B-100; Atmospheric Science Research Facilities: Louis Battan
5:00 p.m.—Adjourn

Tuesday, June 30, 1981

Panel Meeting

8:30 a.m.-10:00 a.m.—Hydrology: Paul Bock

Plenary

10:00 a.m.-11:30 a.m.—NAVSTAR Global Positioning System. Speakers: Lt. Col. John H. Martel, USAF, Office of the Under Secretary of Defense; Capt. John C. Fueschel, USCG (Ret.), National Ocean Industries Assoc.
11:30 a.m.-12:00 noon—Topex
12:00 noon-1:00 p.m.—Lunch
1:00 p.m.-3:30 p.m.—Plenary: Panel Reports, Other Business
3:30 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW., (Room 438, Page Building #1), Washington, D.C. 20235. The telephone number is (202) 653-7818.

Dated June 11, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-17777 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on June 30, 1981 at the Regent of Albuquerque, 201 Marquette Street, N.W., Albuquerque, NM to discuss the feasibility of the use of a filtered-vented containment systems in nuclear plants. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The meeting will be open except for those sessions which will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4) and Commission regulations 10 CFR 7.9, 9.104(a)(4) and 2.790(d)(2). For the reason just stated, such a discussion would not be possible if held in public session. To the extent practicable, these closed sessions will be held so as to minimize inconvience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday, June 30, 1981, 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be

considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to ensure the security of information identified and supplied by a foreign government in confidence. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4) and Commission regulations 10 CFR 7.9, 9.104(a)(4) and 2.790(d)(2).

Dated: June 11, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17814 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Structural Engineering; Meeting

The ACRS Subcommittee on Structural Engineering will hold a meeting on July 1, 1981 at the Regent of Albuquerque, 201 Marquette Street, N.W., Albuquerque, NM to discuss the containment research being conducted by Los Alamos Scientific Laboratory and Sandia Laboratories.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, July 1, 1981 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17815 Filed 6-15-81; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-6 for the Big Rock Point Nuclear Plant to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Nuclear Plant, located in Charlevoix County, Michigan. The amendment is effective as of the date of issuance.

The amendment authorizes a change in the reactor operating limits based on a new Loss-of-Coolant-Accident (LOCA) analysis.

The application for 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 the amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any signifcant 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 conncetion with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1980, (2) Amendment No. 44 to Facility Operating License No. DPR-6 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 Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. 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 9th day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-17816 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 OL & 50-370 OL]

Duke Power Co. (William B. McGuire Nuclear Station, Units 1 & 2); Reconstitution 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 reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members: Alan S. Rosenthal, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: June 9, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-17817 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 SP & 50-251 SP]

Florida Power & Light Co. (Turkey Point Nuclear Generating Units Nos. 3 & 4); 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

steam generator repairs proceeding: Alan S. Rosenthal, Chairman, Dr. John H. Buck, Thomas S. Moore.

Dated: June 9, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-17818 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

This amendment modifies Appendix B of the Technical Specifications to delete Section 2.1.5/3.1.5 regarding the limit for rate of temperature change at the mixing zone boundary. Other miscellaneous administrative changes that were inadvertently omitted from License Amendment 68 are also included.

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 is a ministerial action and an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1981, (2) Amendment No. 71 to License No. DPR-46, and (3) the Commission's letter to the licensee dated June 9, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 67305. 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 9th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief Operating Reactors Branch No. 2 Division of Licensing.

[FR D. 81-17819 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant (the facility) located in Wayne County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the provisions of the Technical Specifications to provide for redundancy in decay heat removal capability in all modes of operation.

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 notarized November 12, 1980 (transmitted by letter dated November 17, 1980), and (2) Amendment No. 43 to License No. DPR-18, including the Commission's letter of transmittal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief Operating Reactors Branch #5 Division of Licensing.

[FR Doc.81-17820 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 50-446]

Texas Utilities Generating Co., et al.; Application for Operating License Order for Prehearing Conference

In the Matter of Texas Utilities Generating Company, *ET AL* (comanche Peak Steam Electric Station, Units 1 and 2).

Before Administrative Judges: Valentine B. Deale, Chairman Dr. Richard F. Cole Dr. Forrest J. Remick.

Notice is hereby given that, in keeping with the Licensing Board Chairman's conference call to the parties on June 2, 1981 and the Board Memorandum (Prehearing Conference Agenda) served June 8, 1981, and in accordance with the Commission's Rules of Practice, 10 CFR Part 2, a Prehearing Conference will be held at the National Labor Relations Board Hearing Room 8A-24, Federal Building, 819 Taylor Street, Fort Worth, Texas 76012 on Wednesday and Thursday, July 8 and 9, 1981 commencing at 9:30 a.m. local time.

The conference will deal principally with matters of discovery and scheduling as outlined in the Board Memorandum to the parties on June 8, 1981.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of June, 1981.

For the Atomic Safety and Licensing Board.

Valentine B. Deale,

Chairman, Administrative Judge.

BILLING CODE 4510-43-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22082; 31-705]

Deltona Corp.; Application for Authorization To Acquire Gas Utility Company and for Order or Exemption

In the Matter of the Deltona Corporation, Deltona Utilities, Inc., United Florida Utilities Corporation, the

Mackle Company, Inc., 3250 S.W. Third Avenue, Miami, Florida 33129.

Notice is hereby given That the Deltona Corporation ("Deltona"), a Delaware corporation, Deltona Utilities, Inc. ("Utility I") and United Florida Utilities Corporation ("Utility II"), both of which are Florida corporations and are wholly-owned subsidiaries of Deltona, and The Mackle Company, Inc. ("Mackle"), a corporation owning approximately 12.55% of the outstanding common stock of Deltona, have filed with this Commission an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") requesting (1) authorization under Sections 9(a)(2) and 10 for Deltona to acquire the common stock of Utility II and (2) an order under Section 2(a)(4) declaring Utility I and Utility II not to be "gas utility companies" under the Act, or, in the alternative, an order under Section 3(a)(3) exempting Deltona and Mackle on the ground that Deltona and Mackle are only incidentally holding companies, being primarily engaged in one or more businesses other than the business of a public utility company. All interested persons are referred to the amended application, which is summarized below, for a description of Deltona's acquisition of Utility II and a description of applicants and a statement of the bases upon which the exemptions are sought.

Deltona is engaged, directly and through subsidiaries, in real estate development in Florida, and in the lumber, airline and broadcasting businesses. At December 31, 1980, Deltona reported consolidated assets of $356,678,000 and for the year then ended, consolidated revenues of $207,321,000 and net income of $4,604,000. Deltona is now developing nine Florida communities, and holds land for future development in 12 other Florida locations. Deltona has had a practice of providing water, sewage, sewage and LP gas services to its communities since opening its first comunity in 1962. Deltona involvement extended to the design, installation and operation of the utility systems. Prior to January 1979, all utility operations were conducted as divisions of Deltona.

Deltona's revenues from the gas revenues of Utility I and Utility II were 1.17% and 0.02%, respectively, of Deltona's consolidated revenues for the year ended December 31, 1980. For the year 1980 net income from gas operations of Utility I and Utility II were $55,913 and $6,474, or 1.21% and 0.14%, respectively, of Deltona's consolidated net income.

In January 1979 the assets for the furnishing of water, sewage and LP gas services to three communities were transferred, at cost, from Deltona to Utility I.[1] On January 10, 1980, Deltona incorporated Utility II and subsequently transfetted to it, at cost, the assets for the furnishing of water, sewage and LP gas services to five other communities.[2] At December 31, 1980, Utility I had about 6,500 LP gas customers and Utility II had about 1,300 such customers.

Utility I and Utility II furnish LP gas service through three methods. First, from storage tanks, owned by the utilities, which distribute through underground gas mains, also owned by the utilities. Second, Utility I and Utility II operate the facilities for distribution by tanks, owned by the supplier or the utility and located on utility or privately owned property, trough underground service lines serving one to four homes. Third, LP gas is sold in 100 pound portable cylinders. The sales in exclosed portable containers do not constitute the distribution of gas at retail under section 2(a) (4) and are an insignificant portion of applicants' sales of LP gas.

The operatiing revenues of Utility I, by category and as a percentage of total revenues, for the year ended December 31, 1980 were as follows:

	Revenues	Percentage of total
Water	$2,703,180	39.4
Sewer	1,690,029	24.6
Gas	2,418,023	35.2
Other	51,756	.8
Total	6,862,988	100.0

The operating revenues of Utility II, by category and as a percentage of total revenues, for the year ended December 31, 1980, were as follows:

	Revenues	Percentage of total
Water	$324,676	32.3
Sewer	252,841	25.1
Gas	411,434	40.9
Other	16,747	1.7
Total	1,005,698	100.0

The LP gas operations of Utility I and Utility II do not constitute a utility service under Florida law.[3] The companies do not hold franchises for funishing LP gas service, do not have eminent domain authority, and their rates are not subject to state regulation.

Applicants request an order declaring Utility I and Utility II not to be "gas utility companies" under Section 2(a)(4). Section 2(a)(4) provides, in part, that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Applicants also request an exemptive order under Section 3(a)(3) for Deltona and Mackle on the ground that Deltona and Mackle are only incidentally holding companies, being primarily engaged in non-utility businesses.

The fees and expenses to be incurred in connection with Deltona's acquisition of Utility II will be supplied by amendment. No state or federal Commission, other than this Commission, has jurisdiction with respect to said acquisition.

Notice is further given that any interested person may, not later than July 6, 1981, request in writing that a hearing be held on such matter; stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request

[1] The communities served by Utility I, Deltona (between Orlando and Daytona Deach), Marco island (on the Gulf coast of southwest Florida) and Spring Hill (45 miles north of Tampa), are not contiguous.

[2] The communities served by Utility II, Sunny Hills (in the Florida panhandle), Citrus Springs (28 miles southeast of Ocala), Pine Ridge (south of Citrus Springs), Marion Oaks (18 miles south of Ocala) and St. Augustine) are for the most part non-contiguous.

[3] Florida Stat. section 366.02(1) (Supp. 1980).

should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17800 Filed 6-15-81; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 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).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Reserve System	2
National Railroad Passenger Corporation	3
National Transportation Safety Board	4
Overseas Private Investment Corporation	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, June 16, 1981.

PLACE: Commission Conference Room, No. 5240, fifth floor, 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:

1. Freedom of Information act Appeal No. 81-3-FOIA-21-NYDO, concerning a request for materials in two closed ADEA and EPA charge files.
2. Freedom of Information Act Appeal No. 81-2-FOIA-3, concerning a request for access to an open Title VII complaint file.
3. A Report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued June 10, 1981.

[S-982-81 Filed 6-12-81; 3:14 pm]

BILLING CODE 6750-06-M

2

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, June 19, 1981

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items include continuation of funding of the Retirement Plan.

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: June 11, 1981

James McAfee,

Assistant Secretary of the Board.

[S-929-81 Filed 6-11-81; 4:19 pm]

BILLING CODE 6210-01-M

3

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on June 24, 1981.

A. The meeting will be held on Wednesday, June 24, 1981, in the Caucus Room, Lobby Level, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda

(9:30) *Closed Session*
1. Internal Personnel Matters
2. Litigation Matters

(10:30) *Open Session*
3. Approved of Minutes of Regular Meeting of May 27, 1981
4. Resolution Increasing Non-guaranteed Borrowing Authority
5. Resolution Establishing Policy for Retirement of (Non-rolling Stock) Fixed Assets
6. Resolution Authorizing Corporate Officers to Execute Agreements for Development of 30th Street Station—Philadelphia
7. Board Committee Reports
   Finance
   Legal Affairs
   Northeast Corridor Improvement Project
   Organization & Compensation
8. President's Report
9. New Business
10. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

Sandra Spence,

Corporate Secretary.

June 12, 1981

[S-931-81 Filed 6-12-81; 2:05 am]

BILLING CODE ????-??-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, June 23, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Disappearance of U.S. Freighter *SS Poet* in the North Atlantic Ocean about October 25, 1980, and *Recommendations* to the Federal Communications Commission; the U.S. Coast Guard; the U.S. Maritime Administration; the American Bureau of Shipping; the Hawaiian Eugenia Corp., and International Ship Management and Agency Services; the Radio Officers Union; the National Aeronautics and Space Administration; and the National Cargo Bureau, Inc.
2. *Marine Accident Report:* U.S. Tug *Sentinel*, Loss of Tow and Resultant Grounding of Barges *Kona* and *Agattu*, Gulf of Farralones, Pacific Ocean, December 31, 1979, and *Recommendations* to the National Oceanic and Atmospheric Administration and to the National Weather Service.
3. *Letter* to Air Line Pilot's Association regarding Petition of Reconsideration of Probable Cause in Aircraft Accident, PSA

Boeing 727 and Cessna 172G, N771G, San Diego, California, September 25, 1978.

4. *Recommendation* to the Federal Aviation Administration regarding takeoff and landing minimums and associated visibility observations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

June 12, 1981.

[S-933-81 Filed 6-12-81; 3:30 pm]

BILLING CODE 4910-58-M

5

OVERSEAS PRIVATE INVESTMENT CORPORATION:

Meeting of the Board of Directors

TIME AND DATE: Meeting of the OPIC Board or Directors: Tuesday June 23, 1981 at 9 a.m. (closed portion); 11 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room; 1129 20th Street, N.W., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED: Closed to the Public: 9 a.m. to 11 a.m.:

1. 1981 Legislative Renewal.
2. Insurance Project in Central American Country.
3. Insurance Project in African Country.
4. Insurance Project in Middle East Country.
5. Insurance Project in Caribbean Country.
6. Finance Project in Caribbean Country.
7. Claims Report.
8. Information Report; Insurance Project in Caribbean Country.
9. Information Reports.

FURTHER MATTERS TO BE CONSIDERED: Open to the public: 11 a.m.

1. Approval of the Minutes of the Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Personnel Actions.
4. Determination of Countries Qualifying as Developing Countries for OPIC Programs.
5. Application of Country Eligibility Guidelines for Newly-Designated High-Income Developing Countries.
6. Board Delegation of Authority to Management for Insurance and Finance Projects.
7. Financial Statements.
8. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653-2949.

June 12, 1981.

Elizabeth A. Burton,

Corporate Secretary.

[S-930-81 Filed 6-12-81; 10:30 am]

BILLING CODE 3210-01-M

federal register

Tuesday
June 16, 1981

Part II

International Development Cooperation Agency

Agency for International Development

AID Procurement Regulations; Reinstatement of Appendices

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7-1

[AIDPR Notice 81-6]

Reinstatement of the Appendices in the AID Procurement Regulations

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: This AIDPR Notice amends the AID Procurement Regulations (AIDPR) to reinstate the AIDPR Appendices. The Appendices improve the quality and utility of the AIDPR by providing:

(1) Supplemental, background, and explanatory information that contributes by illustration or amplification to the understanding of AID Procurement Regulations;

(2) Forms which illustrate or must be used with certain aspects of regulatory text;

(3) Agency procedures that supplement the AIDPR text.

The Appendices do not amend or affect existing portions of CFR text, nor do they introduce any new requirements or restrictions into the AIDPR.

The Appendices bear self-explanatory subject titles, conform to a uniform system of designation for appendices throughout the AIDPR, and indicate or will indicate, when applicable, the specific regulatory provision to which the appendix is related.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. V. Henry Walker, CM/SD/POL, Agency for International Development, Washington, D.C. 20523, (703) 235-9107.

SUPPLEMENTARY INFORMATION: The AIDPR Appendices were originally published within AID as manual orders, policy determinations, or similar issuances. They were incorporated into the CFR in 39 FR 36965 on October 16, 1974, and additional Appendices were added in 41 FR 21640 on May 27, 1976. They were removed from the CFR on June 8, 1978, 43 FR 24839, for distribution under the new AID Handbook system.

However, publication in the AID Handbook system proved inadequate as a means of communicating, to AID contractors and the general public, the policies and procedures in practice with respect to the AIDPR's.

Publishing the Appendices in the looseleaf, essentially internal Handbook system, as a separate issuance from the AIDPR, also proved as a practical matter to be less than efficient for the purposes of AID procurement personnel, especially those serving overseas in AID missions.

Accordingly, this notice is issued to rejoin the AIDPR and AIDPR appendices in a single CFR publication, to be amended by **Federal Register** notices from time to time, with characteristically broad CFR availability for AID personnel, AID contractors, and the general public.

41 CFR Chapter 7 is amended as follows:

1. Add "Appendices" following the last entry in the table of Parts of the AIDPR.

PART 7-1—GENERAL

2. § 7-1.105-5 is revised as follows:

§ 7-1.105-5 Appendices.

Procurement policies and instructions which are essentially informational or procedural may be issued as Appendices to the AIDPR. Appendices are filed behind the main text of the AIDPR in a section entitled "Appendices." The Appendices section contains a table of contents and individual Appendices. The Appendices are identified by letter and subject title (e.g., Appendix A, [title]).

3. Add a new Appendices Table of Contents following the main AIDPR text (Part 7-60) and Appendices A-L to read as follows:

Appendices

Appendix A—Respective Role of Contracting and Other Personnel in the AID Procurement Process
Appendix B—AID Contract Formats
Appendix C—Contractor Performance Evaluation Report
Appendix D—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations
Appendix E—Logistic Support Overseas to AID-Direct Contractors
Appendix F—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad
Appendix G—Contract Closeout Procedures
Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance
Appendix I—Approval and Reporting Procedures for Contractor Proposed Salaries Including Those That Exceed The Statutory Limitation On Basic Pay of An FSR-1
Appendix J—Resolution of Costs Questioned in Audit Reports
Appendix K—AID's Academic Publication Policy
Appendix L—Review and Certification of Procurement Regulations

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

1. Basic Policy

Only a contracting officer, designated to enter into contracts and make the determinations and findings related thereto (or an authorized representative of the contracting officer acting within the limits of his authority), may bind the United States Government to a contract, or direct or authorize a contractor to proceed with work (see FPR § 1-1.207, § 1-3.801).

2. Planning, Competition, Negotiation, and Award

(a) Preaward technical discussions with potential contractors should be conducted in such a manner as to preclude the assumption by any potential contractor that a commitment has been made to him. AID employees are responsible for insuring that no unfair competitive advantage is afforded one contractor over any other contractor in competing for Agency contracts. In this connection, discussions with prospective contractors prior to the final selection of the contractor and commencement of negotiations by the contracting officer must be conducted with the greatest discretion. Under no circumstances should the specific amount of funds which the Agency has available to support a contract be made known to a prospective contractor. No AID employee is authorized to dilute the Agency's negotiation position prior to or during an "arm's length" negotiation conducted between AID and the contractors with whom it does business. The requirement for preservation of the Agency's negotiation position must be scrupulously observed whether the procurement is to be negotiated with a single, non-competitive source or whether it is to be negotiated on the basis of multiple competitive proposals. It is advisable to involve the contracting officer in the project planning cycle as early as possible, and to insure that he or his representative is either present at any meeting with prospective contractors, or is consulted prior to such a meeting.

(b) Contracting personnel act upon requirements which are formulated by the planning, technical, and research offices of the Agency. Contracting officers obtain the information they need on technical requirements by questions and discussions with the planning, technical, and research offices of the Agency. If a contract is to be tenable, the end result which is desired must be described with completeness and exactitude. The scope of the work must be explicitly stated; otherwise the contracting officer cannot assure terms in a contract by which the desired action can be enforced. If the requiring office cannot provide a point of departure in these terms and deliver to the contracting officer a clear-cut description of the purpose and outline the limits of the scope, results may be disappointing and the possibility of deferring the project until these elements can be given more concrete dimensions should be considered. Finally, the requiring office should insure that the scope of work and funding information are

delivered to the contracting officer with sufficient lead time to allow for proper preparation and planning of the procurement.

(c) One of the paramount duties of the contracting officer is to secure competition to the maximum practical extent for any planned procurement.The procedures for formally advertised, or for publicized negotiated, or for limited source procurements differ; the contracting officer must determine the proper method of procurement and contract type, and must determine the extent of competition required. The technical office has a continuing responsibility to assist the contracting officer in this effort to obtain competition and negotiate a contract. Basically, this commences with adequate drafting of the statements of work and specifications. The technical office can frequently assist by identifying additional technically competent sources for the solicitation of proposals.

3. Contract Administration

Meetings to discuss contract matters with contractors should be preceded by sufficient advance notification to all parties, including the contracting officer, to permit advance arrangements for the attendance at such meetings. Technical personnel shall not hold discussions of contract problems with contractors or technical problems with contractual implications without arranging for attendance by contracting personnel. Once a meeting with a contractor has been agreed upon and the issues have been made known to all involved parties, an internal AID meeting should take place between technical and contracting personnel, with the Country Desk representative and such other personnel in attendance as may be necessary, to establish an AID position or line of inquiry to be followed in the meeting with the contractor. If differences of opinion arise among AID personnel in the meeting with the contractor, such differences should never be discussed in the meeting with the contractor. AID personnel shall adjourn to resolve privately any such differences of opinion, and resume discussions with the contractor only when the AID position is consolidated. The AID individual designated to chair meetings with a contractor should be selected prior to the meeting with the contractor. Depending upon the issues to be discussed, whether primarily technical or primarily contractual, the chairman should be designated from either the technical office or the contracting office.

Appendix B—AID Contract Formats

1. FPR and AIDPR Required Contract Clauses

FPR 1-7 and 1-16, and AIDPR 7-7 and 7-16 establish prescribed general provision clauses and contract cover pages for AID contracts.

2. General Provisions

(a) For administrative convenience, AID issues preprinted general provisions and additional general provisions, as shown in the list below:

AID Form No. and Title

1420-27H General Provisions—Contract for Participant Training
1420-41C General Provisions—Cost Reimbursement Type Contract
1420-41D Additional General Provisions—Cost Reimbursement Type Contract
1420-42C General Provisions—Fixed Price Technical Services Contract
1420-42D Additional General Provisions—Fixed Price Technical Services Contract
1420-23C General Provisions—Cost Reimbursement Contract with an Educational Institution
1420-23D Additional General Provisions—Cost Reimbursement Contract with an Educational Institution

(b) The preprinted general provisions and additional general provisions listed in paragraph 2(a), above, are preprinted as a convenience, to save typing and assembly time. Each AID contract negotiator and contracting officer is responsible for insuring that the contract contains the clauses required by the relevant sections of AIDPR 7-7 and FPR 1-7; the clauses set forth in AIDPR 7-7 and FPR 1-7 take precedence over equivalent clauses in the preprinted formats.

(c) The preprinted formats are updated as of October 1 of each year to bring them into conformance with the required clauses established in AIDPR Part 7-7 and FPR 1-7. Between such revisions, AID contract specialists are responsible for ensuring that the required clauses established in FPR 1-7 and AIDPR Part 7-7 are utilized.

3. Contract Schedules

Contract Schedule outlines have been prepared for optional use in developing the final contract schedule. The following outlines are available:

AID Form No. and Title

1420-41B Schedule—Cost Reimbursement Type Contract
1420-42B Schedule—Fixed Price Technical Services Contract
1420-23B Schedule—Cost Reimbursement Contract with an Educational Institution

4. Contract Cover Pages

Required cover pages are prescribed in FPR 1-16 and AIDPR 7-16.

5. Availability of Formats

The contract formats referenced herein are stocked by the AID Distribution Branch and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through AID Distribution; AID/W contracting offices, through the Support Division, Office of Contract Management.

Appendix C—Contractor Performance Evaluation Report

1. Purpose

(a) The Contractor Performance Evaluation Report (U-1423/1) is used to (1) provide a record of each contractor's performance for future evaluation purposes, (2) advise the contracting officer of the contractor's performance and provide the contracting officer with a basis for taking action, in consultation with the project manager, to avert or correct problems arising under the contract, (3) provide contracting officers and project managers with a means of evaluating contractors under consideration for other AID contracts, and (4) establish and update the Agency's central contractor evaluation file.

(b) The central file, located in the Small Business Division (SDB/SB) of the Office of Small and Disadvantaged Business Utilization, AID/W, constitutes the only official record of the contractor performance evaluation reports available to AID/W or Mission contracting officers and project managers for their use in evaluating contractors under consideration for other AID contracts. Before signing any new contract the AID/W or Mission contracting officer shall contact SDB/SB for information on the evaluation of past performance of the prospective contractor.

2. Applicability of the Evaluation Report (U-1423/1) [1]

The U-1423/1 Report (form AID 1420-43) applies to all AID-direct contracts and task orders, regardless of duration, except the following:

(a) Contracts for normal administrative services by Mission contracting offices and the Office of Management Operations (SER/MO). Examples of administrative services are those provided by interpreters, janitorial or maintenance workers, etc.

(b) Contracts for Interpreter/Escort Services.

(c) Task Orders issued under Agreements with educational institutions when the price paid for training is published in a catalog.

3. Reporting Periods

(a) The initial report covers the first 6-month period of contractor performance from the date the contract is signed. The U-1423/1 Report is due within 30 days after the end of that period.

(b) Thereafter, annual reports are prepared as part of the regularly scheduled project evaluation process and are submitted at the same time as the Project Appraisal Report (PAR) or equivalent.

(c) A final report is due within 30 days after the completion date of the contract. This report provides a summary evaluation of the whole period of contractor performance.

(d) If any contract is for a period of 6 months or less, the U-1423/1 Report is prepared and submitted within 30 days following the completion date of the contract.

4. Preparation and Distribution

(a) The project manager prepares the U-1423/1 Report.

(b) The initial report reflects the project manager's judgment based on observation and contractor progress reports. The final report is a synthesis of preceding evaluations and an overview of total performance.

(c) After completing the U-1423/1 Report, the project manager retains a copy in the official project file, forwards one copy to AID/W project support officer assigned to the project, and forwards the remaining two copies as follows:

(1) If the contract was executed by AID/W, both copies are sent to the Office of Contract Management, Support Division, Support

[1] Filed as part of the original document.

Services Branch (CM/SD/SUP). The Support Services Branch records the date of receipt and forwards both copies to the cognizant contracting officer; or

(2) If the contract was executed by a Mission, both copies are sent directly to the cognizant contracting officer.

5. Contracting Officer Review and Approval

(a) The AID/W or Mission contracting officer signs both copies of Satisfactory or Outstanding Reports sent to him, forwards one copy to AID/W, SDB/SB, through CM/SD/FSR, and retains one for the contract file. By signing the report the contracting officer acknowledges receipt, review, and approval of the report.

(b) In the case of an Unsatisfactory Report, the contracting officer shall furnish the Contractor a copy of same and request his comments prior to reviewing and approving the report. Distribution of the approved report and the Contractor's comments shall be the same as in 5(a) above.

6. Central File Maintenance

SDB/SB is responsible for maintaining the Agency's official central file of Contractor Performance Evaluation Reports (U-1423/1).

Appendix D—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations

1. General

This appendix establishes a procedure for providing new cost-reimbursement contractors with applicable Government travel and allowance regulations, and for notifying existing contractors, whose contracts require that they be so notified, of changes in such regulations.

2. Background

(a) AID cost-reimbursement type contracts generally provide (see paragraph 3) for the application of direct-hire AID personnel travel and allowance regulations to similarly situated contractor personnel. The procedures for notifying contractors of changes in such regulations are set out in paragraph 5 of this appendix.

(b) For the purpose of this appendix, the term "Chief of Party" refers to either the head of a field party or such other representative of the contractor in the field designated to communicate on contract matters with the AID Mission.

3. General Provisions for Cost-Reimbursement Contracts

(a) Educational institution contracts. The text of the clause is set forth in § 7-7.5502-12, "Notice of changes in regulations".

(b) Other than educational institution contracts. The text of the clause is set forth in § 7-7.5002-14, "Notice of changes in regulations".

4. Notice to Contractor Field Personnel

Notice of changes in Government travel and allowance regulations is sent to the contractor at his/her address shown on the cover sheet of the contract. Notice to the contractor's Chief of Party is supplied by:

(a) The contractor, in accordance with his/her normal field communication procedures; or,

(b) The Mission Executive Officer, by use of his/her normal internal Mission information procedures. (See paragraph 5(d)(2) below).

5. Duties and Responsibilities

(a) *Contracting Officer.*—(1) Upon signing each contract, forwards the contract together with three completed copies of form AID 1420-2*, AID Cost-Reimbursement Contract Allowances—Applicability of Standardized Regulations, to the Office of Contract Management, Support Division (Attention: SER/CM/SD/SUP, Statistical Section), indicating on the form whether the contractor needs to be supplied with Government travel and allowance regulations.

(2) If the Government travel and allowance regulations do apply, forwards copy No. 4 of Form AID 1420-2 to the appropriate Mission Executive Officer.

(3) Retains copy No. 5 of form AID 1420-2 for his/her record.

(b) *Statistical Section, SER/CM/SD/SUP.*—(1) Maintains a current file on all cost-reimbursement contractors to which the Government travel and allowance regulations apply, and annually supplies a revised list of such contractors to the Office of Management Operations, Distribution Branch (SER/MO/PAV).

(2) Notifies SER/MO/PAV of all changes to the list using form AID 1420-2.

(c) *Distribution Branch, SER/MO/PAV.*—(1) Prepares for mailing to each contractor, upon addition of its name to the SER/CM/SD/SUP distribution list, a complete set of the Government travel and allowance regulations.

(2) Following any change in the Government travel or allowance regulations, mails to each contractor on the current SER/CM/SD/SUP distribution list all revisions to such regulations.

(3) Keeps the distribution list, J-27, updated as instructed by SER/CM/SD/SUP.

(d) *Mission Executive Officer.*—(1) Maintains a current file of all contracts affected by changes in the Government travel or allowance regulations. (See paragraph 5(a) above.)

(2) Promptly notifies each appropriate contractor's Chief of Party in writing of all relevant changes in the Government travel or allowance regulations and their effective date.

Appendix E—Logistic Support Overseas to AID—Direct Contractors

1. General

(a) *Purpose.*—In furtherance of AID's objectives to (1) increase the utilization of contractors in accordance with Section 621 of the Foreign Assistance Act of 1961, as amended, (FAA), (2) reduce the administration burden on the AID establishment in cooperating countries, and (3) ensure, in accordance with Section 636(h) of the FAA, that to the maximum extent possible local costs are met from cooperating country funds or United States (U.S.) Government-owned local currency rather than from U.S. dollars, the following policies govern the financing and provision in kind of logistic support overseas to AID-direct contractors.

(b) *Scope.*—"Logistic support overseas" means the financing of or furnishing to a contractor, its employees, and their dependents (in accordance with the provisions of the contract) items such as transportation of personnel, personal goods and commodities; quarters, furnishings, equipment, utilities, and supplies for residence and office; and maintenance and other supporting services, including medical facilities.

2. Policy

(a) *Financing of Logistic Support.*—(1) *Local Currency Financing.* Consistent with the requirements of AID Handbook 19, Financial Management, local currencies are to be used wherever feasible in lieu of dollars to defray the costs of contractor logistic support, whether such support is arranged for by the contractor, the cooperating country, or AID. Such local currencies will be contributed from the following sources in descending order of preference:

(i) The cooperating country's own budgetary or private resources;

(ii) Cooperating country-owned local currency generated through AID or Pub. L. 480 programs; and

(iii) U.S. Government-owned country-use local currency generated through AID or Pub. L. 480 programs.

(2) *Dollar Financing.* AID dollars are used to finance logistic support overseas only when no reasonable alternative exists by which such support can be financed with local currency or provided in kind.

(b) *Arrangements for Logistic Support.*—The methods for provision of logistic support are given the following descending order of preference:

(1) Arrangements by the contractor itself where feasible and reasonably economical. (It is assumed that this test will be met in the case of virtually all construction contracts and in most of the larger engineering and technical assistance contracts.)

(2) Arrangements by the cooperating country where these would be timely, adequate, and feasible in terms of the country's economic and administrative resources.

(3) Arrangements by the mission alone or jointly with either or both of the other parties, in those cases where the Mission Director determines, at or prior to approval of each PIO/T that adequate and timely logistic support at reasonable cost cannot be assured through the other options. In such cases, the mission is encouraged to make such arrangements, wherever feasible, by drawing upon locally available firms and facilities rather than mission resources.

(c) *Medical Facilities.*—AID and the Department of State have an agreement whereby the latter furnishes certain medical services, *on an availability basis*, to all eligible U.S. citizen contract personnel performing economic assistance functions abroad under the Foreign Assistance Act, and to their authorized dependents overseas with funding via Shared Administrative Support (SAS) Budgets. These services are provided at post to such personnel to the same extent as for AID direct-hire personnel.

They are provided at no cost to the contractor or to the personnel. The medical services to be provided exclude (1) evacuation or hospitalization, and (2) entrance, in-service, fitness for duty, and separation medical examinations.

(1) *Eligible Personnel.*—(i) Eligible contractor personnel are those U.S. citizens serving abroad, and their authorized dependents, who are engaged under a contract between a contractor and AID or who are engaged under a subcontract thereto.

(ii) Employees of other U.S. Government agencies serving under Participating Agency Service Agreement (PASA's) with AID are also eligible pursuant to the terms of General Agreements between AID and their parent agencies.

(iii) U.S. citizens serving under cooperating country contracts financed from AID loan or grant funds *are not* "AID contractor employees" and thus not eligible. Third country national employees of AID contractors are not U.S. citizens and thus are not eligible. Americans serving under operational expert (OPEX) type contracts to which AID is not a signatory are also not "AID contractor employees." Most OPEX employees are provided a lump-sum amount to finance their participation in a group health program in lieu of receiving any U.S. Government health services.

(iv) AID or other direct-hire U.S. Government employees working under formal detail to multilateral or other non-U.S. agencies obtain health services on the same basis as their non-U.S. co-workers unless the provisions governing detail of the U.S. employees specifically provide for their access to available U.S. Government facilities.

(v) It is recognized that emergency situations will arise involving OPEX or other Americans who are not "AID contractor personnel" as defined above. Such cases are to be handled by the Medical Officer or other post officials pursuant to their procedures for handling an emergency health problem of any non-official American requesting assistance.

(2) *Services To Be Provided.* Embassy physician, nurse, and health room services are provided, in countries where and when these are available, including:

(i) Immunizations and preventive health measures;

(ii) Diagnostic examinations and advice;

(iii) Emergency treatment;

(iv) Home visits as medically indicated.

(d) *Other Post Privileges.* Privileges such as the use of APO, PX's, commissaries, and officers clubs are established at posts abroad pursuant to agreements between the U.S. and cooperating governments. Normally, these facilities *are not* available to contractor employees. However, in those cases where the facilities are open to contractor personnel, they may be used.

(e) *Uniformity.* Every effort should be made by each mission to foster the development of country-wide standards for comparable classes of contractors. In all instances, logistic support is to be provided at the minimum level necessary to assure efficient, economical, and effective contractor performance.

(f) *Exceptions.* Exceptions from these policies, except as permitted by paragraph 2(b)(3) above, are made in writing by the responsible Assistant Administrator or his designee for such purposes.

3. Contract Implementation

Each PIO/T shall indicate on page 3 each type of logistic support which is to be made available, either in cash or in kind, by the cooperating country, the mission, and the contractor itself. The contracting officer shall ensure that the contract reflects the information contained in the PIO/T.

4. Additional Instructions for Medical Support

(a) *Notifications.*—(1) The AID contracting officer shall notify the contractor of any potentially available medical benefits prior to the execution of the contract.

(2) The Mission Executive Officer notifies the contractor's Chief of Party at the post of the locally available medical benefits.

(b) *Identification of Eligible Persons.*—The Mission Executive Officer provides each eligible contractor employee and dependent with appropriate identification for use at Embassy medical facilities.

(c) *Records and Insurance.*—(1) The Embassy medical unit maintains an appropriate register of visits to the unit. The information recorded includes the name of the contractor employee or dependent treated, the contractor's name and contract number, date of visit, and a brief description of the reason for the visit (e.g., medical consultation, injury, medical briefing, immunization). Periodically a copy of this register is forwarded to the Mission Executive Officer.

(2) If medical service provided to a contractor employee or his authorized dependents by the Embassy medical unit is eligible for recovery from an insurance company, the contractor employee shall file an appropriate claim with the insurance company and so notify the Mission Executive Officer in writing. The contractor employee pursues the claim for reimbursement. Amounts recovered are forwarded to the Mission Executive Officer for the account of the medical unit in accordance with AID regulations.

Appendix F—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad

1. General

(a) *Purpose.*—This appendix and attachments set forth the authority, policy, and provisions under which AID may contract with individual U.S. citizens or U.S. residents to provide personal services abroad.

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

(1) A personal services contract is one which establishes an employer-employee relationship.

(2) A nonpersonal services contract is one which establishes an independent contractor relationship.

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended (FAA), provides specific contracting authority for AID.

(b) Section 636(a)(3) of the FAA authorizes the Agency to enter into contracts with individuals for personal services abroad and provides further that such individuals "shall not be regarded as employees of the U.S. Government for the purpose of any law administered by the Civil Service Commission."

3. Applicability

(a) This appendix applies to AID contracts with U.S. citizens or U.S. residents to provide assistance abroad to cooperating countries and regional organizations under contracts which establish an employer-employee relationship. Attachment A is designed to establish that relationship.

(b) This Appendix does not apply to:

(1) Contracts with U.S. citizens or U.S. residents which establish independent contractor relationships, which are covered under *AID Handbook 14—Procurement Regulations.*

(2) Contracts with consultants and experts, which are covered under *AID Handbook 25—Employment and Promotion.*

(3) Contracts with individual cooperating country or third-country nationals, which are covered under *AID Handbook 31—Foreign National Personnel.*

4. Policy

(a) *General.*—AID may finance the cost of providing personal services to a cooperating country or a regional organization as part of the Agency's program of assistance to such country or organization by entering into a direct contract with an individual U.S. citizen or U.S. resident for personal services.

(b) *Limitations on Personal Services Contracts.*—A personal services contract with an individual may not include services of the nature which are for performance by full-time Federal employees, such as the following:

(1) Negotiating on behalf of the United States with AID recipient countries, organizations or entities.

(2) Policy formulation.

(3) Planning, budgeting, and programming decisions which determine the allocation of resources available to AID.

(4) Supervising the execution of functions performed by U.S. Government personnel of AID or other Government agencies.

(5) Performance of internal functions such as personnel selection and administration, agency management, and congressional presentation.

(6) Contracts entered into pursuant to this authority may not exceed 5 years.

5. Executing a Personal Services Contract

Procuring activities, whether AID/W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the amount of contracting authority which has been redelegated pursuant to Delegation of Authority No. 99—To the Assistant Administrator for Program and Management Services, et al., Concerning Contracting and Related Functions (36 FR 12834). In executing a contract, the procuring activity insures that:

(a) The following approvals for the proposed contractor have been obtained:

(1) Security clearance, to the extent required by *AID Handbook 6—Security*.

(2) Mission and country clearance, as appropriate.

(3) Medical clearance based on certification by a licensed physician. Medical clearance requirements apply to the contractor and to each dependent who is authorized to travel to the overseas post.

(b) Compensation for personal services provided under each contract complies with the principles and approvals set forth in the AID Procurement Regulations, § 7-15.205-6, entitled Compensation for Personal Services, in effect at the time the contract is executed (See Appendix I).

(c) The contract is modified by deleting from the General Provisions the inapplicable portion of the clauses entitled, "Allowances, Travel and Transportation Expenses," and the medical clearance of dependents residing with the contractor at post, when the contractor is a resident of the cooperating country.

(d) The block entitled, "Project No.," on the cover page of the contract format is completed by inserting the four-segment project number as prescribed in *AID Handbook 18—Information Services*.

(e) Necessary deviations from the prescribed contract format are properly documented and approved by the head of the procuring activity (see § 7-1.107 of the AID Procurement Regulations). A record of the nature of each such deviation, the justification for it, and the approval are included in the contract file and a copy is forwarded to the Office of Contract Management, Support Division (SER/CM/SD), AID/W, which is responsible for maintaining a central record of all approved deviations.

(f) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 665. The contracting officer assures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor.

(g) The contractor receives and understands Chapter 3, Employee Responsibilities and Conduct, of *AID Handbook 24—General Personnel Policy*, and a copy is attached to each contract, as provided for in paragraph 2(c) of the General Provisions (Attachment B).

(h) Agency conflict of interest requirements are met by the contractor prior to his/her reporting for duty.

6. Post Audit

The Inspector General, or his designee, audits the personal services contracts of all procuring activities for the purpose of insuring conformance to approved policy and standards.

7. Contract Provisions

The attachments referred to in paragraph 1(a) above are the personal services contract formats and clauses. They are:

Attachment A—AID form 1420-36, "Schedule";

Attachment B—AID form 1420-37, "General Provisions"; and

Attachment C—AID form 1420-38, "Additional General Provisions".

BILLING CODE 4710-02-M

ATTACHMENT A

AGENCY FOR INTERNATIONAL DEVELOPMENT
CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

CONTRACT NO. _____

NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223

CONTRACT FOR PROJECT NO.	ESTIMATED CONTRACT AMOUNT
PROGRAM OFFICE	EFFECTIVE DATE
PROJECT OFFICER	ESTIMATED COMPLETION DATE
ADMINISTERED BY	ACCOUNTING AND APPROPRIATION DATA APPROPRIATION NO. ALLOTMENT NO. PIO/T NO.
CONTRACTING OFFICE NAME AND ADDRESS	CONTRACTOR (Name)
	Street Address
	City State ZIP Code

PAYING OFFICE

MAIL INVOICES TO (Original and three copies)

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this Contract and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule for the consideration stated therein. The rights and obligations of the parties to this Contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this Contract, by reference or otherwise, the Schedule and General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

This Contract consists of this Cover Page, the Schedule of _____ pages, including the Table of Contents, and the General Provisions (form AID 1420-37) dated _____, and, when appropriate, the Additional General Provisions (form AID 1420-38) dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
SIGNATURE OF CONTRACTOR	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
DATE	DATE

AID 1420-36 (12-80)

Contract No. _____

TABLE OF CONTENTS

SCHEDULE

The Schedule on pages 2 through 5 consists of this Table of Contents and the following Articles:

ARTICLE I STATEMENT OF DUTIES
ARTICLE II PERIOD OF SERVICE OVERSEAS
ARTICLE III CONTRACTOR'S COMPENSATION AND REIMBURSEMENT IN U.S. DOLLARS
ARTICLE IV COSTS REIMBURSABLE AND LOGISTIC SUPPORT
ARTICLE V PRECONTRACT EXPENSES
ARTICLE VI ADDITIONAL CLAUSES

GENERAL PROVISIONS

The following provisions, numbered as shown below, omitting number(s) _____, are the General Provisions (GP) of this Contract:

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Conversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports

For a tour of duty of 1 year or more, "Additional General Provisions (AGP)" will be attached and be applicable to this contract. References to individual clauses should specify, for example, "GP 9" (insurance), or "AGP 9" (termination).

SCHEDULE

[NOTE: Use of the following Schedule articles are not mandatory. They are intended to serve as guidelines for contracting offices in drafting contract schedules. Article language may be changed to suit the needs of the particular contract.]

ARTICLE I – STATEMENT OF DUTIES

[The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Any AID consultation or orientation.]

ARTICLE II – PERIOD OF SERVICE OVERSEAS

Within _____ days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting

Officer in writing, the contractor shall proceed to _____ where he/she shall promptly commence performance of the duties specified above. The contractor's period of service overseas shall be approximately _____ in _____. (Specify time of duties in each location as well as authorized stopovers with purpose of each.)

ARTICLE III – CONTRACTOR'S COMPENSATION AND REIMBURSEMENT IN U.S. DOLLARS

A. Except to the extent reimbursement therefor is payable in the currency of the cooperating country pursuant to Article IV, AID shall pay the contractor compensation after it has accrued and reimburse him/her in U.S. dollars for necessary and reasonable costs actually incurred by him/her in the performance of this contract within the categories listed in paragraph C, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately _____ (days) (weeks) (months) (years) (which is to include (1) vacation, sick, and home leave which may be earned during the contractor's tour of duty (GP Clause No. 5, AGP Clause No. 4), (2) _____ days for authorized travel (GP Clause 10(b)), and (3) _____ days for orientation and consultation in the United States.

C. Allowable Costs

1. *Compensation* at the rate of $ _____ per (year) (month) (week) (day). Adjustments in compensation for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of $ _____ per (day) (hour). $ _____

2. *Overtime* (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder.) $ _____

3. *Overseas Differential* (Ref. GP Clause No. 6.) Rate _____ $ $ _____

*4. *Allowances in Cooperating Country* (Ref. GP Clause 6 and AGP Clause 5.) $ _____

*5. *Travel and Transportation* (Ref. GP Clause 10 and AGP Clause 6.) (Includes the value of GTRs furnished by the Government, not payable to Contractor).

a. United States	$ _____	
b. International	$ _____	
c. Cooperating and Third Country	$ _____	
Subtotal Item 5		$ _____

*6. *Subsistence or Per Diem* (Ref. GP Clause 10 and AGP Clause 6.)

a. United States	$ _____	
b. International	$ _____	
c. Cooperating and Third Country	$ _____	
Subtotal Item 6		$ _____

7. *Other Direct Costs*

a. Health and Life Insurance (Ref. GP Clause 9-b)	$ _____	
b. Precontract Costs, passport, visa, inoculations, etc. (Ref. GP Clause 8)	$ _____	
c. Physical Examination (Ref. GP Clause 3 and AGP Clause 3.)	$ _____	
d. Communications, Miscellaneous	$ _____	
Subtotal Item 7		$ _____
8. *F.I.C.A.* - U.S.G. contribution (not payble to contractor)		$ _____

*Do not include the value of any costs to be paid or reimbursed in local currency.

Total Estimated Costs (lines 1 thru 8) $ _____

D. *Maximum U.S.-Dollar Obligation*

In no event shall the maximum U.S.-dollar obligation under this contract exceed $ _____. Contractor shall keep a close account of all obligations he/she incurs and accures hereunder and promptly notify the Contracting Officer whenever in his/her opinion the said maximum is not sufficient to cover all compensation and costs reimbursable in U.S. dollars which he/she anticipates under the contract.

ARTICLE IV – COSTS REIMBURSABLE AND LOGISTIC SUPPORT

A. *General*

The contractor shall be provided with or reimbursed in local currency (_____) for the following:

[Complete]

B. *Method of Payment of Local Currency Costs*

Those contract costs which are specified as local currency costs in paragraph A. above, if not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provisions Clause 11. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

C. *Cooperating or U.S. Government-Furnished Equipment and Facilities*

List any logistical support, equipment, and facilities to be provided by the cooperating government or the U.S. Government at no cost to this contract; e.g., office space, supplies, equipment, secretarial support, etc., and the conditions, if any, for use of such equipment.

ARTICLE V – PRECONTRACT EXPENSES

No expense incurred before execution of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

ARTICLE VI – ADDITIONAL CLAUSES

[Additional Schedule clauses may be added, such as the implementation of General Provisions or Additional General Provisions clauses.]

ATTACHMENT B

GENERAL PROVISIONS

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

To be used on tours of duty of less than 1 year. For tours of duty of 1 year or more these "General Provisions" will be supplemented by "Additional General Provisions."

INDEX OF CLAUSES

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Conversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports
23. Use of Pouch Facilities

1. DEFINITIONS

(a) "Administrator" means the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" means the Agency for International Development.

(c) "Contracting Officer" means the person executing this Contract on behalf of the U.S. Government, or his successor who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(d) "Contractor" means the individual engaged to serve in the cooperating country under this Contract.

(e) "Cooperating country" means the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating government" means the government of the cooperating country.

(g) "Economy class" air travel (also known as jet-economy, air coach, tourist-class, etc.) means a class of air travel which is less than first class.

(h) "Government" means the United States Government.

(i) "Local currency" means the currency of the cooperating country.

(j) "Mission" means the United States AID Mission to, or principal AID office in, the cooperating country.

(k) "Mission Director" means the principal officer in the Mission in the cooperating country, or his designated representative.

(l) "Tour of duty" means the Contractor's period of service under this Contract and shall include orientation in the United States (less language training), authorized leave, and international travel.

(m) "Traveler" means the Contractor in authorized travel status.

(n) "Project Officer" means the AID official to whom the Contractor reports, and who is responsible for monitoring the Contractor's performance.

(o) "U.S. Resident", as used in this contract, means an alien immigrant, legally resident in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and having a valid "Alien Registration and Receipt Card" (Immigration and Naturalization Service forms I-151 or I-551).

2. LAWS AND REGULATIONS APPLICABLE ABROAD

(a) *Conformity to Laws and Regulations of the Cooperating Country*

Contractor agrees that, while in the cooperating country, he shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase or Sale of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles in the cooperating country by the Contractor shall be subject to the same limitations and prohibitions

which apply to Mission U.S.-citizen direct-hire employees.

(c) *Code of Conduct*

The Contractor shall, during his tour of duty under this Contract, be considered an "employee" (or if his tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of AID Handbook 24, Chapter 3. The Contractor acknowledges receipt of a copy of said provisions by his acceptance of this Contract.

3. PHYSICAL FITNESS

The Contractor shall be required to be examined by a licensed doctor of medicine and the Contractor shall obtain from the doctor a certificate that, in the doctor's opinion, the Contractor is physically qualified to engage in the type of activity for which he is to be employed under the Contract and is physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the Contractor's departure for the cooperating country or if this Contract is entered into in the cooperating country, the Contractor shall provide the certificate before he starts work under the Contract. The Contractor shall be reimbursed not to exceed $85 for the cost of the physical examination, plus reimbursement of charges for immunizations.

4. WORKWEEK

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Schedule, and shall coincide with the workweek for those employees of the Mission or the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), the leave earned shall be prorated.

5. LEAVE AND HOLIDAYS

(a) *Vacation Leave*

(1) The Contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) It is understood that vacation leave is provided under this Contract primarily for the purposes of affording necessary rest and recreation during the tour of duty in the cooperating country. All vacation leave earned by the Contractor will be used during the Contractor's tour of duty. Unless approved by the Contracting Officer or Mission Director, the maximum amount of vacation leave which the Contractor may take following the completion of his services overseas shall be limited to vacation leave earned by the Contractor during a 6-month period.

(b) *Sick Leave*

Sick leave is earned at a rate not to exceed 13 workdays per annum or 4 hours every 2 weeks. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) *Leave Without Pay*

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) *Holidays*

The Contractor, while serving abroad, shall be entitled to all holidays granted to U.S.-citizen direct-hire employees by the Mission who are on comparable assignments.

6. DIFFERENTIAL AND ALLOWANCES

The following differential and allowances will be granted to the Contractor to the same extent and on the same basis as they are granted to U.S.-citizen direct-hire employees at the Mission by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended, except as noted to the contrary below:

	Applicable Reference to Standardized Regulations
(a) Post Differential	Chapter 500 and Tables in Chapter 900
(b) Living Quarters Allowance	Section 130
(c) Temporary Lodging Allowance	Section 120
(d) Post Allowance	Section 220
(e) Supplemental Post Allowance	Section 230
(f) Payments During Evacuation	Section 600

The allowances provided in paragraphs (b) through (e) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission, or the Mission Director may direct that the Contractor be paid a per diem in lieu thereof as prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

7. SOCIAL SECURITY AND FEDERAL INCOME TAX

F.I.C.A. contributions and U.S. Federal Income Tax withholding shall be deducted in accordance with regulations and rulings of the Social Security Administration and the U.S. Internal Revenue Service, respectively.

8. ADVANCE OF DOLLAR FUNDS

If requested by the Contractor and authorized in writing by the Contracting Officer, AID will arrange for an advance of funds to defray the initial cost of travel, travel allowances, authorized precontract expenses, and shipment of personal property. The advance shall be granted on the

same basis as to an AID U.S.-citizen direct-hire employee in accordance with AID Handbook 22, Chapter 4.

9. INSURANCE

(a) *Workmen's Compensation Benefits*

The Contractor shall be provided workmen's compensation benefits in accordance with the Federal Employees Compensation Act.

(b) *Health and Life Insurance*

The Contractor shall be reimbursed for the cost of personal health and life insurance premiums not to exceed $175 per annum.

(c) *Insurance on Private Automobiles*

If the Contractor or his dependents transport, or cause to be transported, privately owned automobile(s) to the cooperating country, or any of them purchase an automobile within the cooperating country, the Contractor agrees to insure that all such automobile(s) during such ownership within the cooperating country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director, payable in U.S. dollars or its equivalent in the currency of the cooperating country: injury to persons, $10,000/$20,000; property damage, $5,000 The Contractor further agrees to deliver, or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobile(s) is operated within the cooperating country. The premium costs for such insurance shall not be a reimbursable cost under this Contract.

(d) *Claims for Private Personal Property Losses*

The Contractor shall be reimbursed for private personal property losses in accordance with AID Handbook 23, "Overseas Support", Chapter 10.

10. TRAVEL AND TRANSPORTATION EXPENSES

(a) *General*

AID/Washington Office of Management Operations, or such other office as may be designated by that office, may furnish Transportation Requests (TR's) to the Contractor for transportation originating in the United States authorized by this Contract, and the executive or administrative officer at the Mission may furnish TR's for such authorized transportation which is payable in local currency or is to originate overseas. When transportation is not provided by Government-issued TR, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(b) *Travel and Transportation*

(1) *U.S. Travel and Transportation*

The Contractor shall be reimbursed for actual transportation costs and travel allowances in the United States as authorized in the Schedule or approved in advance by the Contracting Officer or the Mission Director. Transportation costs and travel allowances shall not be reimbursed in any amount greater than the cost of, and time required for, economy-class commercial-scheduled air travel by the most expeditious route except as otherwise provided in paragraph (6) below, unless economy air travel is not available and the Contractor certifies to this in his voucher or other documents submitted for reimbursement.

(2) *International Travel*

(i) The Contractor shall be reimbursed for actual transportation costs and travel allowances from place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the place of residence), to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the post of duty to the place of residence) upon completion of his duties. Such transportation costs shall not be reimbursed in an amount greater than economy-class commercial-scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (b)(6) below and unless economy air travel is not available and the Contractor certifies to the facts in the voucher or other documents he submits for reimbursement. When travel to or from the cooperating country is by economy-class accommodations, the Contractor will be reimbursed for the costs of transporting up to 22 pounds gross weight of accompanied personal baggage in addition to that regularly allowed with the economy ticket, provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. Travel allowances shall be at the rate of $6 per day for not more than the travel time required by scheduled economy-class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended. One stopover en route for a period not to exceed 24 hours is allowable when the Contractor uses economy-class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route for the convenience of the Contractor. Per diem during authorized stopover shall be paid in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *Unaccompanied Baggage*

Except as provided in the Schedule or approved by the Contracting Officer, the Contractor who is on a tour of duty of 90 days or more under this Contract shall be reimbursed for the cost of unaccompanied personal effects not to exceed 250 pounds gross weight via airfreight from place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the place of residence) to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the post of duty to the place of residence) upon completion of his duties.

(iii) *Local Travel*

The Contractor shall be reimbursed at the rates

established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(iv) *Special International Travel and Third-Country Travel*

For special travel which (*1*) advances the purpose of the Contract, (*2*) is not otherwise provided by the cooperating government, and (*3*) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the costs of international transportation other than between the United States and the cooperating country and for local transportation within other countries, and (ii) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(v) *Indirect Travel for Personal Convenience*

(*1*) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(*2*) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign-flag carrier pursuant to paragraph (ix)(*1*) below must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(vi) *Delays En Route*

The Contractor may be granted reasonable delays en route while in travel status, not circuitous in nature, which are caused by events beyond the control of the Contractor. It is understood that if the delay is caused by physical incapacitation, the Contractor shall be eligible for such sick leave as is provided under GP Clause No. 5(b) of this Contract.

(vii) *Privately Owned Automobiles (POV)*

(*1*) If travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem, if the automobile is being driven in connection with (A) authorized orientation, (B) authorized duties under this Contract, or (C) en route to or from the cooperating country provided that the total cost of the mileage and the per diem to the Contractor shall not exceed the total constructive cost of fare and normal per diem by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(*2*) Cost of the shipment of automobiles for Contract tours of duty of less than 1 year are not reimbursable under this Contract.

(viii) *Emergency and Irregular Travel and Transportation*

Actual transportation costs and travel allowances while en route, as provided in this section, shall be reimbursed under the following conditions:

(*1*) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor when, because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor.

(*2*) It is agreed that paragraph (viii)(*1*) above includes, but is not necessarily limited to, the following:

1. Need for medical care beyond that available within the areas to which the Contractor is assigned.

2. Serious effect on physical or mental health if residence is continued at assigned post of duty.

3. Serious illness, injury, or death of a member of the Contractor's immediate family. Travel shall be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

4. Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Allowances at safe haven when authorized by the Mission Director shall be payable in accordance with established Government Regulations.

5. Preparation and return of the remains of a deceased Contractor.

(ix) *Preference for U.S. Flag Air Carriers (Jan. 1977)*

(*1*) Pub. L. 93-623 requires that all Federal agencies and Government contractors and subcontractors will use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available. It further provides that the Comptroller General of the United States shall disallow any expenditure from appropriated funds for international air transportation on other than a U.S. flag air carrier in the absence of satisfactory proof of the necessity therefor.

(*2*) The contractor agrees to utilize U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available.

(*3*) In the event that the contractor selects a carrier other than a U.S. flag air carrier for international air transportation, he will include a certification on vouchers involving such transportation which is essentially

as follows:

CERTIFICATION OF UNAVAILABILITY OF U.S. FLAG AIR CARRIERS

I hereby certify that transportation service for personnel (and their personal effects) or property by certificated air carrier was unavailable for the following reasons: (state reasons)*

(4) The terms used in this clause have the following meanings:

(A) "International air transportation" means transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States.

(B) "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the United States and/or its territories and one or more foreign countries.

(C) The term "United States" includes the fifty states, Commonwealth of Puerto Rico, possessions of the United States, and the District of Columbia.

*NOTE: FPR 1-1.323-3, requires that expenditures for service furnished by a noncertificated air carrier generally will be allowed only when service by a certificated air carrier or carriers is "unavailable" as indicated by the June 17, 1975, Comptroller General's memorandum (B-138942) entitled "Guidelines for Implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974". The criteria contained in the memorandum are reproduced below:

(a) Passenger or freight service by a certificated air carrier is considered "available" even though:

(1) Comparable or a different kind of service by a noncertificated air carrier costs less, or

(2) Service by a noncertificated air carrier can be paid for in excess foreign currency, or

(3) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation, or

(4) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

(b) Passenger service by a certificated air carrier will be considered to be "unavailable":

(1) When the traveler, while en route has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(2) When any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6 hour period, or

(3) When by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the original airport to the destination airport to accomplish the agency's mission then would service by a noncertificated air carrier or carriers.

(4) When the elapsed traveltime on a schedule flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice such scheduled traveltime.

(x) The contractor shall include the substance of this clause, including this paragraph (x), in each subcontract or purchase hereunder which may involve international air transportation.

11. PAYMENT

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher for Purchases and Services Other Than Personal (original) and SF 1034-A (three copies), each voucher identified by the AID contract number, properly executed in the amount of dollars claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies indicating, for each amount claimed, the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) *For compensation* - a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the Project Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) *For travel and transportation* - a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) *For reimbursable expenses* - an itemized statement supported by original receipts.

(2) The first voucher submitted shall include a fully executed Form W-4, Employees Withholding Exemption Certificate, to permit required withholding by AID, such as Federal Income Tax, F.I.C.A. deductions, and, when applicable, state income tax. The first voucher shall also account for, and liquidate the unexpended balance of, any funds theretofore advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. The Contractor's claim, which includes his final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034-A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

12. CONVERSION OF U.S. DOLARS TO LOCAL CURRENCY

Upon arrival in the cooperating country, and from time to time as appropriate, the Contractor shall consult with the Mission Director or his authorized representative who shall provide, in writing, the policy the Contractor shall follow in the conversion of U.S. dollars to local currency. This may include, but not be limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer, or Mission Controller, as appropriate.

13. POST OF ASSIGNMENT PRIVILEGES

(a) Health room services are generally available for Contractor at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, AID Mission, U.S. Information Service and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

14. SECURITY REQUIREMENTS

(a) The provisions of the following paragraphs of this clause shall apply to the extent that this Contract involves access to classified information ("Confidential," "Secret," or "Top Secret") or access to administratively controlled information ("Limited Official Use"). Contractors that are not U.S. citizens shall not have access to classified or administratively controlled information.

(b) The Contractor (1) shall be responsible for safeguarding all classified or administratively controlled information in accordance with appropriate instructions furnished by the AID Office of Security, as referenced in paragraph (d) below and shall not supply, disclose, or otherwise permit access to classified information or administratively controlled information to any unauthorized person; (2) shall not make or permit to be made any reproductions of classified information or administratively controlled information except with the prior written authorization of the Contracting Officer or Mission Director; (3) shall submit to the Contracting Officer, at such times as the Contracting Officer may direct, an accounting of all reproductions of classified or administratively controlled information; and (4) shall not incorporate in any other project any matter which will disclose classified and/or administratively controlled information except with the prior written authorization of the Contracting Officer.

(c) The Contractor shall not permit any alien access to classified or administratively controlled information. The Contractor shall not permit any individual to have access to classified information or administratively controlled information without the prior written authorization of the Contracting Officer or Mission Director.

(d) The Contractor shall follow the procedures for classifying, marking, handling, transmitting, disseminating, storing, and destroying official material in accordance with the regulations in the Uniform Security Regulations (Foreign Affairs Manual, Chapter 5), a copy of which will be furnished by the Contracting Officer or Mission Director.

(e) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, appropriately classified, of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity.

(f) The Government agrees that when necessary it shall indicate by security classification or administratively controlled designation, the degree of importance to the national defense of information to be furnished by the Contractor to the Government or by the Government to the Contractor and the Government shall give written notice of such security classification or administratively controlled designation to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing a security classification or administratively controlled designation of information.

(g) The Contractor agrees to certify after completion of his assignment under this Contract that he has surrendered or disposed of all classified and/or administratively controlled information in his custody in accordance with applicable security instructions.

15. CONTRACTOR-MISSION RELATIONSHIPS

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that his duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) While in the cooperating country, the Contractor is expected to show respect for the conventions, customs, and institutions of the cooperating country and not interfere in its political affairs.

(c) If the Contractor's conduct is not in accordance with paragraph (b), the Contract may be terminated pursuant to the General Provision of this contract, entitled "Termination." The Contractor recognizes the right of the U.S. Ambassador to direct his/her immediate removal from any country when, in the discretion of the Ambassador, the interests of the United States so require.

(d) The Mission Director is the chief representative of

AID in the cooperating country. In this capacity, he is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing his duties in accordance with the statement of duties called for by the Contract. However, he shall be under the general policy guidance of the Mission Director and shall keep the Mission Director or his designated representative currently informed of the progress of the work under the Contract.

16. TERMINATION

This Contract may be terminated by the Contracting Officer:

(a) For cause, by giving not less than 10 calendar days advance written notice and a statement of reasons to the Contractor in the event (1) he commits a breach or violation of any of his obligations herein contained, (2) a fraud was committed in obtaining this Contract, or (3) he is guilty (as determined by AID) of misconduct in the cooperating country. Upon such a termination, the Contractor's right to compensation shall cease when the period specified in such notice expires or the last day on which he performs services hereunder, whichever is earlier. No costs of any kind incurred by the Contractor after the date such notice is delivered to him shall be reimbursed hereunder except cost of return transportation (not including travel allowances), if approved by the Contracting Officer. If any costs relating to the period subsequent to such date have been prepaid by AID, the Contractor shall promptly refund to AID any such prepayment as directed by the Contracting Officer.

(b) For the convenience of AID, by giving not less than 30 calendar days advance written notice to the Contractor. Upon such a termination, Contractor's right to compensation shall cease when the period specified in such notice expires except that the Contractor shall be entitled to return transportation costs and travel allowances and transportation of unaccompanied baggage costs at the rates specified in the Contract and subject to the limitations which apply to authorized travel status.

(c) For the convenience of AID, when the Contractor is unable to complete performance of his services under the Contract by reason of sickness or physical or emotional incapacity based upon a certification of such circumstances by a duly qualified doctor of medicine approved by the Mission. The Contract shall be deemed terminated upon delivery to the Contractor of a termination notice. Upon such a termination, the Contractor shall not be entitled to compensation except to the extent of any unused vacation or sick leave but shall be entitled to return transportation, travel allowances, and unaccompanied baggage costs at rates specified in the Contract and subject to the limitations which apply to authorized travel status.

17. DISPUTES (FPR TEMP. REG. 55) (MAY 1980)

(a) This Contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(2) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief, and the amount requested accurately reflects the Contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the Contract, the Contractor shall proceed diligently with the performance of the Contract in accordance with the Contracting Officer's decision.

18. RELEASE OF INFORMATION

All rights in data and reports shall become the property of the U.S. Government. All information gathered under this Contract by the Contractor and all reports and recommendations hereunder shall be treated as confidential by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

19. OFFICIALS NOT TO BENEFIT

No member of or delegate to the Congress or resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

20. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, AID shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

21. NOTICES

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To AID:

Administrator
Agency for International Development
Washington, D.C. 20523
Attention: Contracting Office
(name of the cognizant Contracting Officer with a copy to the appropriate Mission Director)

To Contractor:

At his post of duty while in the cooperating country and at the Contractor's address shown on the Cover Page of this Contract

or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice, whichever is later.

22. REPORTS

(a) The Contractor shall submit two copies of each written technical report prepared under the terms of this Contract (e.g., progress reports, final report, etc.) to the AID Reference Center, Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to the AID Reference Center shall include the contract number, the project number and the project title which are set forth on the Cover Page of this Contract.

(b) When preparing reports, the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Schedule of this Contract. Wherever possible, pages should be printed on both sides using single spaced type.

23. USE OF POUCH FACILITIES (DEC. 1980)

(a) Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for AID Contractors as a general policy, as detailed in items (1) through (6) below. However, the final decision regarding use of pouch facilities rests with the Embassy or AID Mission. In consideration of the use of pouch facilities as hereinafter stated, the Contractor agrees to indemnify and hold harmless the Department of State and AID for loss or damage occuring in pouch transmission.

(1) Contractors are authorized use of the pouch for transmission and receipt of up to a maximum of 2 pounds per shipment of correspondence and documents needed in the administration of assistance programs.

(2) U.S. citizen Contractors are authorized use of the pouch for personal mail up to a maximum of one pound per shipment (but see (a)(3) below). Non U.S. citizen Contractors are not permitted use of the pouch for personal mail except and to the extent that such use may be authorized by the Chief of Mission.

(3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this clause, and are not authorized to be sent or received by pouch.

(4) Official and personal mail pursuant to (a)(1) and (2) above, sent by pouch, should be addressed as follows:

Name of individual (followed by letter symbol "C")
Name of post (USAID/)
Agency for International Development
Washington, D.C. 20523

(5) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission.

(6) AID contractors are *not* authorized use of mili-

tary postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. Posts having access to APO/FPO facilities and using such for diplomatic pouch dispatch may, however, accept official and personal mail for the pouch provided, of course, adequate postage is affixed when onward transmission (mail to other than AID/W) through U.S. postal channels is required.

(b) The Contractor shall be responsible for compliance with these guidelines and limitations on use of pouch facilities.

(c) Specific additional guidance on use of pouch facilities in accordance with this clause is available from the Post Communication Center at the Embassy or AID Mission.

ATTACHMENT C

ADDITIONAL GENERAL PROVISIONS

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

(To be used along with the General Provisions for a tour of duty of 1 year or more)

TABLE OF CONTENTS

1. Definitions (long tour)
2. Laws and Regulations Applicable Abroad (dependents)
3. Physical Fitness (long tour)
4. Leave and Holidays (long tour)
5. Allowances (long tour)
6. Travel and Transportation Expenses (long tour)
7. Orientation and Language Training (long tour)
8. Post of Assignment Privileges (dependents)
9. Termination (long tour)

1. DEFINITIONS (LONG TOUR)

(a) "Dependents" means:

(1) *Spouse.*

(2) *Children* (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support.

(3) *Parents* (including step and legally adoptive parents) of the employee or of the spouse, when such parents are at least 51 percent dependent on the Contractor for support.

(4) *Sisters and brothers* (including step or adoptive sisters or brothers) of the Contractor, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the Contractor for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support.

(b) "Traveler" also means dependents of the Contractor who are in authorized travel status.

2. LAWS AND REGULATIONS APPLICABLE ABROAD

(a) *Conformity to Laws and Regulations of the Cooperating Country*

While in the cooperating country, the Contractor agrees he will make every effort to assure that his authorized dependents shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase, Sale, Import, or Export of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles by the Contractor's authorized dependents in the cooperating country shall also be subject to the same limitations and prohibitions which apply to U.S.-citizen direct-hire employee dependents.

3. PHYSICAL FITNESS (LONG TOUR)

(a) *Predeparture*

The Contractor's authorized dependents shall also be required to be examined by a licensed doctor of medicine. The Contractor shall require the doctor to certify that, in the doctor's opinion, the Contractor's authorized dependents are physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the dependent's departure for the cooperating country.

(b) *End of Tour*

The Contractor and his authorized dependents are authorized physical examinations within 60 days after completion of the Contractor's tour of duty.

(c) *Reimbursement*

The Contractor shall be reimbused for the physical examinations mentioned in paragraphs (a) and (b) above as follows: (1) not to exceed $85 per examination for the Contractor's dependents of 12 years of age and over and (2) $25 per examination for Contractor's dependents under 12 years of age. The Contractor shall also be reimbursed for the cost of immunizations.

4. LEAVE AND HOLIDAYS (LONG TOUR)

(a) *Vacation Leave*

With the approval of the Mission Director, and if the circumstances warrant, a Contractor may be granted advance vacation leave in excess of that earned but in no case shall a Contractor be granted advance vacation leave in excess of that which he will earn over the life of the Contract. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the Contractor's assignment under the Contract.

(b) *Military Leave*

Military leave of not more than 15 calendar days in

any calendar year may be granted to a Contractor who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Contracting Officer or the Mission Director.

(c) *Home Leave*

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A Contractor who is a U.S. citizen or U.S. resident and has served at least 2 years overseas, as defined in paragraph (c)(4) below, under this Contract, and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas; provided, that the Contractor agrees to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the Contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2) above, that the Contractor must have served 2 years overseas under this Contract to be eligible for home leave, Contractor may be granted advance home leave subject to *all* of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this Contract;

(ii) The Contractor shall have served a minimum of 18 months in the cooperating country on his current tour of duty under this Contract; and

(iii) The Contractor shall have agreed to return to the cooperating country to serve out the remainder of his current tour of duty and an additional 2 year appointment under this Contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c) (2), or paragraph (c) (3) above, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the U.S. port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the U.S. port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for payments made during home leave if, in spite of the undertaking of the new appointment, the Contractor, except for reasons beyond his control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this Contract.

(6) To the extent deemed necessary by the Contracting Officer, a Contractor in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation on-campus or at AID/Washington before returning to post of duty. Consultation at locations other than AID/Washington or on-campus, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the Schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for third-country nationals.

5. ALLOWANCES (LONG TOUR)

The following allowances shall also be granted to the Contractor and his authorized dependents to the same extent, and on the same basis as, they are granted to AID employees and their dependents by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended:

	Applicable Reference to Standardized Regulations
(a) *Educational Allowance*	Chapter 270
(b) *Educational Travel*	Chapter 280
(c) *Separate Maintenance Allowances*	Chapter 260

The allowances provided in paragraphs (a) through (c) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission.

6. TRAVEL AND TRANSPORTATION EXPENSES (LONG TOUR)

(a) *General*

Pursuant to paragraph (a) of Clause 10 of the General Provisions, when transportation is not provided by Government-issued TR for the items listed below, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(1) *International Travel*

(i) International travel costs and allowances and stopovers for authorized dependents shall be reimbursed on the same basis as for the Contractor under General Provision Clause No. 10(b)(2)(i) of this Contract except that travel allowances for such dependents shall be at the rate of $6 per day for persons 11 years of age or over and $3 per day for persons under 11 years of age payable for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *1.* All international ocean transportation of things which is to be reimbursed in U.S. dollars as authorized under this Contract shall be by U.S.-flag vessels to the extent they are available. When U.S.-flag vessels are not available, or their use would result in a significant delay, the Contractor may request a release from this requirement from the SER/COM, Transportation Support Division, Agency for International Development, Washington, D.C. 20523, giving the basis for the request.

2. All international air transportation of dependents shall be in accordance with paragraph (b) (9) of Clause 10 of the General Provisions, entitled "Preference for U.S. Flag Air Carriers."

(b) *Limitation on Travel by Dependents*

Travel costs and allowances will be allowed for authorized dependents of the Contractor and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the cooperating country and return, only if the dependent remains in the cooperating country for at least 9 months or one-half of the required tour of duty of the Contractor, whichever is greater, except as otherwise authorized hereunder for education, medical, or emergency visitation travel.

(c) *Delays En Route*

Dependents may be granted reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such dependents.

(d) *Travel by Privately Owned Automobile (POV)*

Notwithstanding the provisions of paragraph (b) (7) of Clause 10 of the General Provisions, if travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem for the Contractor and for each of the authorized dependents traveling in the automobile if the automobile is being driven in connection with (1) authorized orientation, (2) authorized duties under this Contract, or (3) en route to or from the cooperating country as authorized in the Schedule; provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (i) surface common carrier or (ii) less-than-first-class air, whichever is the lesser.

(e) *Emergency and Irregular Travel and Transportation*

Notwithstanding the provisions of paragraph (b) (8) of Clause 10 of the General Provisions, actual transportation costs and travel allowances while en route, as provided in this section, will also be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor and authorized dependents, when because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country or the dependent must leave the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor and/or his authorized dependents.

(2) It is agreed that paragraph (e) (1) above, includes but is not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which Contractor is assigned.

(ii) Serious effect on physical or mental health if residence is continued at assigned post of duty.

(iii) Serious illness, injury, or death of a member of a Contractor's immediate family or the immediate family of a dependent. Travel may be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees and their dependents under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

(iv) Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Transportation and travel allowances at safe haven and the transportation of household effects and automobile or storage thereof when authorized by the Mission Director shall be payable in accordance with established Government regulations.

(v) Preparation and return of the remains of a deceased Contractor or his dependents.

(f) *Transportation of Motor Vehicles, Personal Effects, and Household Goods*

(1) *General*

Transportation, including packing and crating costs, will be paid for shipment from Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost from the Contractor's residence) to post of duty in the cooperating country and return to the Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost to the Contractor's residence), (i) of one privately owned motor vehicle for the Contractor subject to the restrictions contained in paragraph (h) below, (ii) of personal effects of the Contractor, and (iii) of household goods of Contractor not to exceed the following limitations:

	Basic Household Furniture Not Supplied (Pounds Net Weight)	Basic Household Furniture Supplied (Pounds Net Weight)
Contractor with dependents in cooperating country	7500	2500
Contractor without dependents in cooperating country	4500	1500

Note: For the purpose of this Clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of Section 162.1 of the Uniform State/AID/USICA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating, and

transportation by surface common carrier. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the cooperating country, the cost of boxing or crating is not reimbursable. The transportation of a privately owned motor vehicle for a Contractor may be authorized as a replacement of the last such motor vehicle shipped under this Contract for such Contractor when the Mission Director determines, in advance, and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the Contractor. The determination shall be made under the same rules and regulations that apply to authorized Mission U.S.-citizen direct-hire employees.

(2) *Unaccompanied Baggage*

The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight
Employee	250 lbs.
First dependent traveling	200 lbs.
Second dependent traveling	150 lbs.
Each additional dependent traveling	100 lbs.

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination.

(3) *Reduced Rates on U.S.-Flag Carriers*

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID Contractors between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the Bill of Lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

(g) *Storage of Household Effects*

The cost of storage charges (including packing, crating, and drayage costs) in the United States of household goods of Contractor will be permitted, in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (f) above, provided that (1) the total amount of household goods shipped to the cooperating country and stored in the United States shall not exceed 4,500 pounds net for each Contractor without dependents in the cooperating country and 7,500 pounds net for each Contractor with dependents in the cooperating country, and (2) at least 200 pounds net of household effects will be stored; quantities of less than 200 pounds net stored will not be reimbursed.

(h) *Transportation of Foreign-Made Motor Vehicles*

Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USICA Foreign Service Travel Regulations, as from time to time amended, on the same basis as a U.S. Government employee.

(i) *Home Leave Travel*

The Contractor shall be reimbursed for the cost of travel performed by Contractor and dependents for purposes of home leave, provided that such reimbursement does not exceed that authorized by the Uniform State/AID/USICA Foreign Service Travel Regulations.

(j) *Rest and Recuperation Travel*

If approved in writing by the Mission Director, the Contractor and his dependents shall be allowed rest and recuperation travel on the same basis as authorized U.S.-citizen direct-hire Mission employees and their dependents.

7. ORIENTATION AND LANGUAGE TRAINING

(a) Except as set forth in paragraph (b) (4) below, the Contractor shall receive a maximum of 2 weeks AID orientation before travel overseas. The dates of orientation shall be selected by the Contractor and approved by the Contracting Officer from the orientation schedule provided by AID.

(b) As either set forth in the Contract Schedule, or provided in writing by the Contracting Officer, the following may be authorized taking into consideration specific job requirements, Contractor's prior overseas experience, or unusual circumstances, in connection with orientation of individual Contractors:

(1) Modified orientation,

(2) Language training,

(3) Orientation for Contractor's dependents at Contract expense,

(4) Waiver of orientation for individual Contractor.

(c) Transportation costs and travel allowances not to exceed one round trip from the Contractor's residence to place of orientation and return will be reimbursed, pursuant to Clause 10 of the General Provisions, entitled "Travel and Transportation Expenses," if the orientation is more than 50 miles from the Contractor's residence. Allowable salary costs during the period of orientation are also reimbursable.

8. POST OF ASSIGNMENT PRIVILEGES (DEPENDENTS)

(a) Health room services are generally available for Contractor's authorized dependents at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually are limited to members of the official U.S. establishment including the Embassy, AID Mission, USICA, and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

9. TERMINATION

If this Contract is terminated for the convenience of the Government pursuant to Clause 16 of the General Provisions, the Contractor shall also be entitled to return transportation costs and travel allowances for authorized dependents, transportation of motor vehicle, personal effects, and household goods, if any or all of the above are authorized in this Contract, subject to the limitations which apply to such costs.

AID 1420-38 (12-80)

BILLING CODE 4710-02-C

Appendix G—Contract Closeout Procedures

1. Purpose

This Appendix G establishes procedures for the orderly and expeditious closeout of completed
AID/W and Mission direct contracts.

2. Closeout Procedures

(a) For the purpose of this Appendix, the "closeout phase" is defined as the period of time extending from the date the work has been completed by the contractor (including submission of all reports required under the contract) until all remaining administrative actions have been satisfactorily accomplished and the contract file is retired. The closeout procedures are administered by the Support Services Branch, Office of Contract Management (CM/SD/SUP).

(b) AID organizational elements accomplish their respective responsibilities during the closeout phase as follows:

(1) *Fixed-Price Type Contracts.* Within 4 months after the contractor has completed the work.

(2) *Cost-Reimbursement Type Contracts.* Within 21 months after the contractor has completed the work.

(c) Contract records are not officially retired by the contracting office until the closeout phase is completed.

3. Responsibility

(a) *Contracting Office.* The contracting officer is responsible for:

(1) Identifying outstanding closeout actions.

(2) Contacting other offices within AID having responsibilities during the closeout phase for status information.

(3) Assuring that all closeout actions have been accomplished as evidenced by the information provided by responsible offices on the checklist form.

(4) Initiation of follow-up measures, as necessary, on administrative actions which have not been completed within a reasonable time.

(5) Submitting any contract file to the Office of the General Counsel for review when he feels that (i) litigation may be involved, or (ii) there is a legal problem which GC should comment on before the contract is closed out.

(b) *Other AID Offices.* Other AID offices (e.g., the Technical Office, Inspector General, AID/W or Mission Security, AID/W Paying Office or Mission Controller, and the Mission) are responsible for:

(1) Accomplishing administrative actions on a work-completed contract as expeditiously as possible.

(2) Providing completed checklist forms or other status information as requested by the contracting officer in accordance with the procedures in this appendix.

4. Procedures

(a) As soon as feasible, but not more than 90 days after completion of the work under a contract (including receipt of all reports required thereunder), the contracting officer, or his designated representative, reviews the contract records to identify the outstanding closeout actions which must be accomplished prior to retiring the contract.

(b) The contracting officer or his designated representative (CM/SD/SUP for AID/W) prepares and sends two copies of form AID 1420-15*, Contract Closeout Checklist, to each of the indicated AID action offices as follows:

Part I—AID/W Technical Office (form AID 1420-15A).

Part II—AID Security or Mission Security Office (form AID 1420-15B).

Part III—AID/W IG Audit (form AID 1420-15C).

Part IV—AID/W Paying Office or Mission Controller (form AID 1420—15D).

Part V—Mission (form AID 1420-15E).

(c) The above checklists are sent concurrently to the action offices indicated. Each action office returns one copy of the completed part of the checklist to the contracting officer by the date indicated on the form. Additional remarks or comments by the action office may be attached to their reply. In closing out a mission contract, it may be necessary to obtain certain information from AID/W offices before completing the checklist. If an office indicates on the checklist that one or more items are still pending, they forward the second and final signed copy of the checklist when all of their outstanding actions have been completed.

(d) The contracting officer, or his designated representative, follows up periodically on outstanding administrative actions that have not been accomplished within a reasonable period of time.

(e) The contracting officer shall certify to the Security Office when the contractor has given notification that all classified information in the contractor's possession has been properly disposed of or retained (see Part VI, item 8 of form AID 1420-15F).

(f) When the contracting officer has received the completed, certified checklists from the other action offices, he completes Part VI, the Contracting Office Checklist (form AID 1420-15F), assembles all checklist parts in order, signs the certification in paragraph B of Part VI, and places the document in the contract file. The signed checklist and support data then constitute the necessary authority to officially retire the contract file.

5. Availability of Contract Closeout Checklist

The six part contract closeout checklist form, AID form 1420-15, is stocked by the AID Distribution Branch (MO/PAV) and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through the AID Distribution Branch (MO/PAV); AID/W contracting offices, through the Support Division, Office of Contract Management.

Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance

1. Introduction

(a) AID direct contracts for technical assistance are now classified in one of three categories depending on the source selected to perform the services. They are:

(1) Architect/engineer services provided with a technical assistance project;

(2) services to be performed by an educational/nonprofit institution; and

(3) services to be performed by commercial contractors, or others, as a result of competitive negotiation.

(b) Procurement policies and procedures for architect/engineer services are contained in the AID Procurement Regulations (AIDPR 7-4.10). Services to be performed by commercial contractors, or others, as a result of competitive negotiation will now be procured under policies and procedures contained in Subpart 7-4.56, General Selection Procedures, in the AID Procurement Regulations.

(c) For the procurement of services to be performed by educational institutions, international research centers, or cooperative development organizations, there are two Subparts to the AID Procurement Regulations. The first of these, Subpart 7-4.57, Educational Institution and International Research Center Selection Procedure will be used whenever it has been determined that required services or relationships necessary for the successful performance of the project are available only from an educational institution or international research center (except contracts negotiated under 7-3.211 and Subpart 7-4.58, Collaborative Assistance).

(d) The second of these, Subpart 7-4.58, Collaborative Assistance, introduces an additional approach for obtaining services from educational institutions, international research centers, or cooperative development organizations, and is the major concern of this appendix.

2. Purpose

This appendix describes an alternative contractual relationship known as the collaborative assistance approach for the following purposes:

(a) Increasing the joint implementation authority and responsibility of the contractor and the LDC;

(b) Encouraging more effective collaboration between all participating parties (AID, host country, and contractor) at important stages, including the design stage, of a technical assistance project.

3. Policy

The collaborative assistance approach represents an alternative method for long-term technical assistance which involves professional collaboration with educational institution, international research center, or cooperative development organization contractors and LDC counterparts for a problem-solving type activity to develop new institutional forms and capabilities, to devise operating systems and policies, and to conduct joint research and development—including training. In such an activity, the difficulty in defining, in advance, precise and objectively verifiable contractor inputs and long-term project content as a basis for payment usually requires a flexible approach to project design, contracting, and project implementation. Such flexibility is also essential to the collaborative style which is responsive to LDC desires in problem areas of great complexity and varying uncertainty. Other types of technical assistance, which are usually shorter in term are amenable to more precise definition in advance, or involve

closely defined and relatively standardized services, or are otherwise more analogous to commodity resource transfers, may be suitable for other contracting methods, e.g., certain forms of institution building, on-the-job training, resource surveys, etc. The collaborative assistance method is an approved method for providing technical assistance when used in accordance with the circumstances outlined above, and with the guidelines set forth in paragraph 4, below.

4. Implementation Procedures

(a) *Introduction.* This paragraph 4. provides background information, guidelines and procedures to effect the implementation of the policy set forth in paragraph 3. above.

(b) *Conditions and Practices.* In order for this policy to work effectively even when the proposed activity fits the criteria described under Policy, there must also be:

(1) Acceptance of the notion that the host country, in consultation with the contractor, is in the best position to make tactical, day-to-day decisions on project inputs within agreed-upon limitations and output expectations;

(2) Sufficient trust and respect between the Agency and the contractor to allow this flexible implementation authority;

(3) A direct-hire project monitor with appropriate background to be knowledgeable of progress and to assist in an advisory and facilitative capacity, both during and between periodic reviews. In addition, the following important conditions must be met:

(1) Adequate preproject communication between, and identification of assistance required by, the host government and USAID;

(2) Full joint planning and improved project design ("Joint" as used herein refers to the primary parties, i.e., the collaborating institutions, as well as the host government and USAID. In some instances, it can also include other donors.);

(3) Careful contractor selection, i.e., matching of the contractor's technical and managerial capabilities to the anticipated requirements of the overseas activity;

(4) Establishment of relationships between host country, AID and contractor staff to include host country leadership, flexible implementation authority, and effective management by the contractor;

(5) Improved joint project evaluation, feedback, and replanning; and

(6) Simplified administrative procedures and greater reliance on in-country logistical support.

(c) *Project Stages and Contractor Involvement.*—In the long-term technical assistance projects as described above, there are four discrete but sometimes overlapping decision stages which take place—with the principal contractor usually involved in the last three.

(1) *Problem Analysis and Project Identification.* After the host government has indicated a desire for U.S. collaboration on a particular problem and the AID field mission has determined that the proposed activity is consistent with its program goals and priorities, considerable effort is usually necessary to refine further the project purpose and type of assistance required and provide a basis for contractor selection. This is a crucial step and is focused on results sought—on what the prospective contractor is expected to produce in relation to resources to be used and to project purpose. It should result in a clear understanding of what the LDC wants, and an overall plan which includes agreement on specific objectives or outputs, acceptable types of activities and inputs and an initial budget—resulting in project documentation. At this step, AID makes decisions it cannot delegate on what it will support and at what cost. If needed to supplement its direct-hire expertise, AID can use outside consultants for analysis and advice but retains the ultimate decision for itself in collaboration with, but independent of, the requesting host government. (Normally, the proposed contractor for project definition and subsequent implementation should not have been involved in the problem analysis and project identification stage as a consultant to either the host country government, host institution, or USAID. If a potential contractor has been so involved, particular care must be taken to prevent actual or apparent organizational conflicts of interest in the procurement that follows. This could require, at a minimum, a careful assessment and complete documentation of reasons for selection.)

Normally, there will need to be some mutual interaction between the overall planning stage outlined here and the detailed planning and design work which follows in the next phase. There will usually be some overlap, with preliminary decisions in this stage providing a basis for selection of implementing agents for stage (2) which in turn proceeds through some preliminary planning to guide completion of stage (1) as a basis for long-term contracting.

(2) *Project Definition.* At this stage, having selected the implementing agent, the U.S. and LDC organizations which will be collaborating in carrying out the project are encouraged to work out, to their mutual satisfaction, the particulars of what to do and how to do it (i.e., detailed project design) within the context of LDC leadership and responsibility and the general agreements and budget reached in stage (1). The emphasis here is on the technical approach to be utilized and the scheduling and management of project inputs. This may involve a short-term reconnaissance and/or an extensive period of detailed joint planning and feeling out of what is feasible during a preliminary operating phase of the project, possibly lasting as much as a year or more. This stage recognizes the importance, for the problem-solving or ground-breaking types of technical assistance, of involving the U.S. and LDC implementing organizations together as soon as the detailed design work begins. AID's role here is to facilitate, not direct, the joint planning, assure consistency with prior agreements or concur in changes, affirm that the implementing parties have agreed on a reasonable project design, and prepare or cause to be prepared the documentation required for stage (3), including any amendments that might be required to the project documentation. If and when a decision is made by the host government and AID to proceed into the operating phase with the same contractor, the U.S. intermediary should be treated as a cooperating partner in the negotiation of the subsequent long-term operating agreement(s) with the host government, host institution and AID.

(3) *Implementation.* The results of the approach outlined in the stage above should include, in addition to a better understanding and more meaningful commitment by all parties, the following specific products:

(i) A jointly developed life-of-project design which reflects the commitment of all parties and includes clear statements of purpose, principal outputs, eligible types of activity and expenditure limits, critical assumptions, and major progress indicators;

(ii) A workplan and input schedule for the first two years or at least as long as the expenditure period for the next obligation of project funds;

(iii) Provisions for any administrative support, special services or other inputs by the host country, contractor, and/or AID; and

(iv) A plan for periodic joint evaluation and review or progress and subsequent workplans, normally annually, with the participation of all parties.

Appropriate elements of these agreements and understandings are now embodied in a contract for project implementation, as described in paragraph ((d)(3)(i)) of the section below on Contracting Implications. This contract allows the U.S. intermediary to apply its judgment, reflecting close collaboration with its LDC colleagues, in adjusting the flow of AID-financed inputs and in making other operational decisions with a minimum of requirements for prior AID approvals or contract amendments as long as the contractor stays within the bounds of the approved overall plan and budget. In this phase, AID will give technical assistance contractors the authority and responsibility for using their specialized expertise to the fullest extent in the scheduling and managing of project inputs.

(4) *Monitoring, Joint Evaluation and Replanning.* With increased flexibility and responsibility for implementation placed with the technical assistance contractor, the host government, and/or institutional collaborator, improved and timely progress reporting and periodic, joint, and structured reviews of results and evolving plans are imperative as a basis for monitoring and evaluating contractor performance, revalidating or adjusting project design, and for determining future funding levels and commitments.

Both the contractor's annual report and the joint review should be structured within the framework of purpose, outputs, performance indicators, etc., originally established in the project identification phase—as modified by detailed project designed—and reflected in the Project Agreement and other pertinent documentation. The field review will normally serve as the occasion for discussing changes in or additions to previously agreed-to workplans as well as proposing changes in purpose, types of activities authorized and budgets which require contract amendment. Obviously, the appropriate host government, host institution, and senior contractor officials should be thoroughly involved in the

process, which will have to be adapted to the conditions within specific projects and countries. An important USAID responsibility is to assure that there is appropriate host country participation in developing and improving project plans prior to new obligations of funds. The special requirements and responsibilities of the various parties shall also be reflected in The Project Agreement and contract terms and in guidelines on the content of annual reports, evaluation procedures, etc.

Standard checking on services actually delivered as a basis for reimbursement will be continued including appropriate audit of expenditures.

(d) *Contracting Implications.*—The principal elements of change in present contracting practices, as detailed below, are earlier selection and involvement of the prime contractor, contracting by major stages of project design and operations, minimizing the need for precontract negotiations and contract amendments and AID approvals, and providing technical assistance contractors with the authority and responsibility needed to manage implementation within the approved program bounds.

(1) *Selection.* The early involvement of contractor in the definition stage of a long-term technical assistance project, after AID decides what it wants to undertake in stage (1), does not alter the Agency's responsibility to select its contractors carefully and in full compliance with appropriate contracting regulations and selection procedures. What is required here is that contractor selection be carried out at an earlier stage than has sometimes been the agency practice in the past or with other types of contracts and in anticipation that the contractor, assuming adequate performance, will participate in all subsequent phases until final completion.

(2) *Contracting Stages.* In contracting, the initial design stage should be separated from the longer term implementation stage without any AID commitment to undertake the second until it has exercised its independent judgment based on the product of the first plus any outside expert appraisal it and the host country want to use.

The long-term implementation stage itself may be further subdivided into contract periods which permit time between predetermined events for analysis, determination of new project requirements, and evaluation of performance prior to initiating the next phase by contract amendment/extension. If, for any reason, such an examination does not appear to warrant project continuation, then termination of the project and/or contract would be the next step.

(3) *Flexible Implementation Authority.* While good project design will eliminate or diminish many operational problems, the very nature of long-term technical assistance requires flexible implementation within agreed purposes, ultimate outputs, types of activity and available financing. With these key variables for AID management control established, contracts should be written so as to minimize the need for amendments and AID approval of changes in input particulars. This can be facilitated, both for the USAID, host country, institution, and the contractor, by:

(i) *Retention of Operational Plan in Contract and Removal of Workplan.* The contract narrative will contain the life-of-the-project Operational Plan, consistent with the project design as developed in stage (2) and reflected in the project documentation (and subsequent amendments thereto). The Operational Plan includes a statement of the purpose to be achieved, the outputs to be produced by the contractor and the types of activities to be undertaken, the more significant indicators of progress, a general description of the type of inputs that are authorized and intended to be provided during the life of the project, and the overall budget.

In order to allow adjustments at the implementation level without going through the contract amendment process, the detailed but short-term workplan containing specific descriptions and scheduling of all inputs such as numbers and types of staff, participants, commodities, etc., and specific activities, will not be a part of the contract. It is a working document to be modified in the field when the situation demands. The latest version will be available as a supporting document to justify proposed new obligation levels. Normally, the workplan and derived budget will cover a rolling two year period, i.e., each year another yearly increment is added after review and approval.

(ii) *Budget Flexibility.* To support this implementation flexibility, contract budget or fiscal controls will be shifted from fixed line items for each input category to program categories, permitting the technical assistance contractor to adjust amounts and timing to achieve previously approved project purpose and outputs—as long as he/she remains within the total contract amount and approved types of activity. This same type of flexibility should apply to any local currency supplied for project operations and/or contractor staff support. While an essential corollary to eliminating the workplan from the contract, this is not a unique procedure under cost reimbursment type contracts when the contractor has demonstrated adequate management capability.

(iii) *Negotiation of Advance Understandings.* To permit university and International Research Center contractors to manage their activities in accordance with their own policies and procedures and thereby sharpen their management responsibility while achieving substantial savings in time and reduced documentation, AID may negotiate advance understandings with its technical assistance contractors on dollars cost and administrative procedures that would be included by reference in its subsequent contracts. Upon receipt of a request from the contractor that their policies be reviewed and approved for usage in their contract in lieu of the standard terms and conditions, CM/SOD/OSC, AID/W, will initiate negotiations of such policies in an expeditious manner. The approved policies will be used in all relevant relations involving the Agency and respective contractors in lieu of traditional contract standard provisions, whenever this may be appropriate. This does not apply to local currency costs and host government procedures which must be negotiated in each case.

The purpose of the practices listed above is not only to give a qualified contractor the authority to adjust the composition and timing of inputs but to assign him/her to clear responsibility of managing such resources, as the evolving circumstances require, to achieve the agreed-upon outputs on a cost efficient basis. It should also reduce the delay and paperwork involved in frequent but minor contract amendments, and approvals. For the Agency as a whole, both in the Mission and in AID/W, these have involved a large workload and cost.

(e) *Role of AID.* Nothing in this appendix is intended to delegate, diminish or otherwise modify AID's final responsibility for the prudent management of public funds and its own programs. Rather, in withdrawing from the day-to-day involvement in and responsibility for the management of adjustment of the flow of inputs during the implementation, the best use of limited Agency staff and time can be devoted to protecting the public interest in gaining maximum results from the funds appropriated for technical assistance by:

(1) Seeking optimum identification in terms of LDC priorities and U.S. capabilities;

(2) Mobilizing and selecting the best U.S. professional talent to design and carry out the project;

(3) Monitoring what is happening to assure adequacy of processes, get a feel of results, assure actual delivery of inputs being financed;

(4) Assuring that the attention of AID's implementation agents and LDC colleagues stay well focused on project purpose and results to be achieved (outputs) and the relation to these of what is being done and actual results;

(5) Providing intermediaries adequate authority and responsibility to adjust inputs promptly and sensitively to the evolving project situations.

Attention to these considerations, and to achievements of the preimplementation conditions prescribed above, should greatly increase the chances for successful project completion and impact on a cost effective basis, which is the final measurement of prudent management.

Attachment 1 to Appendix H—Guidelines for Preparation of, and Response to, Requests for Expression of Interest (REI) Under the Collaborative Assistance Method

A. Length and Level of Detail

An Expression of Interest should include more than just a short letter expressing interest, but should not be in the detail of a technical proposal (RFTP). The Expression of Interest Document is not the only source of information that can or should be used for selection, but at least a minimum level of information should be contained in each document. A ten page paper that responds to the selection criteria included in every REI should be sufficient for evaluation purposes. The selection criteria should specify the technical inputs required for successful execution of the project and normally require a response in three general areas:

1. A description of the institution's capability to address the problem described in the REI.

2. Any related experience, whether in the country or region or in the problem area.

3. A demonstrable commitment of the institution to support the project.

The responses should address the capability, experience, and commitment to the *particular project*.

B. Specific Personnel Information

The response should specify within the areas set out in the selection criteria the following planning and personnel factors.

1. The design team plan and the scope of work for each member.

2. A list of candidates for the design team and their credentials.

3. A list of possible candidates for long-term assignment to the project. (Since there has been no project design, the specific technical assistance slots and technical responsibilities are vague. But it is expected that at least half of the personnel needs can be estimated early in the project. The institution should make its best guess for the team and present to the Agency the persons or types of persons with whom they are likely to contract.)

C. Multiple Institution Submissions

Joint effort on the part of several institutions is encouraged when appropriate. A single institution may submit an Expression of Interest for part of the project without knowledge of other collaborators or it may submit information in response to A and B of this attachment as part of a suggested collection of institutions. In either case, a proposed plan for cooperation is necessary. However, such joint efforts must specify the division of responsibilities for the planning and personnel factors indicated in B of this attachment. Often AID will identify the need for cooperation and suggest such an effort in the REI. Even if AID does not suggest collaboration, joint efforts with a description of the cooperation would be an appropriate way to respond to an REI.

Appendix I—Approval and Reporting Procedures for Contractor Proposed Salaries Including Those That Exceed the Statutory Limitation on Basic Pay of an FSR-1

1. Purpose

This appendix does the following:

(a) Provides guidelines for the use of prudent judgement when considering salaries, especially salaries exceeding the FSR-1 maximum salary limitation (5 U.S.C. 5308 and Pub. L. 95-66);

(b) establishes procedures for justification of salary approvals;

(c) prescribes procedures for control numbers and submission of copies of salary approvals to SER/CM/SD/SUP;

(d) establishes a semiannual report of salary approvals for the Deputy Administrator.

2. Procedures

(a) *Salary Approvals.*—In accordance with Handbook 14, AID Procurement Regulations 7-15.205-6(b)(2), contracting officer approvals of salaries exceeding the FSR-1 rate are to be based upon a memorandum from the technical office approved by the Assistant Administrator or Mission Director having program responsibility for the contract. The reasonableness of proposed salaries exceeding the FSR-1 level must be evaluated by the appropriate technical office in terms of the technical competence required, scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the individual's customary salary level for similar work. Even though approval of salary levels above the FSR-1 rate are justified primarily by the Assistant Administrator or Mission Director having program responsibility, it is the contracting officer's responsibility to scrutinize increases as a matter of business acumen whenever AID negotiations deal with any salaries payable under contracts. Increases in the FSR-1 statutory salary limitation are not, and shall not be by themselves, a basis for upward salary revisions of contractor employees. Proposals for such revisions should be considered normally when contracts are renewed, and must be carefully reviewed and negotiated to ensure that increases are not automatically granted without corresponding increases in the quality or quantity of services rendered. Salaries below the FSR-1 maximum level should also be fully justified, even though formal approval procedures may not be involved. Personnel compensation negotiated and payable under AID contracts should be at the minimum levels necessary to attract needed technical services in a competitive market. Rates should be determined by the "market place" where the types of services are obtained. Using such criteria, very few salaries can be expected to approach or exceed the FSR-1 level.

Actual discussions with contractors concerning salaries should be held only by persons authorized to negotiate and execute contracts. (See AIDPR Appendix A.)

(b) *Justification of Approvals.*—There will be cases where the services required are so unique and highly specialized that few persons are available to perform them. In such instances, if justifications for exceptional salaries are needed, particularly where the salary would exceed the FSR-1 level, the project officer will be consulted. If no alternative can be found, the project officer will prepare a salary justification to support the negotiator's action. It is the negotiator's responsibility to see to it that such cases are fully justified and that a complete record of the rationale is included in his memorandum for the contract file.

3. Approval Control Numbering and Submission to SER/CM

Copies of all approvals of salaries that exceed the FSR-1 level are required to be sent to SER/CM/SD/SUP. To assist SER/CM in determining that they are receiving all copies from each approving office, approving officials will have a consecutive control number starting each fiscal year assigned to each approval by their office, the record of which will be maintained separately from other approval documents.

4. Semiannual Report to the Deputy Administrator

Commencing with March 31, 1978, a semiannual report listing all salary approvals that exceed the FSR-1 maximum level will be sent to the Deputy Administrator of AID by the Office of Contract Management.

Appendix J—Response to Audit Recommendations

1. Purpose

This Appendix establishes consolidated procedures for responding to post-award audit reports. The procedures in this Appendix are not applicable to pre-contract audit surveys.[1]

2. Applicability

The procedures set forth in this Appendix apply to all audit recommendations concerning costs questioned under AID-direct contracts whether the recommendation is assigned to SER/CM, or to a Mission or Area Contracting Officer.

3. The Role of the Inspector General

(a) *Legislative and Procedural Requirements.*—Public Law 96-304, July 8, 1980 (Section 305) requires that audits involving questioned costs be resolved within six months. Further, OMB Circular A-73, Audit of Federal Operations and Programs, requires that each agency establish policies and procedures for prompt and proper resolution of audit recommendations, and establish standards for such policies and procedures. The Administrator has approved procedures for audit follow-up and resolution, as recommended by the Inspector General (IG).

(b) *IG Responsibilities.*—(1) The IG and the Regional Inspectors General (RIG) are responsible for tracking and following up on audit recommendations to insure prompt and proper resolutions, and for reporting on monetary recoveries resulting from audit reports. Following receipt of the Contracting Officer's disposition of the substance of an audit recommendation, the IG and RIG are responsible for determining whether or not to officially close the recommendations.

(2) If the cognizant RIG has not received satisfactory evidence of resolution of an audit recommendation within four months of issuance, the RIG will request a status report from the office assigned action responsibility (see also paragraph 5b(3), below). If no evidence of satisfactory resolution is received by six months, the IG follows up directly with the cognizant Assistant Administrator. The IG may request the Deputy Administrator to take action on any recommendation open for more than six months.

(3) If the cognizant RIG does not agree to an action office's disposition of an audit recommendation, the RIG will first attempt to resolve the issue with the action office. If this

[1] Contracting Officers often request audit advice and assistance in evaluating Contractor's proposals prior to award. FPR 1-3.811(b) requires the Contracting Officer to provide a copy of the memorandum of negotiation to the auditor (the cognizant RIG) when a pre-award survey has been performed, to inform the auditor of the disposition and usefulness of the pre-award survey. Provision of a copy of the memorandum of negotiation to the cognizant RIG, pursuant to FPR 1-3.811(b), constitutes response to a pre-award audit survey.

is unsuccessful, the issue will be referred to the IG, who will attempt resolution with the cognizant office head or Assistant Administrator. If the issue cannot be resolved at this level, it can then be referred by IG to the Deputy Administrator for decision. (See also paragraph 4.b., concerning the role of the Contracting Officer.)

(4) If the cognizant RIG questions a Contracting Officer's decision not to seek recovery of audit questioned cost, the RIG may submit the issue to the cognizant Regional Legal Advisor, or to the General Counsel's Office. (See also paragraph 4.b., concerning the role of the Contracting Officer.)

4. The Role of the Contracting Officer

(a) Pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601–613), as implemented in FPR 1–1.318 and AIDPR 7–1.318, and as provided in FPR 1–1.402 and AIDPR 7–1.452–1, Contracting Officers have the authority to negotiate and enter into settlements with contractors of costs questioned under audit reports. With this authority goes the responsibility for insuring that such settlements are properly justified and documented, and promptly executed.

(b) A negotiated settlement of questioned costs, executed by the contractor and the Contracting Officer; or a Contracting Officer's final decision pursuant to the Disputes clause (in the event questioned costs are not settled by negotiated agreement), are final, subject only to a contractor's appeal, either under the provisions of the Disputes Act, or to the Courts. Regardless of internal controls, such as IG or RIG's right to maintain a recommendation as open (see paragraph 3.b.(3), above), or to question a Contracting Officer's decision regarding questioned costs (see paragraph 3.b.(4), above), the Contracting Officer's decision as between the Government and the Contractor is final, subject to established methods of contractor appeal. Authority to negotiate settlements, or make final decisions on questioned costs rests with duly delegated Contracting Officers alone.

5. Procedures

In order to insure that resolutions of audit recommendations are properly justified and documented, the following procedures are established:

(a) *General.*—(1) Copies of all correspondence concerning resolution of an audit recommendation must be promptly sent to the cognizant RIG. All correspondence provided to the cognizant RIG should include the Contractor's name, the contract number(s), and the audit report and recommendation number(s).

(2) In transmitting post-award audit reports to action offices, the RIG's attached memoranda shall identify each contract by its number and request an initial written response within 30 days. Under the Agency's new audit recommendation follow-up system, the RIG's are following up to insure that action offices provide the 30-day responses. The IG is required to provide a copy of the initial response to several Congressional Committees. It is recognized that the initial response to audit reports questioning contract costs takes the form of a notification to the contractor by the Contracting Officer. The cognizant RIG will accept copies of the Contracting Officer's notification as the initial response to the audit report if:

—The notification clearly indicates the title and/or number of the audit report.

—The notification covers all the cost issues raised in the audit report. If it does not, the cognizant RIG requires a separate memorandum explaining the Contracting Officer's position on the remaining cost issues.

(3) Action offices have six months from receipt of an audit recommendation to resolve that recommendation; however, every effort will be made to resolve the recommendation within 120 days of its receipt. The Contracting Officer is responsible for keeping the cognizant RIG informed regarding the status of open audit recommendations in accordance with the procedures established in this Appendix. If for any reason a recommendation cannot be resolved within the 120 day period, the Contracting Officer must so advise the cognizant RIG in writing, giving the reasons. This notification is to be provided as soon as possible, but in any event at least two weeks before expiration of the 120 day period. The Contracting Officer is also responsible for insuring that RIG's four-month follow-up (see paragraph 3b(2), above) is promptly answered. For details on RIG's four and six month follow-up procedures, see paragraph 3.b.(2), above.

(4) Responses to audit recommendations must be in writing, properly documented to clearly explain the action taken. When the Contracting Officer is satisfied that action on a recommendation has been completed, and the file properly documented, he or she should specifically request that the cognizant RIG consider the audit recommendation closed, (see paragraph 6, below). The cognizant RIG should be requested to notify the Contracting Officer promptly, in writing, if for any reason they are not prepared to officially close the recommendation, providing the reasons. Such notice should identify the contract number and refer to the Contracting Officer's last correspondence.

(b) *Audit Recommendations Questioning Costs Under AID Direct Contracts.*—(These procedures are mandatory for audit recommendations assigned to SER/CM. It is recommended that they be applied, suitably adapted, to audit recommendations assigned to Missions which have been delegated contracting authority or to an Area Contracting Officer).

(1) *Documentation and Control.* (a) All correspondence to and from the cognizant RIG shall specify the contract number, contractor's name, audit report number, and recommendation number, plus the amount of the questioned costs allowed or sustained as disallowed by the contracting officer.

(b) All incoming audits containing recommendations for action by SER/CM are to be immediately submitted to CM/SD/SUP. CM/SD/SUP will log in the audit report, recording the recommendation numbers and established due dates for all recommendations assigned to SER/CM. CM/SD/SUP will then transmit the audit, through the cognizant division chief, to the Contracting Officer with action responsibility.

(c) CM/SD/SUP will establish a tickler file of recommendations assigned to SER/CM, and will provide internal reminders and follow-ups.

(d) The Contracting Officer will keep CM/SD/SUP advised on the current status of open recommendations by providing CM/SD/SUP with a copy of official audit-related correspondence between the Contracting Officer and the RIG. Any necessary follow up by CM/SD/SUP to update data for preparation of reports shall be made through the cognizant division chief.

(2) *Notification, Negotiation, and Settlement.* (a) Within two weeks after receipt of the audit report, the Contracting Officer shall formally notify the contractor by letter of the costs questioned. This notification shall require the contractor to respond to the Contracting Officer within 30 calendar days of receiving the letter. If warranted in the circumstances, invite the contractor to participate in negotiations to arrive at a mutually acceptable resolution of such costs. If no response has been received within 30 calendar days following the initial notification to the contractor of the questioned costs, issue a follow-up letter to the contractor requesting a response within 20 calendar days. In this follow-up the contractor should be advised that failure to respond within the specified period will result in the issuance of a final decision, pursuant to the Disputes clause of the contract. If no response is received 20 calendar days after the follow-up letter, the Contracting Officer makes a final decision in accordance with AIDPR 7–1.318–1 regarding the questioned costs and issues, in writing, the appropriate Contracting Officer's decision as authorized in the Disputes clause of the contract. A copy of each letter, and any decision, shall be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP).

(b) If the contractor responds to the Contracting Officer's letter identifying questioned costs, but an acceptable settlement is not achieved within a reasonable period of time (normally, 3 months from the date of initial notification), the Contracting Officer shall consider negotiations to have reached an impasse. The Contracting Officer shall then issue the appropriate decision as authorized in the Disputes clause of the contract. A copy of this decision must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP). See also paragraph 5b(4), below, regarding notification of the Controller.

(c) Normally, the contractor will respond to notification of questioned costs, and a mutually acceptable settlement can be negotiated. Such negotiated settlements must be documented for the contract file by the Contracting Officer. The written record must include:

(I) The initial audit findings, in detail, including all questioned costs, item by item.

(ii) The Contracting Officer's position, as reflected in the notification to the contractor, on each of the audit findings, and questioned costs. If there are any differences between the Contracting Officer's position and that of the audit, these must be explained, showing exactly what the differences are, why, and how they were arrived at (including discussions, comments, and advice or clearances by other offices).

(iii) A final summary analysis showing the audit finding; the Contracting Officer's initial position; the contractor's response; subsequent positions of both parties, and final resolution. This must be in sufficient detail to permit any reasonable person to understand what the issues were, how much was involved, what items were adjusted (plus how much and why), what the final resolution was, and why.

A copy of this written record, clearly marked to indicate the audit report and recommendation number(s) must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP). See also paragraph 5b(4), below, regarding notification of the Controller.

(3) *Collection.* The preferred method of collection is through the issuance of a Bill for Collection, in accordance with Agency policy on cash management. Use of any other collection method must be coordinated in advance with FM/PAD. Bills for Collection are issued by the Controller in accordance with the procedures set forth in paragraph 5b(4), below.

(4) *Notification of the Controller.* (a) When a settlement has been negotiated, or a final decision has been issued pursuant to the Disputes clause, it remains to collect the amount determined due to AID (sustained disallowances). The Contracting Officer is responsible for notifying the Controller to issue a Bill for Collection. A copy of this notification must be sent to the cognizant RIG, and to IG/PPP (and to CM/SD/SUP, for audits assigned to SER/CM).

(b) The notification to the Controller must contain the following information:

(i) Identification of the contract/task order/work order, providing the contract number, and the contractor's name and address;

(ii) The most recent accounting and appropriation data (PIO/T number and allotment number, etc.);

(iii) The amount due to AID;

(iv) The applicable audit and recommendation number(s); and

(v) A copy of the Contracting Officer's negotiated settlement or final decision pursuant to the Disputes clause (see paragraph 5b(2), above).

(c) The notification must request that a copy of the Bill for Collection be sent to the cognizant RIG, IG/PPP, and the Contracting Officer. The Contracting Officer is responsible for following up to insure that the Bill for Collection has been issued, and that a copy is in fact provided to the cognizant RIG and to IG/PPP, and is placed in the contract file.

(d) If the Contractor appeals the final decision pursuant to the Disputes clause, the Contracting Officer must promptly notify the Controller to suspend collection pending resolution of the appeal. Suspension action by the Controller shall be taken in consultation with the Office of the General Counsel, pursuant to Delegation of Authority No. 80. The Contracting Officer is responsible for notifying the Controller regarding resolution of any appeal.

6. Closing Audit Recommendations

When the Contracting Officer has completed all action required by an audit recommendation in accordance with the procedures established in this Appendix, he/she shall request that the recommendation be considered officially closed. The memorandum to the cognizant RIG shall specifically identify the audit report and recommendation number(s), summarize the actions taken, and explain why the recommendation(s) should be considered closed, providing sufficient evidence to permit the cognizant RIG to make a reasonable decision. For audit recommendations involving questioned costs which result in sustained disallowances, RIG and IG/PPP will accept a copy of the issued Bill for Collection as evidence to close a recommendation. A copy of the request to close a recommendation shall be sent to IG/PPP (and, for audits assigned to SER/CM, to CM/SD/SUP).

7. Clearances

(a) *General.* All proposed post-award audit responses, whether to internal audits prepared by the IG, or to GAO audits, prepared by SER/CM are to be cleared in accordance with AA/SER requirements in effect at the time the response is prepared. Responses prepared by Mission or Area Contracting Officers will be cleared in accordance with applicable Mission and Bureau procedures.

(b) *Final Decisions Pursuant to the Disputes Clause.* If settlement of an audit requires a final decision by the Contracting Officer in accordance with AIDPR 7-1.318-1, pursuant to the Disputes Clause, such decisions must be cleared by GC or the cognizant Mission or Regional Legal Advisor.

Appendix K—AID's Academic Publication Policy

Academic Publication

1. Statement of Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

2. Underlying Principles

AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution, and use of knowledge developed in its program.

This policy statement does not deal with material that is classified for security reasons. It does deal with considerations of national interest, not of sufficient gravity to warrant security classification, but serious enough to affect adversely the conduct of U.S. assistance programs. Consequently, in addition to the requirements of courtesy, propriety, and confidence which normally guide scholars in their work, there should also be consideration of the potential repercussions of publication on the successful execution of development and other cooperative programs in which the United States and foreign countries are involved.

3. Operational Definitions

The Agency draws a distinction between two kinds of manuscripts which a scholar may wish to publish:

(a) A report which is prepared and delivered to the Agency under the terms of the contract (a "contract manuscript"); and

(b) An article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract (a "non-contract manuscript").

There are two kinds of actions, to be specified in the contract, which the Agency can take upon notification of a contractor's desire to publish:

(a) Comment only, under which AID and the foreign government involved may review the manuscript, and have their comments considered seriously by the contractor prior to publication; and

(b) Authorization for release, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

4. Policy Statements

(a) AID, as a general rule, will not require an academic institution to obtain permission to publish the written work produced under a contract. It will ask for the opportunity to review the manuscript for comment only, prior to publication.

In the case of a contract manuscript, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a noncontract manuscript, AID reserves the right to dissociate itself from sponsorship or publication.

(b) On the other hand, AID may reserve the right of authorization for release in those exceptional cases where conditions exist making it reasonable foreseeable, in light of the contract's scope of work and the manner and place of performance, that the written work to be prepared and delivered under the contract may have adverse repercussions on the relations and programs of the United States. Where this right is reserved, it must be so specified in the contract. In determining where to reserve such right, AID will consider all relevant factors, including:

(1) The extent to which prompt and full performance of the contract will require access, facilitated by reason of the contract, to information not generally available to scholars;

(2) The extent to which the work involves matters of political concern to foreign countries, particularly where any substantial part of the work is to be performed therein;

(3) The extent to which, by reason of AID's close involvement and cooperation in the performance of the contract, the work product may be so identified with AID itself as to prevent effective disclaimer of AID endorsement thereof;

(4) The extent to which the objective of the contract is to provide advice to AID or to a foreign government of immediate operational

significance in the conduct of the AID program or the implementation of governmental programs in the host country;

(5) The desires of the host country.

5. Implementation

The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. The actual publications provision for a particular contract, then, would be so worded as to reflect the agreement reached in the contract negotiations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

In the normal case of prepublication review for AID comment, the institution will submit a copy of the manuscript not later than the date of submission to the publisher. This gives the Agency time to comment if it is deemed appropriate. However, in the case of review for authorization, timely notification of AID's response will be given, consistent with the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the underlying principle described at the beginning of this policy statement.

Appendix L—Review and Certification of Procurement Regulations

1. Purpose

This AIDPR appendix formalizes procedures for the review and certification of proposed AID Procurement Regulations, promulgated by AIDPR Notices, as required by Office of Federal Procurement Policy (OFPP) Policy Letter 80–5.

2. Background

OFPP Policy Letter 80–5 requires, in pertinent part, that: "a. Heads of executive departments and establishments shall assure that no procurement regulation is promulgated within their respective agencies unless a written determination is made, under review procedures established by the agency head, that such regulation would not be inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act. (The Office of Federal Procurement Policy Act, Pub. L. 93–400, as amended by Pub. L. 96–83), or with policy directives issued by the Administrator (OFPP) under 6(h) of the (OFPP) Act. The required determination shall accompany the publication of any such procurement regulation in the **Federal Register** and shall also accompany promulgation directly to Federal Agencies. With respect to acquisition regulations, the required determination shall be the responsibility of the principal acquisition official."

By letter dated August 19, 1980, the Deputy Assistant Administrator, Bureau for Program and Management Services, acting as the "principal acquisition official" for AID, advised the Administrator, OFPP, of the review and certification procedure to be followed by AID for the AIDPR. This Appendix formalizes the procedure established in DAA/SER's August 19 letter.

3. Procedure

(a) Every proposed policy, regulation, procedure, or form to be promulgated in the AIDPR shall be carefully reviewed by the Policy Branch in the Office of Contract Management (CM/SD/POL) to insure that the proposed action is consistent with paragraphs (1) through (8) of Section 2 of the OFPP Act, and with policy directives issued by OFPP under Section 6(h) of the OFPP Act (for brevity, hereinafter referred to as the OFPP Act and OFPP policy directives), as required by OFPP Policy Letter 80–5.

(b) Only those policies, regulations, procedures, or forms found in the initial review by CM/SD/POL to be consistent with the OFPP Act and OFPP policy directives will be prepared for promulgation in the AIDPR. The results of this initial review may be appealed to the Assistant General Counsel for Contracting and Litigation (GC/C&L), and ultimately to the Deputy Assistant Administrator Bureau for Program and Management Services (DAA/SER), whose decision is final.

(c) Policies, regulations, procedures, and forms are incorporated into the AIDPR by AIDPR Notices, signed by DAA/SER. AIDPR Notices are prepared by CM/SD/POL and forwarded to DAA/SER by Action Memorandum from the Director of the Office of Contract Management. CM/SD/POL will include a summary of their review, and a statement that CM/SD/POL finds the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP Policy directives in the Action Memo. CM/SD/POL will also prepare a determination for signature by DAA/SER, to accompany the AIDPR Notice, stating that the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives (sample determination attached).

(d) Proposed AIDPR Notices and their covering Action Memos are reviewed by GC/C&L before being presented to DAA/SER. GC/C&L will, as part of their review, consider CM/SD/POL's finding that the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives. GC/C&L clearance of the Action Memo will serve as an objective confirmation of CM/SD/POL's finding. In the event that GC/C&L and CM/SD/POL do not agree on the finding that a proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives, they will attempt to reconcile their opinions. If no agreement can be reached, the Director, SER/CM will present the respective positions to DAA/SER for final decision.

(e) The determination (sample attached) prepared for DAA/SER's signature must accompany proposed AIDPR Notices when they are submitted for publication to the **Federal Register.**

Attachment to Appendix L

Determination

As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that [AIDPR Notice] has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400 as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that [AIDPR Notice] is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

Authority: This AIDPR Notice is issued pursuant to 41 CFR 7–1.104–4.

Determination

As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that AIDPR Notice 81–6 has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400 as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that AIDPR Notice 81–6 is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Dated: June 2, 1981.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-16994 Filed 6-15-81; 8:45 am]

BILLING CODE 4710-02-M

federal register

Tuesday
June 16, 1981

Part III

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

June 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1981 of 155 rescissions and 106 deferrals contained in the first nine special messages for FY 1981. These messages were transmitted to the Congress on October 1, and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, and April 27, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totaling $14,753.9 million are currently pending before the Congress. All of the funds proposed for rescission are now available for obligation. However, rescission of these funds is still under active consideration by the Congress. Table A summarizes while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of June 1, 1981, $4,351.3 million in 1981 budget authority was being deferred from obligation and another $6.5 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferral covered by the cumulative report are printed in the **Federal Register** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)

Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)

Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)

Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)

Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)

Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)

Monday, March 23, 1981 (Part III, Vol. 46, No. 55)

Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)

Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)

David A. Stockman,

Director.

Table A—*Status of 1981 rescissions*

[In millions of dollars]

	Amount
Rescissions proposed by the President	15,896.3
Rescission proposals withdrawn	−1,142.4
Accepted by the Congress	
Rejected by the Congress	
Pending before the Congress	14,753.9

Table A—*Status of 1981 deferrals*

[In millions of dollars]

	Amount
Deferrals proposed by the President	8,608.0
Routine Executive release (−4,266.6 million) and adjustments (+18.4 million) through June 1, 1981	−4,250.2
Overturned by the Congress	
Currently before the Congress	[1] 4,357.8

[1] This amount includes $6.5 million in outlays for a Department of the Treasury deferral (D81–19B).

BILLING CODE 3110-01-M

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env. Quality and Office of Env. Quality							
BA	R81- 38		708	3 17 81		708	5 18 81
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34		1,500	1 29 81		1,500	3 26 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39		595	3 17 81		595	5 18 81
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA			2,803			2,803	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40		110,000	3 17 81		110,000	5 18 81
Disaster Relief							
Disaster relief							
BA	R81- 41		8,000	3 17 81		8,000	5 18 81
International Development Assistance							
Sahel development program							
BA	R81- 42		2,000	3 17 81		2,000	5 18 81
Inter-American Foundation							
Inter-American Foundation							

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 43		138	3 17 81		138	5 18 81
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			120,138			120,138	
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs BA	R81- 44		1,500	3 17 81		1,500	5 18 81
Rural Electrification Administration							
Rural communication development fund BA	R81- 45		16,341	3 17 81			
BA	R81- 45A		-341	4 27 81		16,000	5 18 81
Farmers Home Administration							
Rural development planning grants BA	R81- 46		2,000	3 17 81		2,000	5 18 81
Rural community fire protection grants BA	R81- 47		1,500	3 17 81		1,500	5 18 81
Rural housing supervisory assistance grants BA	R81- 48		500	3 17 81		500	5 18 81
Rural housing insurance fund BA	R81-119		316,000a	3 17 81		316,000	5 18 81
Agricultural credit insurance fund BA	R81-120		88,850a	3 17 81		88,850	5 18 81
Rural development insurance fund BA	R81-121		160,000a	3 17 81		160,000	5 18 81

PAGE 3 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF AGRICULTURE							
TOTAL BA			586,350			586,350	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs							
BA	R81- 49		342,350	3 17 81		342,350	5 18 81
Regional Development Programs							
Regional development programs							
BA	R81- 50		21,000	3 17 81		21,000	5 18 81
United States Travel Service							
Salaries and expenses							
BA	R81- 51		41	3 17 81		41	5 18 81
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493b		1 15 81		30,493	2 13 81
BA	R81-123		36,493	3 19 81		36,493	4 28 81
Construction							
BA	R81- 52		9,000	3 17 81		9,000	5 18 81
Coastal energy impact fund							
BA	R81- 53		40,000	3 17 81		40,000	5 18 81
Science and Technical Research							
Scientific and technical research and services							
BA	R81- 54		3,370	3 17 81		3,370	5 18 81
National Telecommun. and Info Administration							
Salaries and expenses							
BA							

PAGE 4 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81- 55		313	3 17 81		313	5 18 81
Public telecommun. facil., plan. and construction							
BA	R81- 2	4,000b		1 15 81		4,000	2 13 81
BA	R81-124		25,717	3 19 81		25,717	4 28 81
Maritime Administration							
Research and development							
BA	R81- 56		2,500	3 17 81		2,500	5 18 81
DEPARTMENT OF COMMERCE TOTAL BA		34,493	480,784			515,277	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Elementary and secondary education							
BA	R81- 4	52,150b		1 15 81		52,150	2 13 81
BA	R81-126		982,385	3 19 81		982,385	4 28 81
School assistance in federally affected areas							
BA	R81- 3	148,000b		1 15 81		148,000	2 13 81
BA	R81-125		66,500	3 19 81		66,500	4 28 81
Equal educational opportunities							
BA	R81- 57		73,253	3 17 81		73,253	5 18 81
Office of Special Education and Rehab. Services							
Education for the handicapped, gifted and talented							
BA	R81- 58		267,938	3 17 81		267,938	5 18 81
Rehabilitation services and handicapped research							
BA	R81- 59		22,323	3 17 81		22,323	5 18 81
Office of Vocational and Adult Education							

PAGE 5 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Vocational and adult education							
BA	R81- 5	11,862b		1 15 81		11,862	2 13 81
BA	R81-127		238,777	3 19 81		238,777	4 28 81
Office of Postsecondary Education							
Student loan insurance							
BA	R81- 6	78,728b		1 15 81		78,728	2 13 81
BA	R81-128		103,270	3 19 81		103,270	4 28 81
Higher and continuing education							
BA	R81- 7	30,989b		1 15 81		30,989	2 13 81
BA	R81-129		49,239	3 19 81		49,239	4 28 81
College housing loans							
BA	R81- 60		14,550	3 17 81		14,550	5 18 81
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61		42,750	3 17 81		42,750	5 18 81
Institute of museum services							
BA	R81- 62		12,357	3 17 81		12,357	5 18 81
School improvement programs							
BA	R81- 63		36,606	3 17 81		36,606	5 18 81
DEPARTMENT OF EDUCATION TOTAL BA		321,729	1,909,948			2,231,677	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026b		1 15 81		25,026	2 13 81

PAGE 6 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81-130		126,609	3 19 81			
BA	R81-130A		-327	4 27 81		126,282	4 28 81
Energy supply R&D- plant and capital equip.							
BA	R81- 9	3,650b		1 15 81		3,650	2 13 81
BA	R81-131		7,967	3 19 81		7,967	4 28 81
Fossil energy research and development							
BA	R81- 10	25,450b		1 15 81		25,450	2 13 81
BA	R81-132		65,932	3 19 81		65,932	4 28 81
Fossil energy construction							
BA	R81- 64		246,900	3 17 81		246,900	5 18 81
Energy production demo. and distribution							
BA	R81- 65		12,649	3 17 81		12,649	5 18 81
Energy conservation							
BA	R81- 11	47,800b		1 15 81		47,800	2 13 81
BA	R81-133		306,045	3 19 81		306,045	4 28 81
Energy information administration							
BA	R81- 66		13,443	3 17 81		13,443	5 18 81
Economic regulation							
BA	R81- 67		33,155	3 17 81		33,155	5 18 81
Geothermal resources development fund							
BA	R81- 68		22,066	3 17 81		22,066	5 18 81
Alternative fuels production							
BA	R81- 69		300,000	3 17 81		300,000	5 18 81
Departmental Administration							
Departmental administration							

PAGE 7 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 70		11,500	3 17 81		11,500	5 18 81
DEPARTMENT OF ENERGY TOTAL BA		101,926	1,145,939			1,247,865	
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Health Services Administration							
Health services							
BA	R81- 12	8,057b		1 15 81		8,057	2 13 81
BA	R81-134		11,616	3 19 81		11,616	4 28 81
Indian health facilities							
BA	R81- 17		8,871	3 17 81		8,871	5 18 81
Centers for Disease Control							
Preventive health services							
BA	R81- 13	27,000b		1 15 81		27,000	2 13 81
BA	R81-135		38,520	3 19 81		38,520	4 28 81
National Institutes of Health							
National Cancer Institute							
BA	R81- 14	13,565b		1 15 81		13,565	2 13 81
BA	R81-136		17,986	3 19 81		17,986	4 28 81
National Heart, Lung, and Blood Institute							
BA	R81- 15	10,324b		1 15 81		10,324	2 13 81
BA	R81-137		11,120	3 19 81		11,120	4 28 81
National Institute of Dental Research							
BA	R81- 16	302b		1 15 81		302	2 13 81
BA	R81-138		700	3 19 81		700	4 28 81

PAGE 8 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Nat. Inst. of Arth., Metab. and Diges. Diseases							
BA	R81- 17	3,232b		1 15 81		3,232	2 13 81
BA	R81-139		3,943	3 19 81		3,943	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke							
BA	R81- 18	2,031b		1 15 81		2,031	2 13 81
BA	R81-140		4,388	3 19 81		4,388	4 28 81
Nat. Inst. of Allergy and Infectious Diseases							
BA	R81- 72		1,088	3 17 81		1,088	5 18 81
Nat. Inst. of General Medical Sciences							
BA	R81- 73		18,682	3 17 81		18,682	5 18 81
Nat. Inst. of Child Health and Human Develop.							
BA	R81- 19	3,285b		1 15 81		3,285	2 13 81
BA	R81-141		4,119	3 19 81		4,119	4 28 81
National Eye Institute							
BA	R81- 20	2,353b		1 15 81		2,353	2 13 81
BA	R81-142		3,856	3 19 81		3,856	4 28 81
Nat. Inst. of Environmental Health Sciences							
BA	R81- 21	3,258b		1 15 81		3,258	2 13 81
BA	R81-143		2,179	3 19 81		2,179	4 28 81
National Institute of Aging							
BA	R81- 22	588b		1 15 81		588	2 13 81
BA	R81-144		1,593	3 19 81		1,593	4 28 81
Research resources							
BA	R81- 23	10,561b		1 15 81		10,561	2 13 81
BA	R81-145		3,714	3 19 81		3,714	4 28 81

PAGE 9 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
National Library of Medicine							
BA	R81- 24	341b		1 15 81		341	2 13 81
BA	R81-146		341	3 19 81		341	4 28 81
Office of the Director							
BA	R81- 25	360b		1 15 81		360	2 13 81
BA	R81-147		360	3 19 81		360	4 28 81
Alcohol, Drug Abuse, and Mental Health Admin.							
Const. and renovation, St. Elizabeths Hospital							
BA	R81- 74		1,020	3 17 81		1,020	5 18 81
Alcohol, drug abuse, and mental health							
BA	R81- 26	67,140b		1 15 81		67,140	2 13 81
BA	R81-148		98,370	3 19 81		98,370	4 28 81
Health Resources Administration							
Health resources							
BA	R81- 27	78,683b		1 15 81		78,683	2 13 81
BA	R81-149		131,751	3 19 81		131,751	4 28 81
Office of Assistant Secretary for Health							
Salaries and expenses							
BA	R81- 75		30,724	3 17 81		30,724	5 18 81
Health Care Financing Administration							
Payments to health care trust funds							
BA	R81- 76		8,693	3 17 81		8,693	5 18 81
Program management							
BA	R81- 77		6,992	3 17 81		6,992	5 18 81
Social Security Administration							

PAGE 10 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Refugee assistance							
BA	R81- 78		25,100	3 17 81		25,100	5 18 81
Human Development Services							
Human development services							
BA	R81- 28	10,000b		1 15 81		10,000	2 13 81
BA	R81-150		10,100	3 19 81		10,100	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		241,080	445,826			686,906	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs							
BA	R81- 79		5,099,104	3 17 81		5,099,104	5 18 81
Congregate services program							
BA	R81- 29	10,000b		1 15 81		10,000	2 13 81
BA	R81-151		10,000	3 19 81		10,000	4 28 81
Solar Energy and Energy Conservation Bank							
Assistance for solar and conserv. improvements							
BA	R81- 80		121,000	3 17 81		121,000	5 18 81
Community Planning and Development							
Planning assistance							
BA	R81- 81		34,976	3 17 81		34,976	5 18 81
Rehabilitation loan fund							
BA	R81- 82		110,857	3 17 81		110,857	5 18 81
Neighborhoods, Vol. Assoc. and Consumer Prot.							
Housing counseling assistance							

PAGE 11 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 83		6,000	3 17 81		6,000	5 18 81
Neighborhood self-help devel. program BA	R81- 84		8,119	3 17 81		8,119	5 18 81
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		10,000	5,390,056			5,400,056	
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses BA	R81- 85		11,800	3 17 81		11,800	5 18 81
United States Fish and Wildlife Service							
Construction and anadromous fish BA	R81- 86		2,500	3 17 81		2,500	5 18 81
National Park Service							
Urban park and recreation grants BA	R81- 87		35,000	3 17 81		35,000	5 18 81
Land and water conservation fund BA	R81- 88		250,000	3 17 81		250,000	5 18 81
Historic preservation fund BA	R81- 89		8,000	3 17 81		8,000	5 18 81
Construction (trust fund) BA	R81- 90		15,500	3 17 81		15,500	5 18 81
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology BA	R81- 91		1,954	3 17 81		1,954	5 18 81

PAGE 12 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of the Solicitor & Office of the Secretary							
Youth conservation corps BA	R81- 35		38,194	3 10 81		38,194	5 11 81
DEPARTMENT OF THE INTERIOR TOTAL BA			362,948			362,948	
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance BA	R81- 92		234,475c	3 17 81		45,000	5 18 81
DEPARTMENT OF LABOR TOTAL BA			234,475			45,000	
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance BA	R81- 93		22,500	3 17 81		22,500	5 18 81
Bureau for International Narcotics Matters							
International narcotics control BA	R81- 94		3,100	3 17 81		3,100	5 18 81
DEPARTMENT OF STATE TOTAL BA			25,600			25,600	
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							

PAGE 13 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Urban mass transportation fund BA	R81- 95		24,700	3 17 81		24,700	5 18 81
Research and Special Programs Administration							
Cooperative automotive research BA	R81- 96		11,500	3 17 81		11,500	5 18 81
DEPARTMENT OF TRANSPORTATION TOTAL BA			36,200			36,200	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development BA	R81- 97		1,245,500	3 17 81		1,245,500	5 18 81
DEPARTMENT OF THE TREASURY TOTAL BA			1,245,500			1,245,500	
ENVIRONMENTAL PROTECTION AGENCY							
Res. and dev. (pollution and abatement) BA	R81- 98		149	3 17 81		149	5 18 81
Abatement control and compliance BA	R81- 99		1,253	3 17 81		1,253	5 18 81
Construction grants BA	R81-100		1,700,000	3 17 81		1,700,000	5 18 81

PAGE 14 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			1,701,402			1,701,402	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development BA	R81-101		4,500	3 17 81		4,500	5 18 81
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA			4,500			4,500	
VETERANS ADMINISTRATION							
Construction, major projects BA	R81-102		162,160	3 17 81		162,160	5 18 81
VETERANS ADMINISTRATION TOTAL BA			162,160			162,160	
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs BA	R81-103		3,207	3 17 81			
BA	R81-103A		-3,007	4 23 81		200	5 18 81

PAGE 15 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104		1,500	3 17 81		1,500	5 18 81
Community Services Administration							
Community services program							
BA	R81- 30	6,000b		1 15 81		6,000	2 13 81
BA	R81-152		6,000	3 19 81		6,000	4 28 81
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105		95,000	3 17 81		95,000	5 18 81
Federal Mediation and Conciliation Service							
Salaries and expenses							
BA	R81-106		687	3 17 81		687	5 18 81
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA	R81- 31	163b		1 15 81		163	2 13 81
BA	R81-153		186	3 19 81		186	4 28 81
Federal Trade Commission							
Salaries and expenses							
BA	R81-107		226	3 17 81		226	5 18 81
Marine Mammal Commission							
Salaries and expenses							
BA	R81-108		4	3 17 81		4	5 18 81
Merit Systems Protection Board							
Office of the special counsel							
BA							

PAGE 16 ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-109		210	3 17 81		210	5 18 81
National Consumer Cooperative Bank							
Investment in Nat. Consumer Cooperative Bank							
BA	R81- 36		59,849	3 10 81		59,849	5 11 81
Self-help development and technical assistance							
BA	R81- 37		29,990	3 10 81		29,990	5 11 81
National Science Foundation							
Research and related activities							
BA	R81-110		66,000	3 17 81		66,000	5 18 81
BA	R81-110A		d	4 27 81			
Science and engineering activities							
BA	R81-111		16,000	3 17 81		16,000	5 18 81
BA	R81-111A		d	4 27 81			
Occupational, Safety, and Health Review Comm.							
Salaries and expenses							
BA	R81-112		39	3 17 81		39	5 18 81
Office of Fed. Insp. for the Alaska Nat. Gas Sys.							
Salaries and expenses							
BA	R81-113		445	3 17 81		445	5 18 81
Pennsylvania Avenue Development Corporation							
Salaries and expenses							
BA	R81-114		60	3 17 81		60	5 18 81
Postal Service							
Payment to the Postal Service Fund							
BA	R81- 32	250,000b		1 15 81		250,000	2 13 81
BA							

PAGE 17 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-154		250,000	3 19 81		250,000	4 28 81
Selective Service System							
Salaries and expenses							
BA	R81-115		1,940	3 17 81		1,940	5 18 81
Small Business Administration							
Salaries and expenses							
BA	R81-116		1,405	3 17 81		1,405	5 18 81
Tennessee Valley Authority							
Tennessee Valley Authority fund							
BA	R81- 33	177,000b		1 15 81		177,000	2 13 81
BA	R81-117		500	3 17 81		500	5 18 81
BA	R81-155		177,000	3 19 81		177,000	4 28 81
Water Resources Council							
Water resources planning							
BA	R81-118		5,000	3 17 81		5,000	5 18 81
OTHER INDEPENDENT AGENCIES TOTAL BA		433,163	712,241			1,145,404	
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural electr. and telephone revolving fund							
BA	R81-122		187,000a	3 17 81			
BA	R81-122A		d	4 27 81		187,000	5 18 81
TOTAL BA		1,142,391	14,753,870			15,706,786	

FOOTNOTES

a. This amount represents a proposed reduction in authority to incur obligations for direct loans.

b. This rescission proposal was withdrawn on February 13, 1981.

c. The amount withheld totals $45,000,000, which is $189,475,000 less than the amount proposed for rescission.

d. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D81- 79	10,000		3 10 81				10,000
International Security Assistance								
Foreign military credit sales	BA D81- 23	659,250		12 2 80	-659,250			
Economic support fund	BA D81- 24	1,984,500		12 2 80	-1,365,380			619,120
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		2,653,750			-2,024,630			629,120
DEPARTMENT OF AGRICULTURE								
Forest Service								
Timber salvage sales	BA D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA D81- 2	37,342		10 1 80				
	BA D81- 2A		3,228	4 27 81				40,570
	BA 0000							
DEPARTMENT OF AGRICULTURE TOTAL BA		53,823	3,228					57,051
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions	BA D81- 3	2,867		10 1 80				
	BA D81- 3A		184	1 15 81				3,051

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Minority Business Development Agency								
Minority business development	BA D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	BA D81- 42	30,493a		2 13 81	-30,493			
Construction	BA D81- 4	10,230		10 1 80	-5,239			4,991
Promote and develop fishery products and research	BA D81-105	5,000		4 27 81				5,000
National Telecom and Information Admin.								
Public telecom facilities, plan. & constr.	BA D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration								
Ship construction	BA D81- 80	92,000		3 10 81				92,000
DEPARTMENT OF COMMERCE TOTAL BA		147,990	184		-39,732			108,442
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy	BA D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities	BA D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation								
RDT&E Activities	BA D81- 6	46,500		10 1 80	-46,500			
Military Construction								

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14 58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRE AS OF 6-01-81
Military construction (medical facilities)								
BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services								
BA	D81- 7	6,983		10 1 80				
BA	D81- 7A		600,344	12 2 80	-486,637		800	121,49
Family Housing, Defense								
Family housing, Defense								
BA	D81- 8	18,651		10 1 80	-18,651			
BA	D81- 28	1,992		1 15 81				1,99
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		1,450,126	600,344		-802,788		800	1,248,48
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D81- 81	10,000		3 10 81				10,00
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D81- 9	667		10 1 80	-136b			
BA	D81- 9A		147	1 15 81	-18		136	79
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		10,667	147		-154		136	10,79
DEPARTMENT OF EDUCATION								
Office of Elem. and Secondary Education								
Elementary and secondary education								
BA	D81- 45	52,150a		2 13 81	-52,150			
School assist. in federally affected areas								
BA	D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education								

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Vocational and adult education								
BA	D81- 46	11,862a		2 13 81	-11,862			
Office of Postsecondary Education								
Student loan insurance								
BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education								
BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.								
BA	D81- 82	25,000		3 10 81				25,000
DEPARTMENT OF EDUCATION								
TOTAL BA		346,729			-321,729			25,000
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Operating expenses								
BA	D81- 29	5,000		1 15 81	-5,000			
BA	D81- 29A		5,000	3 10 81			5,000	10,000
Plant and capital equipment								
BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs								
Fossil energy R&D								
BA	D81- 51	25,450a		2 13 81	-25,450			
Fossil energy construction								
BA	D81- 33	42,000		1 15 81				
BA	D81- 33A		163,000	3 10 81				
BA	D81- 33B		d	4 27 81	-105,000			100,000
Energy supply R&D-operating expenses								
BA	D81- 31	23,860		1 15 81				
BA	D81- 49	25,026a		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.								
BA	D81- 32	3,690		1 15 81				
BA	D81- 50	3,650a		2 13 81	-7,340			

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Energy conservation									
	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800a		2 13 81	-58,250			
Strategic Petroleum Reserve									
	BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL BA			206,926	168,000		-261,926		5,000	118,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services									
	BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control									
Preventive Health Services									
	BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health									
National Cancer Institute									
	BA	D81- 55	13,565a		2 13 81	-13,565			
Nat. Heart, Lung, and Blood Institute									
	BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research									
	BA	D81- 57	302a		2 13 81	-302			
Nat. Inst. of Arth., Metab., and Digest. Dis.									
	BA	D81- 58	3,232a		2 13 81	-3,232			
Nat. Inst. of Neuro. and Commun. Dis. and Stroke									
	BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development									
	BA	D81- 60	3,285a		2 13 81	-3,285			
National Eye Institute									
	BA	D81- 61	2,353a		2 13 81	-2,353			
Nat. Inst. of Environ. Health Sciences									

PAGE 6 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
	BA D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging								
	BA D81- 63	588a		2 13 81	-588			
Research Resources								
	BA D81- 64	10,561a		2 13 81	-10,561			
National Library of Medicine								
	BA D81- 65	341a		2 13 81	-341			
Office of the Director								
	BA D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration								
Alcohol, drug abuse & mental health								
	BA D81- 67	67,140a		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital								
	BA D81- 10	10,698		10 1 80				10,698
Health Resources Administration								
Health resources								
	BA D81- 68	78,683a		2 13 81	-78,683			
Office of Assistant Secretary for Health								
Special foreign currency program								
	BA D81- 11	8,000		10 1 80				
	BA D81- 11A		1,118	4 27 81				9,118
Social Security Administration								
Limitation on administrative expenses								
	BA D81-104	8,004		3 19 81				8,004
Human Development Services								
Human development services								
	BA D81- 69	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth								
	BA D81- 12	562		10 1 80	-562			

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PAGE 7 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
TOTAL BA		268,344	1,118		-241,642			27,820
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program	BA D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research								
Research and technology	BA D81- 84	5,000		3 10 81				5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		15,000			-10,000			5,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands	BA D81- 71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service								
Land and water conservation fund	BA D81- 13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res. in Alaska	BA D81- 35	10,710		1 15 81	-7,960			2,750
Payments from proceeds, sale of water	BA D81- 14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines	BA D81- 15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR TOTAL BA		43,365			-7,960			35,405

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS

GENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D81- 85	7,485		3 10 81				7,485
Federal Prison System									
Buildings and facilities	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				19,800
Salaries and expenses	BA	D81- 86	4,385		3 10 81				4,385
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D81- 87	670		3 10 81				670
DEPARTMENT OF JUSTICE TOTAL BA			28,290	4,050					32,340
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance	BA	D81- 36	76,699		1 15 81				
	BA	D81- 36A		652,488	3 10 81				729,187
	BA	0000							
DEPARTMENT OF LABOR TOTAL BA			76,699	652,488					729,187
DEPARTMENT OF STATE									
Other									

PAGE 9 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Emergency refugee and migration assistance fund								
	BA D81- 37	15,000		1 15 81				15,000
	BA 0000							
DEPARTMENT OF STATE								
TOTAL BA		15,000						15,000
DEPARTMENT OF TRANSPORTATION								
Office of the Secretary								
Transportation planning, res. and dev.								
	BA D81- 88	1,040		3 10 81				1,040
Federal Aviation Administration								
Various activities								
	BA D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)								
	BA D81- 17	133,823		10 1 80				
	BA D81- 17A		240,603	12 2 80	-14,893			
	BA D81- 17B		c	3 10 81			6,250	365,783
Federal Highway Administration								
Trust fund share of other highway programs								
	BA D81- 89	21,500		3 10 81				
	BA D81- 89A		d	4 27 81	-3,765			17,735
Federal Railroad Administration								
Railroad research and development								
	BA D81- 90	383		3 10 81				383
Rail service assistance								
	BA D81- 91	80,341		3 10 81				80,341
Northeast corridor improvement program								
	BA D81- 92	125,000		3 10 81				125,000
Urban Mass Transportation Administration								
Urban mass transportation fund								

PAGE 10 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
	BA	D81- 93	210,000		3 10 81				210,000
Research and Special Programs Administration									
Research and special programs	BA	D81- 94	3,100		3 10 81				3,100
DEPARTMENT OF TRANSPORTATION TOTAL BA			578,590	240,603		-18,658		6,250	806,785
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D81- 18	111,773		10 1 80	-2,160		161	109,774
	O	D81- 19	5,485		10 1 80				
	O	D81- 19A		5,209	12 2 80	-3,959			
	O	D81- 19B		51,062	2 13 81	-57,302		6,022	6,517
Bureau of the Mint									
Construction of mint facilities	BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY TOTAL BA			117,503			-7,890		161	109,774
TOTAL O			5,485	56,271		-61,261		6,022	6,517
Veterans Administration									
Medical care	BA	D81- 95	29,389		3 10 81				29,389
Medical and prosthetic research	BA	D81- 96	1,690		3 10 81				1,690
Medical admin. and misc. operating expenses	BA	D81- 97	515		3 10 81				515

PAGE 11 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Construction, major projects								
BA	D81- 98	183,493		3 10 81				183,493
BA	0000							
Veterans Administration								
TOTAL BA		215,087						215,087
OTHER INDEPENDENT AGENCIES								
Board for International Broadcasting								
Grants and expenses								
BA	D81-106	1,370		4 27 81				1,370
Community Services Administration								
Community services program								
BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency								
Emergency planning, preparedness, and mobilization								
BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission								
Salaries and expenses								
BA	D81- 74	163a		2 13 81	-163			
General Services Administration								
Office of Inspector General								
BA	D81- 99	444		3 10 81				444
Allowances and office staff for former Presidents								
BA	D81-100	8		3 10 81				8
Consumer information center								
BA	D81-101	50		3 10 81				50
Intelligence Community Staff								
Intelligence Community Staff								
BA	D81- 38	2,000		1 15 81	-800			1,200

PAGE 12 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
International Communication Agency								
Salaries & expenses								
BA	D81- 75	1,500		2 13 81				1,500
Acquisition & construction of radio facilities								
BA	D81- 76	1,252		2 13 81				
BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank								
Self-help development fund								
BA	D81- 39	13,133		1 15 81	-13,133			
Pennsylvania Avenue Development Corporation								
Land acquisition and development								
BA	D81- 40	30,896		1 15 81				30,896
Postal Service								
Payment to the Postal Service fund								
BA	D81- 77	250,000a		2 13 81	-250,000			
Small Business Administration								
Business loan and investment fund								
BA	D81- 41	57,500		1 15 81				
BA	D81- 41A		55,900	3 10 81				113,400
Surety bond guarantees revolving fund								
BA	D81-102	6,000		3 10 81	-6,000			
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D81- 22	17,000		10 1 80	-17,000			
BA	D81- 26	15,800		12 2 80				15,800
BA	D81- 78	177,000a		2 13 81	-177,000			
OTHER INDEPENDENT AGENCIES TOTAL BA		580,196	67,974		-470,176			177,994
TOTAL BA		6,808,085	1,738,136		-4,207,285		12,347	4,351,283
TOTAL O		5,485	56,271		-61,261		6,022	6,517

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was released before the special message containing the deferral was transmitted to the Congress.

c. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

d. This report was transmitted solely to reflect technical adjustments to the previous report.

[FR Doc. 81-17846 Filed 6-15-81; 8:45 am]
BILLING CODE 3110-01-C

federal register

Tuesday
June 16, 1981

Part IV

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations; Transfer of Financial Assets to Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Transfer of Financial Assets to Federal Reserve Bank of New York

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to extend the time for transfer to the Federal Reserve Bank of New York of certain Iranian financial assets held by domestic banks and nonbanking institutions to a date to be determined by the Department of the Treasury after the Supreme Court has had an opportunity to review legal arguments challenging the President's authority to order the transfers; (2) to provide that the United States Government will not seek to impose penalties for failure to transfer nonfinancial assets to Iran before that date to be determined by the Department of the Treasury when such assets are the subject of an attachment, injunction or other like proceeding or process; and (3) to specify that persons required to make transfers under § 535.213 or § 535.214 shall report by June 26, 1981, on the assets required to be transferred, whether or not the assets are actually transferred by that date.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0236.

SUPPLEMENTARY INFORMATION: The Supreme Court will be reviewing the basic issues involved in legal challenges to the President's authority to order the transfer of certain assets of Iran. Because many of the financial assets required to be transferred under § 535.213 or § 535.214 are currently the subject of attachments, injunctions, or similar legal process, the validity of which is now before the Supreme Court for review, the time for their transfer to the Federal Reserve Bank of New York is being extended to a date to be determined subsequently by the Treasury Department.

The required reports are necessary to allow the timely compilation of information on financial assets required to be transferred to Iran by July 19, pursuant to the Iran-United States agreements of January 19, 1981.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Similarly, because the Regulations are issued with respect to a forign affairs function of the United States, they are not subject to Executive Order 12291 of the February 17, 1981, dealing with Federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by adding a new paragraph (e) as follows:

§ 535.213 [Amended]

* * * * *

(e) For any property described in paragraph (a) of this section, the transfer time in paragraph (b) is extended to a date to be determined subsequently by the Department of the Treasury.

2. Section 535.214 is amended by adding a new paragraph (e) as follows:

§ 535.214 [Amended]

* * * * *

(e) For any property described in paragraph (a) of this section, the transfer time in paragraph (b) is extended to a date to be subsequently determined by the Department of the Treasury.

3. Section 535.215 is amended by adding a new paragraph (c) as follows:

§ 535.215 [Amended]

* * * * *

(c) The United States Government will not seek to impose civil or criminal sanctions on any party for failure to transfer before a date to be determined by the Department of the Treasury any property described in paragraph (a) of this section that is the subject of an attachment, injunction, or other like proceedings or process on June 19, 1981.

4. Section 535.620 is revised to read as follows:

§ 535.620 Report on transfer of domestic bank assets and financial assets held by nonbanking institutions.

(a) *Requirement for reports.* A report shall be filed by June 26, 1981 on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York that is required by § 535.213 § 535.214. Any reporter that transfers property to the Federal Reserve Bank of New York by June 19, pursuant to § 535.213 or § 535.214, shall describe the property so transferred. Property (including interest through July 8, 1981, not transferred but required by § 535.213 or § 535.214 to be transferred shall be separately described.

(b) *Contents of report.* Each report shall contain the following information:

(1) Name and address of the transferor (indicate whether bank or nonbanking institution).

(2) Name and telephone number of person to be contacted about the transfer.

(3) Description of the property transferred or required to be transferred with a list of accounts, including branch, account party, account number, and account amount, with breakdown between principal and interest (as of date transferred or as of July 8 if not yet transferred).

(4) Total value (market value in the case of securities) of each transfer.

(5) Date and time of transfer (if applicable).

(6) A statement as to how interest was calculated, including rate(s) of interst and period(s) for which the rate(s) was applied.

(c) *Filing.* Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained for the reporter's records.

(d) *Confidentiality of reports.* Reports under this section are regarded as privileged and confidential but may be disclosed to Iran.

(e) *Updating of reports.* The Form TFR-620 report shall be updated within five business days of the transfer date to be determined by the Treasury Department by any reporter that does not transfer to the Federal Reserve Bank of New York, on or before that date, the property described in the reporter's TFR-620 report. The required updating shall include a full explanation as to why the property actually transferred was not the same as the property described in the reporter's TFR-620 report.

(Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: June 12, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

BILLING CODE 4810-25-M

OMB Number 15-05-0037

APPENDIX

(NOTE: This appendix will not appear in the Code of Federal Regulations)

Form TFR-620

REPORT OF IRANIAN FINANCIAL ASSETS
SUBJECT TO TRANSFER

Office of Foreign Assets Control
Unit 620
Department of the Treasury
Washington, D.C. 20220

Form TFR-620 is to be used by all persons required to file reports pursuant to section 535.620 of Title 31 of the Code of Federal Regulations. These reports will be regarded as privileged and confidential but may be disclosed to Iran. For assistance, call (202) 376-0968 or 376-0969.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.620 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

Requirement for reports. A report shall be filed by June 26, 1981 on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York that is required by section 535.213 or section 535.214. Any reporter that transfers property to the Federal Reserve Bank of New York by June 19, pursuant to section 535.213 or section 535.214, shall describe the property so transferred. Property (including interest through July 8, 1981) not transferred but required by section 535.213 or section 535.214 to be transferred shall be separately described.

Contents of report. State the following information:

1. Name and address of the transferor (indicate whether bank or nonbanking institution).

2. Name and telephone number of person to be contacted about the transfer.

3. Description of the property transferred or required to be transferred with a list of accounts, including branch, account party, account number, and account amount, with breakdown between principal and interest (as of date transferred or as of July 8 if not yet transferred). Attach list or printout, if necessary.

4. Total value (market value in the case of securities) of assets transferred or to be transferred.

5. Date and time of transfer, if applicable.

6. A statement as to how interest was calculated, including rate(s) of interest and period(s) for which the rate(s) was applied. Attach list or printout, if necessary.

Filing. Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained with the reporter's records.

Updating of Reports. The Form TFR-620 report shall be updated within five business days of the transfer date to be determined by the Treasury Department by any reporter that does not transfer to the Federal Reserve Bank of New York, on or before that date, the property described in the reporter's TFR-620 report. The required updating shall include a full explanation as to why the property actually transferred was not the same as the property described in the reporter's TFR-620 report.

Certification.

I, _____, certify that
(Type or print name)

I am the _____
(State relationship of signatory to holder, e.g., treasurer or individual holder)

of the _____
(Name of holder)

that I am authorized to make this certification and that, to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

_____ (Date)

_____ (Signature)

Address _____
(Street)

_____
(City)

_____
(State)

_____
(Telephone Number)

[FR Doc. 81-18028 Filed 6-15-81; 8:45 am]
BILLING CODE 4810-25-C

Reader Aids

Federal Register

Vol. 46, No. 115

Tuesday, June 16, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452 1
29453-29690 2
29691-29920 3
29921-30072 4
30073-30326 5
30327-30480 8
30481-30622 9
30623-30796 10
30797-30996 11
30997-31248 12
31249-31402 15
31403-31634 16

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949) 29939
February 6, 1926 (Revoked by PLO 5948) 29938
April 17, 1926 (Revoked in part by PLO 5950) 29939
February 14, 1933 (Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997

Proclamations:
4846 29691
4847 30483
4848 31403

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981 30797
No. 81-9 of June 2, 1981 29921

5 CFR
Ch. XIV 30327
213 31405
930 31405
1200 30999

Proposed Rules:
Ch. I 31018

7 CFR
28 30073
700 29453
800 30322
907 ..... 29923, 30799
910 ..... 30012, 31249
917 ..... 30075, 30077
953 ..... 29454, 30487
979 29693
991 29693
1425 30327
1944 29239

Proposed Rules:
102 30620
201 ..... 30780, 31424
989 30645
993 29271
1125 31424
1133 31424

8 CFR
204 ..... 29923, 30078
214 29456

9 CFR
78 30487
82 ..... 29456, 30488, 31249
92 ..... 29239, 29240

10 CFR
2 30328
51 29457
376 29680
390 29680
440 29242
1500 29924
1502 29924
1534 29924

Proposed Rules:
2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR
Ch. II 31406
220 31250
303 30079
552 30488
570 30079

Proposed Rules:
213 29245
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
701 ..... 29247, 29482
720 29248

13 CFR
124 29251

Proposed Rules:
124 ... 29276

14 CFR

39 ... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251
71 ... 29254–29256, 29927, 30335, 30801–30806, 31250–31252
73 ... 29256, 30806
75 ... 31253
97 ... 29257, 30807
135 ... 30968
152 ... 30808
207 ... 31000
208 ... 31000
212 ... 31000
302 ... 31001

Proposed Rules:
Ch. I ... 30352
39 ... 31268
71 ... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269
73 ... 30833
75 ... 29280, 29281, 31278
323 ... 29282
302 ... 29718
399 ... 29285, 29719, 29727

15 CFR

370 ... 29457
376 ... 31001, 31407
385 ... 31407
399 ... 31407
806 ... 30336

Proposed Rules:
330 ... 29662
331 ... 29662
332 ... 29662
340 ... 29662
341 ... 29662
342 ... 29662
343 ... 29662
350 ... 29662
351 ... 29662
352 ... 29662
353 ... 29662
354 ... 29662
373 ... 30623

16 CFR

13 ... 29458, 29928, 30337
460 ... 29256
1031 ... 29928
1032 ... 29928
1212 ... 29696

Proposed Rules:
Ch. II ... 29951, 30115
13 ... 30646

17 CFR

15 ... 29931
16 ... 29931
17 ... 29931
18 ... 29931
21 ... 29931

Proposed Rules:
Ch. I ... 29952

18 CFR

141 ... 29459
271 ... 29697, 29699, 30489–30491, 31253–31256
284 ... 30491
375 ... 29700
1301 ... 31002
1309 ... 30811

Proposed Rules:
157 ... 30505
271 ... 30833
375 ... 30505

19 CFR

101 ... 29462
134 ... 30338

Proposed Rules:
Ch. I ... 29953
200 ... 29729

20 CFR

Proposed Rules:
404 ... 29953

21 CFR

5 ... 31003
74 ... 31004
101 ... 31004
135 ... 31004
166 ... 31004
172 ... 30080
173 ... 30492, 30493
178 ... 31005–31007
193 ... 30338, 30494, 31008
444 ... 31009
520 ... 29464, 31010
561 ... 30339
573 ... 30081

Proposed Rules:
161 ... 30505
180 ... 31020
182 ... 31020
430 ... 30115
436 ... 30115
440 ... 30115
444 ... 30115
448 ... 30115
452 ... 30115
1308 ... 29484

22 CFR

41 ... 30082

Proposed Rules:
171 ... 30649

24 CFR

235 ... 29256, 31257
570 ... 29908

26 CFR

1 ... 29465, 31409
7a ... 30495
11 ... 29465
35 ... 30495

Proposed Rules:
31 ... 31278

27 CFR

4 ... 29260
19 ... 29261
70 ... 29261
240 ... 29261
245 ... 29261
250 ... 29261
270 ... 29261
275 ... 29261

Proposed Rules:
9 ... 31020

28 CFR

0 ... 29704, 29931
16 ... 30495
301 ... 31204

Proposed Rules:
31 ... 29438
522 ... 31210
527 ... 31210
544 ... 31210
545 ... 31210

29 CFR

1910 ... 31010
2610 ... 31257

Proposed Rules:
530 ... 29485

30 CFR

250 ... 29932
700 ... 31258
716 ... 31258
785 ... 31258

31 CFR

51 ... 29261, 31409
535 ... 30340, 31630

32 CFR

199 ... 29704
294 ... 29705

Proposed Rules:
298a ... 29486

33 CFR

25 ... 29933
165 ... 29933
204 ... 29934

Proposed Rules:
100 ... 29288
110 ... 31278
117 ... 30354, 30834
160 ... 30835
162 ... 29954
402 ... 30838

36 CFR

Proposed Rules:
1190 ... 30839
272 ... 31021

37 CFR

Proposed Rules:
201 ... 30649
202 ... 30651

38 CFR

3 ... 31011
21 ... 29474

Proposed Rules:
21 ... 31022

39 CFR

601 ... 30623

Proposed Rules:
10 ... 30505

40 CFR

30 ... 31259
40 ... 31259
52 ... 29707, 30082, 30496, 31011, 31012, 31258–31261
60 ... 29262
61 ... 29262
62 ... 30496
81 ... 31013
86 ... 30497, 31411
122 ... 29708, 30624
123 ... 29935
162 ... 29708
180 ... 30342, 30499, 30624, 31014, 31015
228 ... 31412, 31413
260 ... 29708
261 ... 29708
264 ... 29708, 30624
265 ... 29708, 30624
413 ... 30625

Proposed Rules:
52 ... 29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446
60 ... 29955
62 ... 31026
81 ... 29281, 30368, 30655, 31027
123 ... 29292, 31028, 31279
180 ... 30506, 30662, 31279
408 ... 30663
430 ... 31028
431 ... 31028
773 ... 30300

41 CFR

Ch. 12 ... 30816
7–1 ... 31566
8–14 ... 31262
8–74 ... 31262
15–1 ... 29709
51–4 ... 30084
51–5 ... 30084

Proposed Rules:
Ch. 1 ... 30369
1–4 ... 30369
101–11 ... 30369
101–37 ... 30369
104–4 ... 29955

43 CFR

5420 ... 29262

Public Land Orders:
1281 (Revoked by 5883) ... 29263
5169 (Amended by PLO 5396 and 5951) ... 29937
5179 (Amended by PLO 5250 and 5951) ... 29937
5180 (Amended by PLO 5418 and 5951) ... 29937
5250 (Amended by PLO 5951) ... 29937
5396 (Amended by PLO 5951) ... 29937
5418 (Amended by PLO 5951) ... 29937
5865 ... 30500
5866 ... 30500
5883 ... 29263
5943 ... 29710
5944 ... 29710
5945 ... 29939
5946 ... 29939
5947 ... 29938
5948 ... 29938
5949 ... 29939
5950 ... 29939

5951 29937
5952 30086
5953 30817
Proposed Rules:
35 29955

44 CFR

64 ..... 29940, 29942, 30626
67 ..... 30500, 30628, 31263
Proposed Rules:
55 29292
61 29292
67 ..... 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264
Proposed Rules:
71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:
310 30507
502 30666
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 29474
73 ..... 30086–30091, 30343, 30344, 31264, 31265, 31421, 31422
74 31265
81 31015
83 31015
90 31422
97 31415
Proposed Rules:
Ch. I 30516, 30668, 31286
2 ..... 30124, 31290
22 31292
23 30124
31 ..... 30150, 30152
73 ..... 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
387 30974
531 29944
575 29269
1000 30502
1003 31016
1033 ..... 29480, 30502, 30632
1056 ..... 29711, 29945
1100 30832
1137 30832
Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
571 31294
1047 30668
1048 31450
1127 30156
1201 30839
1241 30839
1248 30839

50 CFR

17 29481
91 30633
301 30345
651 30348
661 ..... 29733, 30633
Proposed Rules:
17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing May 27, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3512/Pub. L. 97-12 Supplemental Appropriations and Rescission Act, 1981 (June 5, 1981; 95 Stat. 14) Price: $3.75.

Just Released

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
	Title 7—Agriculture (Parts 300–399)	$6.00	$
	Title 16—Commercial Practices (Parts 0–149)	6.50	
		Total Order	$

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		