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Friday
June 26, 1981

Highlights

33133 **Grant Programs—Juvenile Delinquency** Justice/JJDPO publishes funding policy for balance of fiscal year 1981.

33020 **Energy Impacted Area Development Assistance Program** USDA/FmHA changes eligibility and funds disbursement procedures under program to assist communities affected by increased coal or uranium production, processing, or transportation.

33032 **Veterans' Burial Benefits** VA removes requirement for outside shipping box and eleminates local transportation expense as a chargeable cost.

33146 **Telecommunications** National Communications System asks for comments on June 1, 1981 drafts of proposed Federal Standards 1025 and 1026 on data communications interoperability and security requirements.

33053 **Bread** HHS/FDA reopens proposed rulemaking and comment period on reduced calorie labeling.

33027 **Canned Peaches** HHS/FDA changes standard of identity to permit marketing of "chunky" peaches.

33055 **Regulatory Flexibility** EEOC issues plan for periodic review of rules.

CONTINUED INSIDE

Highlights

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

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

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

33198 **Environmental Protection** USDA/FS intends to revise Forest Service Manual containing its National Environmental Policy Act implemention procedures. (Part III of this issue)

33102 **Federal Pay** Federal Prevailing Rate Advisory Committee announces availability of 1980 annual report.

33170 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and Federally assisted construction. (Part II of this issue)

Privacy Act Documents

33105 HHS/HDSO
33106 HHS/PHS
33070, 33073 DOD/Navy (2 documents)
33074 DOD/Sec'y
33057, 33069 DOD/Army (2 documents)

33166 **Sunshine Act Meetings**

Separate Parts of This Issue

33170 **Part II, Labor/ESA**
33198 **Part III, USDA/FS**

Contents

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

Agency for International Development
NOTICES
Meetings:
33132 International Food and Agricultural Development Board

Agricultural Marketing Service
RULES
33020 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
PROPOSED RULES
33053 Economic impact; certification to Office of Advocacy

Army Department
PROPOSED RULES
33057 Privacy Act; implementation
NOTICES
33069 Privacy Act; systems of records

Arts and Humanities, National Foundation
NOTICES
Meetings:
33146 Humanities Panel

Blind and Other Severely Handicapped, Committee for Purchase from
RULES
33032 Procurement; authority citation corrected
NOTICES
33068, 33069 Procurement list, 1981; additions and deletions (3 documents)

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
33078 Wholesale power rate increase; proposed

Civil Aeronautics Board
RULES
Accounts and reports for certificated air carriers; uniform system:
33022 Public disclosure of service segment data
NOTICES
Hearings, etc.:
33064 Westair Jet Fitness investigation

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.

Defense Department
See Army Department; Navy Department.
NOTICES
33074 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Consent orders:
33084 Bolin Oil Co.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
33082 Chesapeake Corp.
33084 Gulf States Utilities Co.

Education Department
NOTICES
Meetings:
33077 Indian Education National Advisory Council

Employment and Training Administration
NOTICES
33135 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
33170 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Alaska, Ark., Fla., Ill., Ind., Iowa, La., Md., Mich., Miss., Mont., N. Mex., Pa., S.C., Tex., and Wyo.)

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
33097 European Atomic Energy Community and Sweden
Remedial orders:
33086 Conoco, Inc.

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
33031 New Mexico
PROPOSED RULES
Air quality implementation plans approval and promulgation; various States, etc.:
33058 Kansas
Air quality planning purposes; designation of areas:
33059 Alabama
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
33060 2-Chloroallyldiethyldithiocarbamate; correction
NOTICES
Environmental statements; availability, etc.:
33098 Agency statements; weekly receipts

Equal Employment Opportunity Commission
RULES
Procedural regulations:
33030 Charges deferred to appropriate State and local agencies; designated 706 agencies; technical amendments and corrections

PROPOSED RULES
33055 Regulatory flexibility plan

Farmers Home Administration
RULES
Rural development:
33020 Energy impacted area development assistance program (Section 601)

Federal Communications Commission
RULES
Radio stations; table of assignments:
33033 Arizona; correction
33033 Illinois
33034, 33035 Kansas (2 documents)
33036, 33037 Minnesota (2 documents)
33037 Washington
NOTICES
33099 AM broadcast applications accepted for filing and notification of cut-off date
33099 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
33100 Airsignal International, Inc., et al.
33100 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
33101 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies; extension of time
33100 Television broadcast applications accepted for filing and notification of cut-off date (2 documents)
33101 Television translator applications ready and available for processing and notification of cut-off date

Federal Contract Compliance Programs Office
RULES
33033 Government contractors; affirmative action; further deferral of effective date

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
33062 Alabama; correction
33060 Massachusetts
33061 New Jersey; correction
33062 New York; correction
33061 Pennsylvania; correction
NOTICES
Disaster and emergency areas:
33101 Ohio

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
33023 Alabama
33024 Colorado
33024 West Virginia
Public Utility Regulatory Policies Act of 1978:
33025 Small power production and cogeneration facilities; ownership criteria for qualifying facilities
NOTICES
Hearings, etc.:
33086 ANR Production Co.
33086 Arkansas Louisiana Gas Co.
33087 Channel Industries Gas Co. et al.
33088 Dow Pipeline Co.
33088 El Paso Natural Gas Co.
33089 Energy Gathering, Inc., et al.
33089, 33090 Florida Gas Transmission Corp. (2 documents)
33090 Hach Energy Systems, Inc.
33091 Indiana & Michigan Electric Co.
33091 Intermountain Rural Electric Association et al.
33091 Iowa Public Service Co.
33091 Michigan Wisconsin Pipe Line Co.
33092 Mississippi River Transmission Corp.
33092 Northern Lights, Inc.
33093 Northern Natural Gas Co.
33094 Pennsylvania Gas & Water Co. et al.
33094, 33095 Southern Natural Gas Co. (3 documents)
33095 Tarpon Transmission Co.
33096 Tennessee Gas Pipeline Co.
33096 Texas Eastern Transmission Corp. et al.
33097 United Gas Pipe Line Co.
33097 Western Refining Co.
Meetings:
33093 Joint State Board, Pacific Northwest Electric Power Planning and Conservation Act; rates for sales to Bonneville Power Administration
33166 Meeting; Sunshine Act
Natural Gas Policy Act of 1978:
33090 Jurisdictional agency determinations (Gulf Oil Corp.)

Federal Home Loan Bank Board
NOTICES
33166 Meetings; Sunshine Act (2 documents)

Federal Labor Relations Authority and Federal Service Impasses Panel
RULES
Sub-regional office addresses, listing:
33019 Virginia; jurisdiction under Atlanta Regional Office

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
33102 Port Authority of New York and New Jersey and Universal Maritime Service Corp.; supplement lease

Federal Prevailing Rate Advisory Committee
NOTICES
33102 Annual report, 1980; availability

Federal Register, Administrative Committee
RULES
33019 Weekly Compilation of Presidential Documents; subscription rate increase

Federal Reserve System
RULES
Authority delegations:
33022 General Counsel; approval of exceptions under Regulation L; correction
NOTICES
Applications, etc.:
33102 Bancshares of the South, Inc.

33102 Boatmen's Bancshares, Inc.
33104 Centennial/Valley State Bancorp
33103 First Healdton Bancorporation, Inc.
33103 Southwest Bancorporation
Bank holding companies; proposed de novo nonbank activities:
33103 Chemical New York Corp.
33103 Manufacturers Hanover Corp.
33166 Meetings; Sunshine Act

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
33063 Wiest's sphinx moth

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
33029 Benzathine cloxacillin
33028 Monensin blocks
33027 Peaches, canned; identity standards
PROPOSED RULES
33053 Bread; reduced calorie labeling; reopening of comment period
33055 Peaches, canned; quality standard; reopening of comment period
NOTICES
Meetings:
33104 Advisory committees, panels, etc.; Miscellaneous Internal Drug Products Panel, date change
33104, 33105 Consumer information exchange (2 documents)
33104 Sodium in foods with interested food-related trade associations

Forest Service
NOTICES
Meetings:
33064 Carson National Forest Grazing Advisory Board
33198 National Environmental Policy Act; implementation

Health and Human Services Department
See Food and Drug Administration; Human Development Services Office; Public Health Service.

Human Development Services Office
NOTICES
33105 Privacy Act; systems of records

Interior Department
See Fish and Wildlife Service; Land Managment Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
33064 Clear sheet glass from Japan
33065 Polyvinyl chloride sheet and film from Taiwan
Scientific articles; duty free entry:
33067 National Radio Astronomy Observatory
33067 University of Georgia
33067 Yale University

International Trade Commission
NOTICES
Import investigations:
33133 Food slicers and components

Interstate Commerce Commission
NOTICES
Motor carriers:
33111 Fuel cost recovery, expedited procedures
33112 Intercorporate hauling operations; intent to engage in
33113, 33127 Permanent authority applications (2 documents)
33131 Permanent authority applications; correction
33117 Permanent authority applications; operating rights applications; republication
33117 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
33131 Wolfeboro Railroad Associates
Railroad services abandonment:
33112 Baltimore & Ohio Railroad Co.

Justice Department
See Juvenile Justice and Delinquency Prevention Office.

Juvenile Justice and Delinquency Prevention Office
NOTICES
33133 Grants; continuation policy

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
33136 C.J. Bachner & Sons, Inc.
33136 GRM Industries, Inc.
33137 I.R.C. Fibers Co.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
33110 Cook Inlet Region, Inc.
Coal leases, exploration licenses, etc.:
33109 Utah
Coal unsuitability assessment report:
33109 Camp Swift Military Reservation, Tex.
Environmental statements; availability, etc.:
33108 Camp Swift lignite leasing, Texas
33110 Outer Continental Shelf; offshore Southern California; oil and gas lease sale; extension of time
Withdrawal and reservation of lands, proposed, etc.:
33111 Wyoming; correction

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
33135 Thomas & Miller Coal Co.

National Communications System
NOTICES
Telecommunications standards:
33146 Interoperability and security requirements for use of data encryption standards in data communication systems; inquiry

National Credit Union Administration
NOTICES
33166, 33167 Meetings; Sunshine Act (2 documents)

National Mediation Board
NOTICES
33167 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
33038 Groundfish, Gulf of Alaska; foreign and domestic fishing
33041 Salmon, high seas, off Alaska; emergency interim regulations and request for comments
NOTICES
Meetings:
33068 Gulf of Mexico Fishery Management Council

National Park Service
RULES
33031 Alaska National Park System units; correction

National Telecommunications and Information Administration
NOTICES
Meetings:
33068 Electromagnetic Radiation Management Advisory Council

Navy Department
NOTICES
33070, 33073 Privacy Act; systems of records (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
33147 Arkansas Power & Light Co. (2 documents)
33147 Baltimore Gas & Electric Co.
33148 California Polytechnic State University
33148 Connecticut Yankee Atomic Power Co.
33149 Duke Power Co.
33149 Power Authority of State of New York
33150 Tennessee Valley Authority
Meetings:
33150 Reactor Safeguards Advisory Committee

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
33137 Citizens Bank Employees' Stock Bonus Plan
33138 City Investing Co. et al.
33141 Hardy Coal Co. Employees' Pension Plan & Trust
33143 Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan, et al.
33144 Supra Products, Inc. Employees Profit Sharing Retirement Trust
33146 Thompson Steel Co., Inc.; correction
Employee benefit plans; proposed alternative methods of compliance:
33145 National Western Life Insurance Co.

Public Health Service
NOTICES
33106 Privacy Act; systems of records

Securities and Exchange Commission
NOTICES
Hearings, etc.:
33150 Convertible Fund of Japan, Ltd.
33151 Municipal Fund for Temporary Investment
33153 Nationwide Life Insurance Co. et al.
33155 Offerman Money Market Fund, Inc.
33157 Syntex Corp.
33167 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
33157 Midwest Stock Exchange, Inc.
33158 Municipal Securities Rulemaking Board
33159–33161 National Association of Securities Dealers, Inc. (3 documents)
33161 Pacific Stock Exchange, Inc.
33162 Philadelphia Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
33151 Midwest Stock Exchange, Inc.

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
33056 Colorado et al.

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
33163 Sugar imports; non-member; clarification
33163 Video matrix display systems, large, and components; inquiry
Meetings:
33163, 33164 Services Policy Advisory Committee (2 documents)

Veterans Administration
RULES
33032 Procurement; mortuary services
NOTICES
Environmental statements; availability, etc.:
33164 Long Beach, Calif.; 160-bed spinal cord injury nursing care unit
33164 Washington, D.C.; entrance road improvement

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
33064 Carson National Forest Grazing Advisory Boards (open), Canjilon, N. Mex., 7–18–81 (West Carson) and Penasco, N. Mex., 8–1–81 (East Carson)

ARTS AND HUMANITIES, NATIONAL FOUNDATION
33146 Humanities Panel, Washington, D.C. (closed), 7-14-81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
33068 Gulf of Mexico Fishery Management Council, Naples, Fla. (open), 7-6 and 7-7-81
National Telecommunications and Information Administration—
33068 Electromagnetic Radiation Management Advisory Council, Washington, D.C. (open), 7-8 and 7-9-81

EDUCATION DEPARTMENT
33077 Indian Education National Advisory Council, San Diego, Calif. (open), 8-4 through 8-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
33104 Consumer participation (open), Chicago, Ill., 7-16 and St. Louis, Mo., 7-14-81
33104 Sodium in foods, Washington, D.C. (open), 6-30-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
33132 International Food and Agricultural Development Board, Washington, D.C. (open), 7-14 and 7-15-81

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
33163 Services Policy Advisory Committee, Washington, D.C. (closed), 7-15-81

AMENDED MEETING

NUCLEAR REGULATORY COMMISSION
33150 Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Irving, Tex. (open) 6-29-81

CHANGED MEETING

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
33104 Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 7-10 through 7-12-81 changed to 7-10-81 only (telephone conference call)

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.

1 CFR
3 33019

5 CFR
Ch. XIV 33019

7 CFR
910 33020
1948 33020

10 CFR
Proposed Rules:
1504 33053

12 CFR
265 33022

14 CFR
241 33022

18 CFR
271 (3 documents) 33023, 33024
292 33025

21 CFR
145 33027
510 33028
520 33028
540 33029
Proposed Rules:
105 33053
145 33055

29 CFR
1601 33030
Proposed Rules:
Ch. XIV 33055

30 CFR
Proposed Rules:
906 33056
920 33056
931 33056
934 33056
944 33056
948 33056
950 33056

32 CFR
Proposed Rules:
505 33057

36 CFR
13 33031

40 CFR
81 33031
Proposed Rules:
52 33058
81 33059
180 33060

41 CFR
8-4 33032
51-1 33032
51-2 33032
51-3 33032
51-4 33032
51-5 33032
60-1 33033
60-2 33033
60-4 33033
60-20 33033
60-30 33033
60-50 33033
60-60 33033
60-250 33033
60-471 33033

44 CFR
Proposed Rules:
67 (5 documents) 33060-33062

47 CFR
73 (7 documents) 33033-33037

50 CFR
611 33038
672 33038
674 33041
Proposed Rules:
17 33063

Rules and Regulations

Federal Register
Vol. 46, No. 123
Friday, June 26, 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.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 3

Services to the Public; Weekly Compilation of Presidential Documents Subscription Rate

AGENCY: Administrative Committee of the Federal Register.

ACTION: Final rule.

SUMMARY: This document raises the annual subscription price and price of individual copies of the Weekly Compilation of Presidential Documents because of increased production and distribution costs.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Normandin, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, 202–523–5240.

SUPPLEMENTARY INFORMATION: Production and distribution costs have increased substantially in the seven years since the last change in prices for this publication. The Administrative Committee of the Federal Register, which establishes prices for Office of the Federal Register publications, has determined that an annual subscription price for this publication shall be $35.00 and the price of individual copies shall be $1.00. In addition, the annual subscription price for first class mailing will be $79.00.

Accordingly, under the authority vested in the Committee, 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189; the Committee revises § 3.4(b)(7) of 1 CFR as follows:

§ 3.4 Subscriptions and availability of Federal Register publications.

* * * * *

(b) * * *

(7) Weekly Compilation of Presidential Documents—(i) *Non-priority mailing.* Issues will be furnished by mail to subscribers for $35.00 per year payable in advance to the Superintendent of Documents, Government Printing Office.

(ii) *First-class mailing.* Issues will be furnished to subscribers by first-class mail for $79 per year payable in advance to the Superintendent of Documents, Government Printing Office. Individual issues may be obtained for $1.00 per copy from the Superintendent of Documents, Government Printing Office.

Robert M. Warner,
Chairman.
Samuel L. Saylor,
Member.
Stephen J. Wilkinson,
Member.

Approved:
William French Smith,
Attorney General.
Ray Kline,
Acting Administrator of General Services.

[FR Doc. 81-18966 Filed 6-25-81; 8:45 am]
BILLING CODE 1505-02-M

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Ch. XIV

Current Addresses and Geographic Jurisdictions

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Final rule.

SUMMARY: This document amends Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions. Paragraph (f) sets forth the geographic jurisdictions of the Regional Directors of the Federal Labor Relations Authority (Authority). The amendment provides that the State of Virginia, except the counties of Alexandria, Arlington, Fairfax, Fauquier, Loudoun and Prince William, are within the geographic jurisdiction of the Atlanta Regional Office. The amendment results from a careful review of overhead costs, travel costs and the need for effective supervision of field personnel.

DATES: Effective Date: June 15, 1981.

Comment Date: Written comments will be considered if received no later than July 15, 1981.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 1900 E Street NW, Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel (202) 254–8305.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978. At 5 CFR Ch. XIV, Appendix A, paragraph (f) sets forth the geographic jurisdictions of the Regional Directors of the Federal Labor Relations Authority. Under paragraph (f) of Appendix A, the State of Virginia is listed to be within the geographic jurisdiction of the Authority's Washington, D.C. Regional Office. Based upon a careful review of overhead costs, travel costs and the need for effective supervision of field personnel, it has been concluded that it would be in the best interest of optimizing the transaction of Authority business through the most effective and efficient manner by placing the State of Virginia, except for the counties of Alexandria, Arlington, Fairfax, Fauquier, Loudon and Prince William, within the geographic jurisdiction of the Authority's Atlanta Regional Office. The address of the Atlanta Regional Office, as set forth in Appendix A, Paragraph (d)(4) of the rules and regulations (45 FR 3522) is as follows:

(4) *Atlanta Regional Office*, 1776 Peachtree Street NW., Suite 501, North Wing, Atlanta, Georgia 30309, Telephone: FTS–257–2324, Commercial (404) 881–2324 or 881–2325.

Accordingly, in 5 CFR Appendix A to Ch. XIV paragraph (f) is amended, by revising the entry for "Virginia" to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(f) The geographic jurisdictions of the Regional Directors of the Authority, are as follows:

State or other locality	Regional office
* * * *	
Virginia	Washington, D.C./Atlanta.*
* * * *	

* Washington, D.C. includes the following Virginia counties: Alexandria, Arlington, Fairfax, Fauquier, Loudoun and Prince William. All other counties in Virginia are in the jurisdiction of Atlanta.

* * * * *

(5 U.S.C. 7134)

Dated: June 22, 1981.

For the Authority.

James J. Shepard,

Executive Director.

S. Jesse Reuben,

Deputy General Counsel.

Federal Labor Relations Authority.

[FR Doc. 81-19000 Filed 6-25-81; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 311; Lemon Regulation 310, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period June 28–July 4, 1981, and increases the quantity of lemons that may be shipped during the period June 21–27, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective June 28, 1981, and the amendment is effective for the period June 21–27, 1981.

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

SUPPLEMENTARY INFORMATION:

Findings

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

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 23, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

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

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.611 is added as follows:

§ 910.611 Lemon Regulation 311.

The quantity of lemons grown in California and Arizona which may be handled during the period June 28, 1981, through July 4, 1981, is established at 300,000 cartons.

2. Section 910.610, Lemon Regulation 310 (46 FR 32008), is revised to read as follows:

§ 910.610 Lemon Regulation 310.

The quantity of lemons grown in California and Arizona which may be handled during the period June 21, 1981, through June 27, 1981, is established at 375,000 cartons.

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

Dated: June 25, 1981

D. S. Kuryloski

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

[FR Doc. 81-19153 Filed 6-25-81; 11:36 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1948

Energy Impacted Area Development Assistance Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations for the Section 601 Energy Impacted Area Development Assistance Program, which is designed to provide assistance to areas impacted by increased coal or uranium production, processing, or transportation. This action is taken primarily to implement changes in eligibility requirements for this program that are contained in the FY 1981 Department of Interior and Related Agencies Appropriations Act. Its primary effect will be to extend, with the concurrence of the Governor, eligibility to public special purpose districts or authorities and public or private nonprofit corporations. Additionally, it well clarify procedures concerning distribution of funds recovered upon the sale of sites acquired or developed with assistance under this program and correct an error in the designation criteria for the program.

DATES: Effective date: June 26, 1981 and shall apply to all applications received or to be received. Comment date: Comments must be received on or before August 27, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Building, Washington, DC

20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Kugler, Director, Energy Impact Assistance Division, Farmers Home Administration, USDA, Room 5449–S, Washington, DC 20250, Telephone (202) 447–2573.

SUPPLEMENTARY INFORMATION: This final action has been reviewed and been classified as "non-significant" under Secretary's Memorandum 1955 and classified as a "non-major action" under Executive Order 12291. The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

The Section 601 Energy Impacted Area Development Assistance Program provides grants to States, councils of local governments, and local governments. In previous fiscal years, FmHA earmarked funds for some special authorities and districts with the understanding that they were included within the definition of the term "local governments." Subsequently, it was determined that such entities were not eligible for assistance under the existing authority and regulations. The fiscal year 1981 Department of Interior and Related Agencies Appropriations Act included language which extends, for this program, the term "local government" to include, with the concurrence of the Governor, public special purpose districts or authorities and public or private nonprofit corporations. This Appropriations Act extension of eligibility for assistance applies to funds appropriated for fiscal year 1981, and retroactively, to funds appropriated for fiscal year 1979 and fiscal year 1980. The primary effect of this action is to implement changes in eligibility which will include all eligible grantees and reflect Congressional intent for the use of these fiscal year 1981 and previous fiscal year funds. Additionally, this action will clarify the procedures concerning distribution of funds upon the sale of sites acquired or developed with assistance under this program. In some individual cases, distribution procedures have been adopted which would allow recovery by a grantee of its contributed share of project funds prior to the recovery by the Federal Government of its share. This practice is not in compliance with FmHA instructions, the authorizing legislation of the program, or Attachment N of OMB Circular A–102. This action will preclude such abuses. Finally, a typographical error in the procedures for designation of energy impact areas has allowed some areas experiencing minimal impact from energy development to become designated and approved as energy impact areas. This action will correct that error.

Dwight O. Calhoun, Acting Administrator, FmHA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because the changes in applicant eligibility effected by this final action may be applied retroactively; this retroactivity affects a large number of pending applications and makes rapid implementation of these changes imperative. There is an immediate need in energy impact areas for the delivery of assistance provided by funds available to the Section 601 program. In many of these rural areas, special authorities and districts are the only local entities with the authority to undertake the activities which can be supported by this program. Publication of these changes as a proposed rule with a comment period would perpetuate threats to public health and safety which currently exist and which will be created by energy development in many energy impact areas. In those cases where FmHA has earmarked funds for communities and both FmHA and the community intend to pursue the projects, additional delays in the publication of a final rule may threaten the proposed projects in other ways. Many of these projects are being held up pending publication of a final rule. Some of the applicants have nearly-expired options to purchase land for Section 601 projects; in some cases, local funds expended by these communities will be lost if further delay is experienced. For other applicants further delay will cause the loss of funding from other sources. Further, nearly every pending project is experiencing two effects which may threaten ultimate completion: inflation of construction expenses beyond available funding and delay of the commencement of construction beyond the time of year during which weather will allow its completion.

Additionally, clarification of the procedures concerning distribution of funds upon the sale of sites acquired or developed with assistance under this program will preclude program abuses in this area. Finally, correction of a typographical error in the designation criteria will appropriately restrict designation as an energy impact area to those areas experiencing adverse impact as a result of eligible energy development.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Dwight O. Calhoun, Acting Administrator, FmHA, has determined that this action will not have significant economic impact on a substantial number of small entities because it does not impose any new significant reporting or regulatory requirements on small entities.

The FmHA programs and projects which are affected by this Instruction are subject to State and local A–95 clearinghouse review in the manner delineated in 7 CFR Part 1901, Subpart H, of this Chapter. The Catalog of Federal Domestic Assistance number for the Section 601 Energy Impacted Area Development Assistance Program is 10.430.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Therefore, Title 7, Chapter XVIII, Part 1948, Subpart B of the Code of Federal Regulations is amended as follows:

1. In Section 1948.53, paragraph (o) is revised to read as follows:

§ 1948.53 Definitions.

* * * * *

(o) *Local government.* Any county, parish, city, town, township, village, or other general purpose political subdivision of a State with the power to levy taxes and expend Federal, State, and local funds and exercise governmental powers and which is located in, or has authority over, the energy impact area. With the

concurrence of the Governor, the term may also include such school, water, sewer, highway, or other public special purpose districts or authorities, or public or private nonprofit corporations as may be appropriate to carry out the purpose for which a grant is being made. These corporations or special purpose districts or authorities may apply (including applications previously received) for grants from fiscal year 1981 and earlier fiscal year funds only.

* * * * *

2. Section 1948.54 is revised to read as follows:

§ 1948.54 Eligible applicants.

Organizations eligible for grants include local governments, councils of local government, and State governments that have the legal authority necessary to undertake the proposed project.

§ 1948.68 [Amended]

3. Section 1948.68 (a)(2) is amended by inserting the words "* * * at least 100 workers and one-half of one percent * * *" in place of the words "* * * at least 100 workers or one-half of one percent * * *"

4. Section 1948.84 is amended by adding paragraph (d)(13) to read as follows:

§ 1948.84 Application procedure for site development and acquisition grants.

* * * * *

(d) * * *

(13) Specific concurrence of the Governor if the proposed applicant is neither a council of local governments nor a general purpose political subdivision of a State;

* * * * *

5. Section 1948.90 is amended by revising paragraph (b)(3) and adding paragraphs (b)(4) and (b)(5) to read as follows:

§ 1948.90 Land transfers.

* * * * *

(b) * * *

(3) Transfer of real property by a recipient of assistance under this subpart to a person must be by contract which: acknowledges the use of funds provided under this Subpart to acquire or develop the site; specifies the date of performance prior to delivery of the deed; provides for FmHA concurrence before changes or modifications; and assures FmHA that the real property will be used for the purposes under which the grant was made.

(4) Proceeds derived from the sale of land acquired or developed through the use of a grant provided under this Subpart must be divided between the grantee and FmHA on a pro rata basis. A grantee may not recover its costs from sale proceeds to the exclusion of FmHA. The amount to be returned to FmHA is to be computed by applying the percentage of FmHA grant participation in the total cost of the project to the proceeds from the sale. Funds will be transmitted to the Finance Office in accordance with FmHA Instruction 1951–B, paragraph 1951.58(j), available in FmHA offices.

(5) All funds received by FmHA from real property transfers shall be deposited in the U.S. Treasury.

Authority: 42 U.S.C. 8401; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: June 20, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 18924 Filed 6-25-81; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR 265

[Docket No. R-0359]

Delegation of Authority; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final regulation amending the Board's Rules Regarding Delegation of Authority that appeared at page 28398 in the **Federal Register** of Wednesday, May 27, 1981 (46 FR 28398). The action is necessary to correct typographical errors in the document.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202/452–3564) or Melanie L. Fein, Attorney (202/452–3594), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The following corrections are made in FR Doc. 81–15678 appearing on page 28398 in the issue of May 27, 1981:

1. On page 28398, column 3, and page 28399, columns 1 and 2, each reference to "212.3(b)" is changed to "212.4(b)."

2. On page 28399, column 1, first paragraph is corrected by changing "12 U.S.C. 3206" to "12 U.S.C. 3207."

Board of Governors of the Federal Reserve System, June 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18920 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Amendment No. 42 to Part 241; Docket 39688]

Amendment of Disclosure Practices for Service Segment Data

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating the requirement that service segment data relating to operations during a specific time period shall not be disclosed to the public until reports for that time period have been received from all reporting carriers and processed by the Board. This action is taken at the Board's own initiative, because the provision unnecessarily delays release of information without serving any regulatory purpose.

DATES: Adopted: June 4, 1981.
Effective: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or Bernard Davis, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

SUPPLEMENTARY INFORMATION: ER–973 (41 FR 46582, October 22, 1976) added a new paragraph 19–6(b) to Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers.* That paragraph provides that service segment data relating to operations during a specified time period shall not be subject to general public disclosure until reports for that time period have been received from all reporting carriers and processed by the Board. When this rule was adopted, all service segment data was submitted in machine-readable form only. The purpose of this rule was to avoid undue burdens on the Board's limited ADP resources that would have been caused by numerous public requests for access to these data. In addition, the provision in section 19–6(b) made it possible for the Board to receive and process the reports and transmit the service segment data file to the National Archives and Records Service of the General Services Administration which, under an agreement with the Board, has provided

the data to the public upon request. Under this arrangement the data has been generally made available to the public in about 30 days after it was received by the Board. Because all carriers generally submitted their reports on time, this arrangement allowed NARS to provide public access to the data in a manner which has adequately served the needs of the users. This arrangement will continue for service segment data.

Since the passage of the Airline Deregulation Act of 1978, many carriers have been certificated. As a result, they have been required to submit service segment data on tapes or cards or nonstop market data on Schedule T-9. Being unfamiliar with this reporting, some of these carriers are having difficulties in preparing their data, and as a consequence, the reports are not only filed late but contain various discrepancies which must be corrected before they can be processed. Because § 241.19-6(b) prohibits disclosure of the information until all the carriers have filed their reports, public access to this information has been unnecessarily delayed. The information, therefore, is not as current or useful as it might be. This amendment will remove the restriction that is causing delays in the release of Schedule T-9 and service segment reports to the public.

We find notice and public procedure on this amendment impracticable and contrary to the public interest. Although small carriers have been required to file Schedule T-9 reports since October 1, 1980, the Board has been unable to release any of this information because of the prohibition in § 241.19-6(b). During the same period, however, the Board has released the service segment data of the larger carriers. This procedure has resulted in a significant and unintended competitive disadvantage to the larger carriers. Immediate elimination of § 241.19-6(b) is required to correct this inequity so that the general purpose of service segment reports is not thwarted.

Since this rule eliminates a restriction and does not impose any additional burden, we find that the change may take effect upon publication in the Federal Register. No final regulatory flexibility analysis is required under Pub. L. 96-354 because this final rule was not preceded by a Notice of Proposed Rulemaking.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers*, as follows:

1. The authority for Part 241 is:

Authority: Sec. 204, 401, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 766, 92 Stat. 1710; 49 U.S.C. 1324, 1371, 1377.

§ 241.19-6 [Removed]

2. Paragraph (b) of § 241.19-6, *Public disclosure of service segment data* is removed and reserved.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18952 Filed 6-25-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Alabama—1); Order No. 161]

High-Cost Gas Produced from Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

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

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Basal Pennsylvanian Sand Formation in Alabama as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 9, 1981 (46 FR 22004, April 15, 1981) [1] based on a recommendation by the State Oil and Gas Board of Alabama (Alabama) in accordance with § 271.703(c), that the Basal Pennsylvanian Sand Formation be designated as a tight formation.

Evidence submitted by Alabama supports its assertion that the Basal Pennsylvanian Sand Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Alabama recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3342; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (39) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

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

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

(ii) *Depth.* The Basal Pennsylvanian Sand Formation is a series of massive

[1] Comments were invited on the proposed and none were received. No party requested a hearing in this matter, and no hearing was held.

sand 300 to 600 feet thick, extending from the base of the Black Creek coal seam to the base of the Pennsylvanian series.

[FR Doc. 81-18699 Filed 6-25-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Colorado—15); Order No. 160]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, on May 4, 1981 (46 FR 25644, May 8, 1981),[1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) that the Dakota Formation should be designated as a tight formation in accordance with § 271.703(c).

Evidence submitted by Colorado and the commenter supports Colorado's assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342; Administrative Procedure Act, 15 U.S.C. 553.)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (40) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(40) *Dakota Formation in Colorado.* RM79-76 (Colorado—15).

(i) *Delineation of formation.* The Dakota Formation is found in Mesa, Garfield, and Rio Blanco Counties, Colorado, and consists of all or portions of Townships 3 through 8 South, Ranges 98 through 103 West, 6th P. M.

(ii) *Depth.* The depth to the top of the Dakota Formation ranges from 5,480 feet to 9,225 feet, and averages 6,993 feet. The base of the Dakota Formation is found at the top of the Cedar Mountain Sandstone Formation.

[FR Doc. 81-19000 Filed 6-25-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (West Virginia—1); Order No. 162]

High-Cost Gas Produced from Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of West Virginia Office of Oil and Gas that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Ravencliff, Injun-Squaw, Weir and Berea Formations in West Virginia as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued March 9, 1981 (46 FR 16914, March 16, 1981)[1] based on a recommendation by the State of West Virginia Office of Oil and Gas (West Virginia) in accordance with § 271.703(c) that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations.

Evidence submitted by West Virginia supports its assertion that these formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the West Virginia recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available

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[1] Comments were invited on the proposed and one was received. No party requested a hearing in this matter, and no hearing was held.

[1] Comments on the proposed rule were invited and none were received. One party requested a public hearing in this matter and then withdrew the request.

immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3342; Administrative Procedure Act, 5 U.S.C. § 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraphs (41) through (44) to read as follows:

§ 271.703 Tight formations.

* * * * *

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

* * * * *

(41) *Ravencliff Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Ravencliff Formation underlies portions of Fayette and Raleigh Counties, West Viriginia.

(ii) *Depth.* The Ravencliff Formation lies below the Princeton Sandstone and above the Maxton Sandstone. The Ravencliff Formation ranges in thickness from thin sand stringers in the eastern portion of the two counties, to a maximum thickness of 140 feet in the central portion of the designated area.

(42) *Injun-Squaw Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Injun-Squaw Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Injun-Squaw Formation lies below the Big Lime-Keener Formation and above the Weir Formation. The Injun-Squaw Formation ranges in thickness from a maximum of 20 feet in northwestern Fayette County, to thin stringers to the south and east.

(43) *Weir Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Weir Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Weir Formation lies approximately 200 feet below the Injun-Squaw Formation and approximately 200 feet above the Berea Formation. The Weir Formation ranges in thickness from 50 to 80 feet in the northeastern portion of the designated area, to 100 feet in the southern portion of the area.

(44) *Berea Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Berea Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Berea Formation lies approximately 200 feet below the Weir Formation. The Berea Formation ranges in thickness from 55 feet in northwestern Fayette County, to thin shaley sandstone stringers in the southern portion of designated area.

[FR Doc. 81–19001 Filed 6–25–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 292

[Order No. 70–E; Docket No. RM79–54]

Small Power Production and Cogeneration

Issued June 18, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amendment to final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby amends the final rule issued in Docket No. 79–54 regarding qualification of small power production and cogeneration facilities. This amendment removes the interim exclusion from qualifying status for new diesel and dual-fuel cogeneration facilities presently contained in § 292.203 of the Commission's rules. Such facilities will be allowed to obtain qualifying status on a generic basis subject to the general requirements for qualification contained in Part 292 of the Commission's rules.

EFFECTIVE DATE: This rule becomes effective on or before July 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Glenn Berger, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033;

or

Michael Kessler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033.

Issued June 18, 1981.

On March 13, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM79–54 (Final Rule).[1] The Final Rule established criteria and procedures whereby an owner or operator of a small power production or cogeneration facility could determine if the facility were eligible to obtain qualifying status. This amendment to the Final Rule removes the interim exclusion from qualifying status for new diesel and dual-fuel cogeneration facilities. Such facilities will be allowed to obtain qualifying status on a generic basis subject to the general requirements for qualification contained in § 292.203 of the Commission's rules.

I. Background

Qualifying status enables a facility to be exempted from regulation under certain provisions of the Federal Power Act (FPA),[2] from regulation under the Public Utility Holding Company Act of 1935 (PUHCA)[3] and from certain state law and regulation,[4] and allows certain facilities to obtain the "avoided cost" rate for power purchased by an electric utility.

During the initial rulemakings implementing sections 201 and 210 of PURPA, the Commission performed an Environmental Assessment (EA). The EA analyzed the market penetration and environmental effects of all the technologies expected to be encouraged by the Commission's rules. Based on data developed by the EA the Commission determined that only diesel and dual-fuel commercial cogenerators in the New York City area had the potential to cause environmentally significant effects.[5] Pending completion of a Final Environmental Impact Statement (FEIS) by the Commission, new diesel cogeneration facilities were excluded in the Final Rule from obtaining qualifying status.[6]

On May 15, 1980, the Commission issued an order on rehearing of the Final Rule.[7] In that order, the Commission, *inter alia*, amended § 292.203(c) of its rules to require that new dual-fuel

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[1] Order No. 70, "Final Rule Establishing Requirements and Procedures for a Determination of Qualifying Status for Small Power Production and Cogeneration Facilities", 45 FR 17959 (March 20, 1980).

[2] 16 U.S.C. 792 *et seq.*, 18 CFR § 292.601.

[3] 15 U.S.C. 79 *et seq.*, 18 CFR § 292.602(b).

[4] 18 CFR § 292.602(c).

[5] *See* Notice of No Significant Impact and Notice to Prepare Environmental Impact Statement, March 31, 1980, Docket No. RM79–54.

[6] 18 CFR § 292.203(c). A new diesel cogeneration facility is one which: (1) derives its useful power output from a diesel engine, and (2) the installation of which began on or after March 13, 1980. 45 FR 17959, 17964 (March 20, 1980).

[7] Order Granting in Part and Denying in Part Rehearing of Order Nos. 69 and 70, and Amending Regulations, 45 FR 33956 (May 21, 1980).

cogeneration facilities obtain qualification only on a case-by-case basis pursuant to the procedures established in § 292.207(b) of the Commission's rules. The Commission stated that before it would permit a new dual-fuel cogeneration facility to qualify, it would consider the emission characteristics of the facility and the number of qualifying cogeneration facilities in the vicinity of the applicant.[8]

Interim Exclusion of Diesel and Dual-Fuel Cogeneration Facilities

The Commission prepared a Draft EIS which analyzed the potential environmental effects of all the technologies encouraged by PURPA. The Draft EIS was circulated for comment in June 1980.[9]

The comprehensive review in the DEIS of all technologies encouraged by PURPA and the Commission's rules was intended to give an overview of the entire cogeneration and small power production program and was not intended to imply that PURPA encouragement of these technologies required an EIS.

According to the EA, the only technology which had the potential to cause environmentally significant effects, and for which an EIS was required, was diesel and dual-fuel cogeneration. The EA also found that the only area of the country where this potential existed was in the New York City area. Based on the findings of the EA and Draft EIS, an FEIS was prepared for diesel and dual-fuel cogeneration in the Mid-Atlantic Region. The FEIS responded to the comments on the Draft EIS and further analyzed the environmental effects, including air quality impacts, of diesel and dual-fuel cogeneration facilities.

The FEIS found that an increased population of diesel and dual-fuel cogeneration facilities in an air regime may cause significant environmental effects on air quality in the near term.[10] The FEIS concluded, however, that sufficient authority presently exists at the national, state, and local levels to regulate the construction and manner of operation of such facilities. Moreover, the FEIS concluded that no significant effect on air quality will occur in the New York City area and that the operation of all cogeneration facilities projected for this area would not violate nitrogen dioxide standards and would not consume the available increment of nitrogen dioxide.[11]

The Commission believes that it is the ability congenerators have to avoid municipal taxes, and not the rates available to them under PURPA, which is the primary force behind the development of diesel and dual-fuel cogeneration in New York City. The Commission notes that a substantial portion of Consolidated Edison's retail rate is used to collect taxes for the City of New York. This situation creates an economic incentive for industrial and commercial establishments in New York City to generate their own electric energy and to drop from the Consolidated Edison system in order to avoid the tax payment component in Consolidated Edison's retail rate. While it is true that PURPA provides for nondiscriminatory back-up and supplementary rates for cogenerators, New York law also provides for such non-discriminatory treatment.[12]

II. Summary of Rule Amendment

A. Revocation of Interim Exclusion

Based on the findings and conclusions contained in the FEIS, the Commission is revoking the interim exclusion for both diesel and dual-fuel cogeneration facilities established in the Final Rule. Diesel and dual-fuel cogeneration facilities will be allowed to qualify on a generic basis, pursuant to § 292.207 of the Commission's rules.

The Commission believes it is appropriate to adopt the Proposed Action suggested in the FEIS, i.e., to qualify all diesel and dual-fuel cogeneration facilities that meet the criteria established pursuant to section 201 of PURPA.[13] Although environmental controls are already in place on the State and Federal level to protect the environment against any adverse effects of diesel and dual-fuel cogeneration, the Commission will assess the extent of the market penetration by these technologies. The assessment will identify the concentration of diesel and dual-fuel qualifying cogeneration facilities as well as the pace at which such facilities are seeking qualifying status. A compilation will be made available to national and regional offices of the Environmental Protection Agency and State and local air quality agencies as appropriate. The compilation will also be available to other agencies and the public.

The Commission notes that the attainment of qualifying status by any cogeneration or small power production facility, including diesel or dual-fuel cogeneration facilities, is neither a license nor a permit to operate the facility. Qualifying status only entitles a facility to the rate for purchases and exemptions set out in section 210 of PURPA and the Commission's rules. A qualifying facility is not exempt from any applicable Federal, state or local environmental, siting or smilar requirements.

B. Conversion of Utility Boilers to Coal in New York City

In response to the Notice of Proposed Rulemaking[14] (NOPR) preceding the issuance of the Final Rule[15] some commenters stated that allowing qualifying cogeneration facilities to use oil, particularly in diesel engines, will use up available air quality increments for nitrogen dioxide thereby preventing the conversion of large utility oil-fired boilers to coal.[16] This issue is uniquely important to future development of diesel cogeneration in New York City.

The Commission specifically notes that Consolidated Edison has undertaken substantial activity, both in terms of economic investment and seeking regulatory approval, to convert to coal its Ravenswood power plant, located in Queens Borough, New York. Consolidated Edison anticipates completing conversion as early as November 1982, but no later than March 1984. The Ravenswood facility is located in an Air Quality Control Region where the air quality is acceptable, but where the ambient level of certain criteria pollutants is approaching non-attainment.[17] Consolidated Edison has

[8] 45 FR 33958, 33963 (May 21, 1980). *See* 18 CFR § 292.203(c)(3).

[9] Federal Energy Regulatory Commission, Draft Environmental Impact Statement, June, 1980, Docket Nos. RM79-54 and RM79-55.

[10] Federal Energy Regulatory Commission, Final Environmental Impact Statement, April, 1981, Docket Nos. RM79-54 and RM79-55 at I-7a.

[11] *Id.* See n. 17, *infra.*

[12] N.Y. Transportation Corporations Law § 12 (McKinney) (Com. Supp. 1980-81); N.Y. Public Service Law § 65 (McKinney) (1975 and Com. Supp 1980-81).

[13] *See* FEIS at V-1a.

[14] 44 FR 38872 (July 3, 1979).

[15] In the NOPR, the Commission proposed rules which would enable diesel and dual-fuel cogeneration facilities to obtain qualifying status. The Commission received comments, both written and oral, regarding this proposal. The Commission considered these comments in formulation of its Final Rule. Furthermore, all interested parties had an opportunity to comment on the Draft EIS which was prepared prior to the FEIS. The Commission believes, therefore, that all interested persons have had adequate opportunity to comment on qualification of diesel and dual-fuel cogeneration facilities.

[16] 45 FR at 17963-64.

[17] Standards for acceptable air quality are required under Section 109 of the Clean Air Act, 42 U.S.C. 1857 *et seq.* These standards set an acceptable level for any criteria pollutant. Air quality control regions which meet the level are considered to be attainment areas. Regions which exceed the levels are designated non-attainment for that criteria pollutant. Areas which do not meet the

Continued

expressed concern to the Commission that blanket approval of diesel and dual-fuel cogeneration facilities in New York City may prevent reconversion of the Ravenswood facility. Consolidated Edison was primarily concerned that qualification of such facilities may have a significant air quality impact.

The FEIS found that the operation of all cogeneration facilities projected for the New York City area would not consume the available increment for nitrogen dioxide and, therefore, would not endanger the conversion to coal of the Ravenswood facility.[15] The Commission believes, however, that it is in the public interest to ensure that Consolidated Edison's Ravenswood facility be allowed to convert to coal. Through the program discussed previously, the Commission will track the market penetration of qualifying diesel and dual-fuel cogeneration facilities in the New York City area. If the market penetration of qualifying diesel or dual-fuel cogeneration facilities is greater than expected, and if the Commission determines Consolidated Edison's reconversion of the Ravenswood facility is threatened, the Commission may restrict qualification of diesel and dual-fuel cogeneration facilities in the New York City area in the future.

III. Summary of the Rulemaking

This amendment to the final rule deletes paragraph (c) of § 292.203 of the Commission's rules in its entirety. Paragraph (c) provided an interim exclusion from qualifying status for all new diesel cogeneration facilities. New dual-fuel cogeneration facilities qualified only on a case-by-case basis.

The effect of this amendment is to allow diesel and dual-fuel cogeneration facilities to qualify on a generic basis, subject to the requirements of § 292.203 of the Commission's rules. A corresponding amendment is made to § 292.203(b)(1) of the Commission's rules.

The Commission notes that on May 19, 1980, Elizabethtown Gas Company filed a Petition for Review of Order No. 70 and of the Commission's Order on Rehearing of Orders Nos. 69 and 70 in the United States Court of Appeals for the District of Columbia Circuit. On June 30, 1980 the Commission filed with the Court the certificate of Record in Lieu of Record. Under section 313(b) of the Federal Power Act that Court has exclusive jurisdiction to modify those orders. Accordingly, this order is issued subject to the Court's permission.

IV. Effective Date

The amendment to the regulations promulgated in this are effective on or before July 27, 1981.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. § 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. § 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, 12009, 3 CFR Part 142 (1978))

In consideration of the foregoing, the Commission amends Part 292 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective 30 days after publication in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 292.203 is amended in paragraph (b)(1) to read as follows:

§ 292.203 General requirements for qualification.

* * * * *

(b) *Cogeneration facilities.* (1) A cogeneration facility, including any diesel and dual-fuel cogeneration facility, is a qualifying facility if it:

(i) * * *

2. Section 292.203 is further amended by removing paragraph (c) in its entirety.

[FR Doc. 81-18998 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 77P-0300]

Canned Peaches; Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for canned peaches to provide for a new optional style of peaches designated as "chunky". This action will promote honesty and fair dealing in the interest of consumers.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin August 25, 1981. Objections by July 27, 1981.

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

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standards of identity and quality for canned peaches based on a petition submitted by Libby, McNeill & Libby, Inc., to provide for a new optional style of peaches designated as "chunky" was published in the **Federal Register** of August 26, 1980 (45 FR 56823). The proposal also considered the quality aspects of the Recommended International Standard for Canned Peaches developed by the Codex Alimentarius Commission; requests by the Canners League of California (CLC) and the United States Department of Agriculture (USDA), that the requirements for minimum size and uniformity of size be deleted from the U.S. standard of quality; and, in addition, a request by CLC that the Codex limitation on pits and pit fragments not be adopted.

FDA received comments from CLC and the National Food Processors Association (NFPA). Both comments recommend that the standard of identity be amended to provide for a "chunky" style before the 1981 canning season so that canners may pack "chunky" style peaches without obtaining temporary marketing permits but requested additional time to comment on the proposed amendment of the standard of quality. A notice reopening the comment period regarding the proposed amendment of the standard of quality for canned peaches appears elsewhere in this issue of the **Federal Register**.

In consideration of the petition by Libby, McNeill & Libby, Inc., together with comments received in response to the proposal, FDA concludes that to amend the standard of identity for canned peaches as set forth below will promote honesty and fair dealing in the interest of consumers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 145 is amended in § 145.170 by revising paragraph (a) (2)(iii) and (4)(ii) to read as follows:

---

standards must provide a means to overcome obstacles to meeting attainment status.

[15] FEIS at 1-7a.

§ 145.170 Canned peaches.

(a) * * *

(2) * * *

(iii) *The optional styles of the peach ingredients—*

(*a*) *Whole*—consisting of whole peeled unpitted peaches.

(*b*) *Halves*—consisting of peeled pitted peaches cut into two approximately equal parts.

(*c*) *Halves and pieces*—consisting of a mixture in which the peeled pitted peach halves are more than 50 percent by weight.

(*d*) *Quarters*—consisting of peeled pitted peaches cut into four approximately equal parts.

(*e*) *Slices*—consisting of peeled pitted peaches cut into wedge-shaped sectors.

(*f*) *Dice*—consisting of peeled pitted peaches cut into cube-like parts.

(*g*) *Chunky*—consisting of peeled pitted peaches cut into parts 13 millimeters (0.5 inch) or greater in the smallest dimension and 44 millimeters (1.75 inches) or less in the largest dimension.

(*h*) *Pieces or irregular pieces*—consisting of peeled pitted peaches cut into parts of irregular shapes and sizes.

* * * * *

(4) * * *

(ii) The color type and style of the peach ingredient as provided for in paragraph (a)(2) (ii) and (iii) of this section and the name of the packing medium specified in paragraph (a)(3) (i) and (ii) of this section, preceded by "In" or "Packed in" or the words "Solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food, except that "Halves" may be alternately designated as "Halved", "Halves and pieces" as "Halved and pieces", "Quarters" as "Quartered", "Slices" as "Sliced", and "Dice" as "Diced". Pieces or irregular pieces shall be designated "Pieces", "Irregular pieces", or "Mixed pieces of irregular sizes and shapes". "Chunky" may be designated as "Chunks". The terms "Cling" and "Free" may be used as optional designations for "Clingstone" and "Freestone", respectively. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s); as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "——— sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(3) (i) and (ii) of this section consists of fruit juices(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juices(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 27, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 25, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e)))

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19006 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Farmland Industries, Inc., providing for safe and effective use of a medicated block containing monensin for increased rate of weight gain in pasture cattle and to add the firm to the list of approved NADA sponsors.

EFFECTIVE DATE: June 26, 1981.

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

SUPPLEMENTARY INFORMATION: Farmland Industries, Inc., Kansas City, MO 64116, filed an NADA (118-509) providing for use of a 33⅓-pound block containing 175 milligrams of monensin per pound for increased rate of weight gain in slaughter, stocker, and feeder cattle on pasture. Approval of this NADA partly relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 95-735 and 38-878. The NADA's provide for use of monensin premixes for making finished animal feeds. The feeds are also used for increased rate of weight gain. Use of the data in NADA's 95-735 and 38-878 to support this NADA has been authorized by Elanco. Because this approval provides for use of the block as an alternative form for administering monensin, the Bureau of Veterinary Medicine (the Bureau) concludes that it poses no increased human risk from exposure to residues of the drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this original NADA has been treated as

would an approval of a Category II supplement and did not require reevaluation of safety and effectiveness data in NADA 95-735 or safety data in NADA 38-878.

Farmland Industries, Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are amended to reflect this approval and to include this firm in the list of sponsors.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

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

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Farmland Industries, Inc., Kansas City, MO 64116	021676
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
021676	Farmland Industries, Inc., Kansas City, MO 64116
* * * * *	

2. In Part 520, § 520.1448 is amended by adding new paragraph (c), to read as follows:

§ 520.1448 Monensin blocks.

* * * * *

(c)(1) *Specifications.* Each pound of protein block contains 175 milligrams of monensin (0.038 percent) as monensin sodium.

(2) *Sponsor.* See 021676 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 40 to 200 milligrams of monensin (0.25 to 1.13 pounds or 4 to 18 ounces of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Blocks to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. Provide at least 1 block per 4 head of cattle. Do not allow cattle access to salt or mineral while being fed this product. Ingestion by cattle of monensin at levels of 600 milligrams per head per day and higher has been fatal. Do not allow horses or other equines access to formulations containing monensin (ingestion of monensin by equines has been fatal). Block's effectiveness in cull cows and bulls has not been established.

Effective date. June 26, 1981.

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

Dated: June 18, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18596 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Benzathine Cloxacillin for Intramammary Infusion

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Beecham Laboratories for use of benzathine cloxacillin infusion for prevention and treatment of mastitis in nonlactating cows.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia N. Cushing, Bureau of Veterinary Medicine (HFV-104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3460.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed a supplemental NADA (55-069) providing for use of benzathine cloxacillin for intramammary infusion in cows after the last milking of lactation. The sponsor previously had an approved application for such use. However, at the sponsor's request approval was withdrawn by an order published in the **Federal Register** of January 7, 1977 (42 FR 1462). The firm now requests that the approval for use of the product be reinstated. The supplemental application is approved, and the regulations are amended to codify the approved use of this product under § 540.814 *Benzathine cloxacillin for intramammary infusion* (21 CFR 540.814).

Beecham Laboratories presently holds an approval for use of a product under § 540.814a *Sterile benzathine cloxacillin for intramammary infusion* (21 CFR 540.814a) which is identical to the product being approved under § 540.814 except the product approved under § 540.814a is sterile and the product being approved under § 540.814 is pathogen-free whereby the testing for microbial limits is more extensive than a routine sterility test. Because no change in the final product use or specification is being made, this is a Category II change under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of which does not require reevaluation of the safety and effectiveness data in the parent application.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.814 by adding paragraph (c)(2)(ii) and (3)(ii) to read as follows:

§ 540.814 Benzathine cloxacillin for intramammary infusion.

* * * * *

(c) *Conditions of marketing*—(1) * * *

(2) * * *

(ii) See No. 000029 in § 510.600(c) of this chapter, for use as in paragraph (c)(3)(ii) of this section.

(3) * * *

(ii)(*a*) The drug is used for treatment and prophylaxis of bovine mastitis in nonlactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus*.

(*b*) It is administered at one dose in each quarter immediately after last milking.

(*c*) For use in dry cows only.

(*d*) Not to be used within 4 weeks (28 days) of calving.

(*e*) Animals infused with this product must not be slaughtered for food use for 4 weeks (28 days) after the latest infusion.

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

Effective date. This regulation is effective June 26, 1981.

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

Dated: June 18, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18597 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Employment Practices Agencies; Current List

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment and correction.

SUMMARY: The Equal Employment Opportunity Commission amends and corrects its Oct. 17, 1980, Vol. 45, No. 203, pages 68933–68934 regulations on designation of certain State and local fair employment practices agencies in order to make current its listing of agencies.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E St., NW., Washington, D.C. 20506, telephone 202/634–6040.

SUPPLEMENTARY INFORMATION: Publication of the following information will bring up to date our last listing of 706 agencies dated October 17, 1980, Vol. 45, No. 203, pages 68933–68934: The name "East Chicago (IL) Human Relations Commission" is changed to "East Chicago (IL) Human Rights Commission," the "Idaho Commission on Human Rights" is changed to "Idaho Human Rights Commission," the "Iowa Commission on Civil Rights" is changed to "Iowa Civil Rights Commission," the "Jacksonville (FL) Community Relations Commission" is changed to "Jacksonville (FL) Equal Employment Opportunity Commission," the "Michigan Civil Rights Commission" is changed to "Michigan Department of Civil Rights," the "Montana Commission for Human Rights" is changed to "Montana Human Rights Division," the "St. Petersburg (FL) Office of Human Rights" is changed to "St. Petersburg (FL) Human Relations Division," the "Tacoma (WA) Human Rights Commission" is changed to "Tacoma (WA) Human Relations Commission" and the "Utah Industrial Commission" is changed to "Utah Industrial Commission, Anti-Discrimination Division."

The name of the "Huntington (WV) Human Relations Commission" was inadvertently omitted and should be included.

With the changes and the addition of the above mentioned agencies 29 CFR 1601.74 (a) and (b) are revised to read as follows:

§ 1601.74 Designated and notice agencies.

(a) The designated 706 agencies are:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Allentown (Pa.) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Ga.) Human Relations Commission
Austin (Tex.) Human Relations Commission
Baltimore (Md.) Community Relations Commission
Bloomington (Ill.) Human Relations Commission
Bloomington (Ind.) Human Rights Commission
Broward County (Fla.) Human Relations Commission
California Department of Fair Employment and Housing
Charleston (W. Va.) Human Rights Commission
Clearwater (Fla.) Office of Community Relations
Colorado Civil Rights Commission
Colorado State Personnel Board
Commonwealth of Puerto Rico Department of Labor
Connecticut Commission on Human Rights and Opportunity
Corpus Christi (Tex.) Human Relations Commission
Dade County (Fla.) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Rights Commission
Evansville (Ind.) Human Relations Commission
Fairfax County (Va.) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Georgia Office of Fair Employment Practices
Hawaii Department of Labor and Industrial Relations
Howard County (Md.) Human Rights Commission
Huntington (WV.) Human Relations Commission
Idaho Human Rights Commission
Illinois Department of Human Rights
Indiana Civil Rights Commission
Iowa Civil Rights Commission
Jacksonville (Fl.) Equal Employment Opportunity Commission
Kansas Commission on Human Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Lincoln (Neb.) Commission on Human Rights
Madison (Wi.) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination

Michigan Department of Civil Rights
Minneapolis (Minn.) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Human Rights Division
Montgomery County (Md.) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Hanover (NC) Human Relations Commission
New Jersey Division of Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
North Carolina State Personnel Commission
North Dakota Department of Labor
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Neb.) Human Relations Department
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Department
Pennsylvania Human Relations Commission
Philadelphia (Pa.) Commission on Human Relations
Pittsburgh (Pa.) Commission on Human Rights
Prince George's County (Md.) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Md.) Human Rights Commission
St. Louis (Mo.) Civil Rights Enforcement Agency
St. Paul (Mn.) Department of Human Rights
St. Petersburg (Fla.) Human Relations Division
Seattle (Wash.) Human Rights Commission
Sioux Falls (S.D.) Human Relations Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Ohio.) Human Relations Department
Tacoma (Wash.) Human Relations Division
Tennessee Commission for Human Development
Utah Industrial Commission, Anti-Discrimination Division
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (W. Va.) Human Rights Commission
Wichita (Kans.) Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wisconsin State Personnel Commission
Wyoming Fair Employment Practices Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Ohio Director of Industrial Relations
Raleigh (N.C.) Human Resources Department, Civil Rights Unit

Signed at Washington, D.C. this 19th day of June, 1981.

For the Commission.

John E. Rayburn,

Director, State and Local Division.

[FR Doc. 81-18928 Filed 6-25-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

Correction

In FR Doc. 81-17994 appearing at page 31835 in the issue for Wednesday, June 17, 1981, please make the following correction:

On the Part III cover page (see page 31835), "Fish and Wildlife Service" should have read "National Park Service".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-6-FRL 1842-5]

State of New Mexico Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the New Mexico Environmental Improvement Division (NMEID) redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Santa Fe area to attainment. This action is taken based upon the State's request to revise its original designation of the Santa Fe area. The intended effect will provide for more efficient and effective air quality management.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The New Mexico Environmental Improvement Division (NMEID) submitted to EPA on November 15, 1979, their redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Santa Fe area to attainment.

EPA reviewed the redesignation request and on September 8, 1980 at 45 FR 59197, EPA published a notice of proposed rulemaking and solicited public comment. No comments were received, therefore, EPA is redesignating the Santa Fe area from nonattainment to attainment.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 25, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA

and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Public Information Reference Unit (PM-213), Library Systems Branch, 401 "M" St., SW, Washington, D.C. 20460.

This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

Subpart G of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.332 [Amended]

1. In § 81.332—New Mexico, the attainment status designation table for carbon monoxide is amended by revising the designation for the Narrow Corridor in Santa Fe from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the CO table for § 81.332 reads as set forth below:

New Mexico—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
AQCR 157:		
Narrow Corridor in Santa Fe	X.	
Remainder of AQCR	X.	
* * * * *		

[FR Doc. 81-18956 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-38-M

VETERANS ADMINISTRATION

41 CFR Part 8-4

Special Types and Methods of Procurement; Mortuary Services

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision to the VA Procurement Regulations eliminates the requirement for an outside shipping box as a prerequisite to interment in a National Cemetery and eliminates the cost of transportation to place of local burial as a cost chargeable against the $300 statutory allowance for a complete funeral and burial service.

It has recently been determined that outside shipping boxes are not necessary for proper interment. Eliminating the cost of local transportation as a cost chargeable against the statutory allowance is the result of a legal opinion.

This change is intended to bring VA Procurement Regulations into conformance with law, and to eliminate costs for items now considered nonessential for proper interment in National Cemeteries.

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

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: This revision appeared as a second notice of proposed rulemaking on page 17232 of the **Federal Register** of March 18, 1981. No comments have been received and the regulations are hereby adopted as they were proposed.

This revision removes the restriction of the additional transportation allowance to "other than local burials," and eliminates transportation costs as an item chargeable against the $300 ceiling for a burial package as designated in 38 U.S.C. 903(a). The requirement that an outside box be provided if the interment is to be made in a National Cemetery which does not use grave liners is eliminated. Clarification is added so that arrangements will be made with the nearest National Cemetery having available space.

This proposed regulation has been reviewed pursuant to the requirements of Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), and it is determined that the regulation is nonmajor and has no impact upon small business or state and local governments. The regulation does not place any new requirements upon small business.

Approved: June 22, 1981.

Donald L. Custis,

Acting Administrator.

Section 8-4.5102, *"Funeral authorization."* is revised to read as follows:

§ 8-4.5102 Funeral authorization.

(a) When a veteran dies while receiving care in a Veterans Administration health care facility or in a non-Veterans Administration institution at Veterans Administration expense and the decedent's remains are unclaimed, the Chief, Medical Administration Service, will forward to the Chief, Supply Service, a properly executed VA Form 10-2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured. Burial will be made in the nearest National Cemetery having available gravespace.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of $300. This service will consist of:

(1) Preparation of the body, embalming.

(2) Clothing.

(3) Casket.

(4) Securing all necessary permits.

(c) An additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 903(a)(2). This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse from the VA facility to the funeral home and to the place of burial, any charges for an outside (shipment) box, and the charges for securing all necessary permits for removal or shipment of the body. These costs are not chargeable against the $300 allowance.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-18923 Filed 6-25-81; 8:45 am]

BILLING CODE 8320-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Ch. 51

Authority Citations; Correction

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Correction.

SUMMARY: This is to correct the citation of authority in the first five parts of the Committee's regulations. The citations of authority to the United States Code in Parts 51-1 through 51-5 of Title 41, Chapter 51 of the Code of Federal Regulations now read "41 U.S.C. 46-48." When the Wagner-O'Day Act was amended by Pub. L. 92-28 (85 Stat. 77), three new Sections were added to the Act. These were codified in 41 U.S.C. as Sections 48a, 48b, and 48c. This action corrects the citations of authority to the United States Code in the Committee's regulations to reflect these added Sections.

EFFECTIVE DATE: June 26, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

Accordingly the citations of authority in 41 CFR, Parts 51-1, 51-2, 51-3, 51-4, and 51-5 are amended to read as follows:

Authority: Pub. L. 92-28, 85 Stat. 77 (41 U.S.C. 46-48c)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-19016 Filed 6-25-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, and 60-741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice further defers the effective date of certain OFCCP regulations regarding affirmative action requirements for Government Contractors from June 29, 1981 until July 15, 1981. This action is taken in order to permit the impending completion of the reconsideration of these rules in accordance with Executive Order 12291. This reconsideration will result in the publication of proposed rulemaking on or before July 15 after expiration of the time mandated for consultation with the Equal Employment Opportunity Commission and other agencies under Executive Order 12067.

DATES: The effective date is deferred until July 15, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 28, 1981 (46 FR 9084), the Department of Labor published a notice deferring the effective date of amendments published on December 30, 1980 (45 FR 86216) and corrected on January 23, 1981 (46 FR 7332) to Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250 and 60-741 of Title 41 of the Code of Federal Regulations until April 29, 1981. This action was taken in response to a request from President Reagan in order to allow for a full and appropriate review of these rules. On April 28, 1981, the Department published a notice (46 FR 23742) deferring the effective date of these regulations until June 29, 1981.

This document further defers the effective date of these regulations until July 15, 1981 in order to permit the impending completion of the reconsideration of these regulations in accordance with Executive Order 12291. In addition, the time period mandated for consultation under Executive Order 12291. In addition, the time period mandated for consultation under Executive Order 12067 with the Equal Employment Opportunity Commission and other agencies regarding proposed rulemaking will not expire prior to the effective date. The time required for these activities constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

(E.O. 11246 (30 FR 12319), as amended by E.O. 11375 (32 FR 14303) and by E.O. 12086 (43 FR 46501); Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793), as amended by Section 111(a), Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706), and by Sections 119 and 122 of the Rehabilitation Comprehensive Services and Development Disabilities Amendment of 1978, Pub. L. 95-602, 92 Stat. 2955, and E.O. 11758)

Signed at Washington, D.C. this 24th day of June, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-19114 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-31; RM-3672]

Radio Broadcast Services; FM Broadcast Stations in McNary and Whiteriver, Ariz.; Changes Made in Table of Assignments

Correction

In FR Doc. 81-17751, at page 31264, in the issue of Monday, June 15, 1981, on page 31265, in the first column, correct the "Channel No." in the table from "210A" to "201A".

BILLING CODE 1505-01-M

47 CFR Part 73

[BC Docket No. 80-427; RM-3588]

FM Broadcast Station in Petersburg, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 249A to Petersburg, Illinois, in response to a petition filed by New Salem Enterprises, Inc. The assignment could provide Petersburg with a first local aural broadcast service.

DATE: Effective August 18, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Petersburg, Illinois); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 52848, published August 8, 1980, proposing the assignment of FM Channel 249A to Petersburg, Illinois, as that community's first local aural broadcast service, in response to a petition filed by New Salem Enterprises, Inc. ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Petersburg (population 2,632),[1] in Menard County (population 9,685), is located approximately 29 kilometers (18 miles) northwest of Springfield, Illinois. The channel could be assigned to Petersburg provided the transmitter site is located approximately 9 kilometers (5.5 miles) northeast of that community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner had submitted information with respect

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

to Petersburg which is persuasive as to its need for a first local aural broadcast service.

4. We believe that the public interest would be served by the assignment of Channel 249A to Petersburg, Illinois. An interest has been shown for its use and such assignment could provide the community with a first local aural broadcast service.

5. Accordingly, it is ordered, That effective August 18, 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.
Petersburg, Illinois	249A

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

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)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18971 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-428; RM-3558]

FM Broadcast Station in Hugoton, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 294 to Hugoton, Kansas, in response to a petition filed by Grant County Broadcasting Company, Inc. The proposed station would provide a first local FM broadcast service to Hugoton and significant first and second FM and nighttime aural service to the surrounding area.

DATE: Effective August 18, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Hugoton, Kansas); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 52846, published August 8, 1980, proposing the assignment of Class C FM Channel 294 to Hugoton, Kansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Grant County Broadcasting Co., Inc. (petitioner), licensee of AM Station KULY, Ulysses, Kansas. Petitioner filed supporting comments and restated its intent to apply for the channel, if assigned. Comments were also filed by Lawrence E. Steckline, licensee of AM Station KSLS, Liberal, Kansas, and petitioner for a Class channel to Liberal, Kansas (Docket No. 81-37).

2. Hugoton (population 2,739), seat of Stevens County (population 4,198)[1] is located in the southwest corner of Kansas, approximately 536 kilometers (335 miles) southwest of Topeka. It has no local aural broadcast service.

3. Lawrence E. Steckline, in comments, states that he does not oppose the assignment of an FM channel to Hugoton. Nevertheless, he contends that the first and second FM and nighttime aural services which could be rendered (see para. 5 and 6 of the *Notice*) should be evaluated in light of the fact that at least one, and as many as three, Class C FM channels may be assigned to Liberal, the dominant city in southwestern Kansas. As a result of these possible assignments, the first and second service showings would be substantially reduced.

4. As a separate matter, petitioner noted a pending petition to assign Channel 294 to Norton, Kansas, and contends that the Norton and Hugoton proposals preclude each other from assignment. Grant claims that the assignment to both cities would be a great error, and requests the Commission to give priority to its application, thereby disallowing the petition for an assignment to Norton.

5. As stated in the *Notice*, the assignment of Channel 294 to Hugoton would cause preclusion on the co-channel and all six adjacent channels in all or parts of eight counties in Colorado, thirty-five counties in Texas, three counties in Oklahoma, and four counties in New Mexico. There is at least one alternate channel available to the communities in the precluded areas, with a population greater than 1,000. We also stated that Class C channels are not usually assigned to communities the size of Hugoton; however, we proposed the assignment based on the substantial first and second FM and nighttime aural service to the surrounding area.[2] Although there is a possibility that one or more Class C channels could be assigned to Liberal which would also serve Hugoton, an interest has been expressed in only one FM assignment at Liberal. The established criteria set forth in the *Roanoke Rapids* case, 9 FCC 2d 672 (1967), takes into account only existing assignments, not potential assignments. We believe that the presumption of additional Class C assignments to Liberal should not be weighed against the substantial first service that can be provided by the Hugoton assignment. Furthermore, as for petitioner's concern, a staff study has confirmed that the assignment of Channel 294 to Norton and Hugoton, Kansas, would not be short-spaced. The distance between the cities is approximately 200 miles, whereas only 180 miles is required.

6. We have given careful consideration to the proposal and believe that Channel 294 should be assigned to Hugoton, Kansas. Although a community this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second services. Since alternate channels are available to the precluded areas, we believe the preclusion impact is insignificant. The channel can be assigned in accordance with the minimum distance separation requirements.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective August 18, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with regard to Hugoton, Kansas, as follows:

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

[2] As stated in the *Notice*, the Hugoton assignment could provide a first FM service to 12,440 persons in a 5,216 square kilometer (2,037 square mile) area; a first nighttime aural service to 2,646 persons in a 1,514 square kilometer (591 square mile) area; a second FM service to 4,070 persons in a 1,285 square kilometer (502 square mile) area and a second nighttime aural service to 13,880 persons in a 5,450 square kilometer (2,129 square mile) area.

City	Channel No.
Hugoton, Kansas	294

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

9. For further information concerning this proceeding, contact Montrose H. Tyree, 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. 81-18970 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-336; RM-3551]

FM Broadcast Stations in Wichita and Winfield, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 287 to Wichita, Kansas, as that community's sixth FM assignment, at the request of Stereo 105, Inc. This action also substitutes Channel 232A for Channel 288A at Winfield, Kansas, and modifies the license of Station KWKS, Winfield, to specify operation on Channel 232A.

DATE: Effective August 18, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Wichita and Winfield, Kansas); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 46455, published July 10, 1980, proposing the assignment of Class C FM Channel 287 to Wichita, Kansas, as that community's sixth FM assignment, and the substitution of Channel 232A for Channel 288A at Winfield, Kansas. The *Notice* also proposes to amend the license of Station KWKS, Winfield, to specify operation on Channel 232A. Comments in response to the *Notice* were filed by the petitioner, Stereo 105, Inc. ("petitioner"), and by Hawks Communications, Inc. ("Hawks"), the licensee of Station KWKS, Winfield.

2. In its comments petitioner maintains its assertion that Wichita needs an additional FM assignment and states that if Channel 287 is assigned as requested, it will promptly apply for a construction permit. Petitioner states that it is aware of the obligation to reimburse Station KWKS should it be the eventual permittee on Channel 287, and agrees to cooperate with the licensee of Station KWKS in establishing the proper amount of reimbursement. Hawks states in its comments that it does not object to the proposed channel substitution so long as the eventual permittee of Channel 287 in Wichita is responsible for reimbursing its expenses incurred in changing frequencies.

3. Wichita (population 276,554),[1] seat of Sedgwick County (population 350,694), is located approximately 200 kilometers (125 miles) southwest of Topeka, Kansas. Wichita is served locally by five FM stations, five fulltime AM stations, and one daytime-only AM station.

4. We have determined that the public interest would be served by making the assignments as proposed in the *Notice*. Petitioner has demonstrated the desirability of assigning a sixth FM channel to Wichita, and has stated that it will apply for the channel. Furthermore, no interest has been expressed in a channel for any of the communities precluded by the assignment, and it appears that additional channels are available for assignment to those communities should an interest develop in the future. The assignment of Channel 287 to Wichita requires the substitution of Channel 232A for Channel 288A at Winfield.[2] We shall make this substitution and modify the license of Station KWKS to specify operation on Channel 232A with the stipulation that the eventual permittee for Channel 287 in Wichita will be responsible for reimbursing Hawks for the costs associated with the frequency change.

5. Accordingly, it is ordered, That effective August 18, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Wichita, Kansas	236, 250, 267, 279, 287, 297
Winfield, Kansas	232A

6. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, the license of Station KWKS, Winfield, Kansas, is modified to specify operation on Channel 232A, subject to the following provisions:

(a) At least 30 days before operating on Channel 232A, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 232A;

(b) At least 10 days prior to commencing operation on Channel 232A, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and,

(c) The licensee shall not commence operation on Channel 232A without prior Commission authorization.

7. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

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

9. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Hawks Communications, Inc., 104½ West 9th, Winfield, Kansas 67156.

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

11. For further information concerning this proceeding, contact Michael A. McGregor, 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. 81-18968 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

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

[2] The Commission's minimum distance separation provisions require a separation of 168 kilometers (105 miles) between a Class C station and a first adjacent Class A station. The distance between the transmitter site of Station KWKS and the proposed site for Channel 287 is approximately 73 kilometers (46 miles).

47 CFR Part 73

[BC Docket No. 80-495; RM-3593]

FM Broadcast Station in International Falls, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 258 to International Falls, Minnesota, as that community's second FM assignment, at the request of Minnesota Christian Broadcasters, Inc., and substitutes Channel 281 for Channel 232A at International Falls. The license of Station KSDM(FM), International Falls, is modified to specify operation on Channel 281.

DATE: Effective August 18, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (International Falls, Minnesota); report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 65637, published October 3, 1980, proposing the assignment of Class C Channel 258 to International Falls, Minnesota, as that community's second FM assignment, the substitution of Channel 281 for Channel 232A at International Falls, and the modification of the license of Station DSDM to specify operation on Channel 281. Comments were filed by Minnesota Christian Broadcasters, Inc. ("petitioner"), and by KGHS, Inc. ("KGHS"), the licensee of Station KSDM in International Falls. No reply comments were received.

2. In its comments, petitioner incorporates by reference the information contained in its petition for rule making and restates its intention to apply for authority to construct and operate a station on Channel 258, if assigned. Petitioner also reaffirms its promise to reimburse KGHS for the expenses necessary for the frequency change of Station KSDM. KGHS states in its comments that it does not object to modification of its license, but asks that it not be required to modify its facilities until a construction permit is granted for Channel 258. KGHS requests this delay so that it can receive prompt reimbursement of expenses from the eventual licensee.

3. International Falls (population 6,439),[1] seat of Koochiching County (population 17,131), is located on the U.S.-Canada border approximately 400 kilometers (250 miles) north of Minneapolis, Minnesota. International Falls is presently served by fulltime AM Station KGHS and FM Station KSDM, both of which are licensed to KGHS.

4. Petitioner has submitted persuasive evidence regarding International Falls and its need for a second FM service. The channel will provide a first FM service to 4,047 square kilometers (1,581 square miles) and will result in no significant preclusion to other communities with populations over 1,000. Therefore, we shall assign FM Channel 258 to International Falls, Minnesota, as that community's second FM channel. To avoid intermixture with the Class A channel at International Falls, we shall also substitute Channel 281 for Channel 232A and modify the license of Station KSDM to specify operation on Channel 281. Station KSDM is entitled to be reimbursed for the frequency change only by the eventual permittee of Channel 258. See *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976).

5. Concerning the request of KGHS to delay its change in frequencies until a permittee has been chosen for Channel 258, the Commission generally does not impose a deadline for a frequency change except to coordinate the switch with the issuance of a construction permit on the channel which is subject to a reimbursement condition. Therefore, the required frequency shift of Station KSDM need not be made until the issuance of a construction permit for Channel 258. *Knoxville, Tennessee, et al.*, 78 F.C.C. 2d 1208 (1980); *Mayfield and Wickliffe, Kentucky, et al.*, 48 RR 2d 1232 (Broadcast Bureau, 1981). Once the permit is issued, KGHS will be expected to complete its frequency shift expeditiously.

6. Canadian concurrence in the assignments has been received.

7. Accordingly, it is ordered, That effective August 18, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to International Falls, Minnesota, as follows:

City	Channel No.
International Falls, Minnesota	258, 281

8. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, That the license of Station KSDM, International Falls, Minnesota, is modified, to specify operation on Channel 281, subject to the following conditions:

(a) At least 30 days before operating on Channel 281, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 281;

(b) At least 10 days prior to commencing operation on Channel 281, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 281 without prior Commission authorization.

9. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

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

11. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to KGHS, Inc., P.O. Box 591, International Falls, Minnesota 56649.

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

13. For further information concerning this proceeding, contact Michael A. McGregor, 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. 81-18969 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

[BC Docket No. 80-517; RM-3572]

FM Broadcast Station North Mankato, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 244A to North Mankato, Minnesota, in response to a petition filed by Minnesota Valley Broadcasting Company. The assignment could provide North Mankato with a first local aural service.

DATE: Effective August 18, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (North Mankato, Minnesota); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 58618, published September 4, 1980, which proposed the assignment of FM Channel 244A to North Mankato, Minnesota, as that community's first FM assignment, in response to a petition filed by Minnesota Valley Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments in opposition were filed by KYSM Radio ("KYSM"), licensee of Stations KYSM(AM) and KYSM-FM, Mankato, Minnesota.

2. North Mankato (population 7,347),[1] in Nicollet County (population 24,795), is located approximately 136 kilometers (85 miles) southwest of Minneapolis-St. Paul. It is separated from Mankato by the Minnesota River, and is located in a different county. Channel 244A could be assigned to North Mankato provided the transmitter site is located 9 kilometers (5.65 miles) northwest of the center of the community to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

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

3. KYSM, in comments, contends that North Mankato is already sufficiently served by existing area stations, and therefore, the proposed assignment should be reserved for a community in that general area in need of an "on-site" radio facility. Additionally, those comments appear to be directed to a possible economic impact the proposed assignment could have, since KYSM argues that the bulk of the retail business from which the proposed station would seek advertising is located in Mankato.

4. With respect to the assertion of service from existing stations, it should be noted that in establishing and implementing the FM Table of Assignments, the Commission has consistently given high priority to providing each community with at least one FM assignment, especially if a community, such as the instant one, lacks local aural service. Even if the Mankato stations do provide coverage and offer programming directed to North Mankato, that is not a basis for denying a request for a first local broadcast outlet. Assignment of an FM channel in this situation provides a city with a local station to present programs designed to meet its special needs, interests and issues. Any station owing a primary obligation to another locality could not be expected to provide the equivalent of such local service. *Clinton, Louisiana*, 45 RR 2d 1587-88 (Broadcast Bureau, 1979).

5. If, indeed, KYSM's concern is geared toward the possible economic impact a potentially competitive assignment could have on its station, that is a matter which should be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. *See also Beaverton, Michigan*, 44 RR 2d 55 (Broadcast Bureau, 1978).

6. Accordingly, the Commission believes it would be in the public interest to assign FM Channel 244A to North Mankato, Minnesota, as that community's first FM assignment.

7. Accordingly, It is ordered, That effective August 18, 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.
North Mankato, Minnesota	244A

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

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

10. 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. 81-18968 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-285; RM-3511 and RM-3755]

FM Broadcast Stations in Yakima, Ellensburg, and Quincy, Washington; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Yakima, Channel 276A to Ellensburg, and substitutes Channel 244A for Channel 276A at Quincy (all Washington communities). The allocations would provide a fifth local FM assignment to Yakima, and a second FM channel for Ellensburg.

DATE: Effective August 18, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Yakima, Ellensburg, and Quincy, Washington); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. In the *Notice of Proposed Rule Making* herein, 45 FR 43812, published June 30, 1980, issued in response to a petition filed by Read Broadcasting ("Read"), we proposed to assign Channel 257A to Yakima, Washington, as that city's fifth FM assignment. A counterproposal was filed by Tri-County Broadcasting ("Tri-County"), seeking the assignment of the same channel to Ellensburg, as that community's second FM assignment, and proposing the

assignment of Channel 228A to Yakima instead of Channel 257A.

2. Read responded to the counterproposal and suggested that the conflict with Channel 257A could be resolved instead by reassigning Channel 276A to Ellensburg, from Quincy, Washington, and substituting either Channel 224A or 244A for the proposed deletion at Quincy. Tri-County responded favorably to the revised proposal, thereby withdrew its previous objection to the Channel 257A assignment to Yakima, and reaffirmed its intention to apply for the Ellensburg assignment.

3. A *Further Notice of Proposed Rule Making* herein, 46 FR 10775, published February 4, 1981, was issued proposing to assign Channel 257A to Yakima, Channel 276A to Ellensburg, and substituting Channel 244A for Channel 276A at Quincy, Washington.

4. Comments were filed by Read, in which it stated that due to changed circumstances, it is no longer interested in filing an application for Channel 257A. However, another party, Mr. Andrew Vallejo, a resident of Federal Way, Washington, has expressed an interest in the assignment. Mr. Vallejo, who is of Hispanic descent, states that if the assignment is made to Yakima, he will apply for the channel, or be a controlling part of a corporation formed for that purpose.

5. Yakima (population 45,588), in Yakima County (population 144,971),[1] is located approximately 170 kilometers (110 miles) southeast of Seattle, Washington. Channel 257A could be assigned to Yakima provided the transmitter site is situated approximately 8.5 kilometers (5.3 miles) southeast of the community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

6. Ellensburg (population 13,568), in Kittitas County (population 25,029), is located approximately 150 kilometers (92 miles) southeast of Seattle, Washington. A site restriction of 1.1 kilometers (0.7 miles) east of Ellensburg is required here also to comply with the minimum distance separation requirements.

7. A preclusion study was made for the Yakima assignment assuming that the transmitter site for Channel 257A is located 8.5 kilometers (5.3 miles) southeast of the community. Preclusion would occur on the co-channel only. The following two communities of over 1,000 population are located in the precluded area: Ellensburg, which has aural services, and Wapata, which has no aural service. Petitioner states that alternative channels are available for assignment to Wapata.

8. The request for a fifth commercial FM assignment to Yakima exceeds the FM population guidelines. It was asserted by Read that the population of Yakima has increased to 51,000, but in any event, since preclusion here is insignificant, there is a basis for our considering an exception to our population guidelines. See, *Poplar Bluff, Arkansas*, BC Docket No. 78-188, 45 Fed. Reg. 21636, published April 2, 1980; *North Platte, Nebraska*, BC Docket No. 79-114, 44 Fed. Reg. 67666, published November 27, 1979; and *St. Simons Island, Georgia*, BC Docket No. 79-149, 45 Fed. Reg. 25806, published April 16, 1980.

9. The preclusion study submitted by Tri-County indicates that the assignment of Channel 276A to Ellensburg will cause preclusion on Channel 275, within 105 miles; Channel 276A, within 65 miles; and Channel 277, within 105 miles. It notes that four communities with populations in excess of 1,000 are located within the precluded area, but that alternative channels are available.

10. In view of the expressed interest in the above-mentioned channel allocations, the demonstrations of need for additional service, and the fact that the preclusion impact does not appear to be significant for either proposal, we believe that the public interest would be served by the grant of the requested assignments.

11. Canadian concurrence in the assignments has been obtained.

12. Accordingly, it is ordered, That effective August 18, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the communities listed below as follows:

City	Channel No.
Yakima, Washington	233, 252A, 257A, 281, 297
Ellensburg, Washington	237A, 276A
Quincy, Washington	244A

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

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

15. For further information regarding 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. 81-18987 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] All population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fisheries and Groundfish of Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule establishes retention and apportionment among United States and foreign fishermen of certain optimum yield reserves in the Eastern Bering Sea and Gulf of Alaska groundfish fisheries. Retention and apportionment of the reserves is required by regulations governing these fisheries. This action will promote orderly conduct of these fisheries by increasing foreign and domestic catch limits to avoid premature closures of the fisheries.

DATES: Effective from June 23, 1981 until December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The preliminary fishery management plan (PMP) for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific and the fishery management plan (FMP) for Groundfish of the Gulf of Alaska establish, within the optimum yields (OYs), amounts of various groundfish species groups which are reserved. Regulations to implement the FMP and the PMP set out procedures by which the Alaska Regional Director, National Marine Fisheries Service, (NMFS) may apportion the reserves to either the domestic annual processing (DAP) or the joint venture processing (JVP) portions of the domestic annual harvest (DAH), if

United States fishermen harvest amounts of these species greater than the DAP and JVP amounts currently specified.

The amounts originally specified in the PMP and the FMP were determined by NMFS and the North Pacific Fishery Management Council, based on surveys of the U.S. fishing industry's capacity and intent to harvest and deliver fish to U.S. and foreign processors. Using standards specified in § 672.20(c)(3)(ii) and § 611.93(b)(3)(iii)(B), the Regional Director has determined that specific amounts of fish will be needed to supplement DAH. Amounts of fish that will not be harvested by United States fishermen are apportioned to the total allowable level of foreign fishing (TALFF), and made available for harvest by foreign fishermen.

This notice also clarifies that the DAHs for other species and thornyhead rockfish in the Gulf of Alaska have been apportioned among the DAP, JVP, and DNP (domestic nonprocessed fish) components of the DAHs. The apportionments are shown in Part 4 of Appendix 1 of § 611.20.

Determination of Amounts of Reserve Apportionment

The Regional Director has determined that United States fishermen will harvest the following reserve amounts for delivery at sea to foreign processing vessels during the 1981 fishing year, and that these amounts should be apportioned to the JVP component of DAH:

Bering Sea/Aleutian Islands Area—Twenty percent of the initial pollock reserve in Areas I, II, and III, combined, or 10,000 mt.

Gulf of Alaska—Ninety percent of the initial pollock reserve in the central regulatory area, or 20,000 mt.

Based upon the same standards, the Regional Director has determined that the following reserve amounts will not be harvested by United States fishermen during the 1981 fishing year, and that these amounts should be apportioned to TALFF:

Bering Sea/Aleutian Islands Area—Fifty percent of the initial turbot reserve in the Bering Sea and Aleutian Areas (Areas I–IV) and fifty percent of the sablefish reserve in the Aleutian area (Area IV), or 2,250 mt and 75 mt, respectively.

Gulf of Alaska

1. Forty percent of the initial sablefish and Pacific cod reserves in the eastern regulatory area, or 662 mt and 924 mt, respectively.

2. Forty percent of the initial sablefish reserves in the central regulatory area, or 355 mt.

3. Forty percent of the initial sablefish reserves in the western regulatory area, or 196 mt.

4. Forty percent of the initial thornyhead rockfish reserve for the entire Gulf of Alaska, or 350 mt.

In making this determination the Regional Director considered that U.S. fishermen have caught a large portion of the initially specified JVP amount of DAH for pollock in both the Bering Sea and the central regulatory area of the Gulf of Alaska. He has, therefore, determined that 10,000 mt and 20,000 mt of pollock reserves in the Bering Sea/Aleutian Islands area and the central regulatory area, respectively, are needed to supplement DAH. U.S. fishermen have also expressed their intent to harvest large amounts of Pacific cod, flounders, including yellowfin sole, and Atka mackerel. U.S. fishermen have sufficient fishing capacity to harvest these amounts. Although fishing for these species by U.S. vessels has been minimal to date, it is expected that effort will increase significantly. Reserves of these species may be needed later to supplement DAH, and are being retained at this time rather than being allocated immediately to TALFF or to DAH.

Only reserve amounts that the Regional Director has determined will not be harvested by fishermen are being apportioned to TALFF at this time in accordance with the established reserve release schedule. The Regional Director has found that reserve amounts being allocated to JVP will not be utilized by U.S. fish processors.

Response to Public Comments

Two comments were received that addressed reserve apportionment.

1. Comment: All reserves of Pacific cod and sablefish eligible for apportionment in the Gulf of Alaska should be apportioned to TALFF.

Response: Forty percent of the initial sablefish reserves in the eastern, central, and western regulatory areas in the Gulf of Alaska and forty percent of the Pacific cod reserves in the eastern regulatory area are considered surplus to the requirements of U.S. fishermen and are being apportioned to TALFF. Reserves of Pacific cod in the central and western regulatory areas are being retained at this time due to uncertainty as to the extent to which they may be needed to supplement DAH later during this fishing year. A U.S. Pacific cod fishery has strong potential in both the Bering Sea and parts of the Gulf of Alaska, and adequate amounts of Pacific cod are needed for incidental catch to support the strong U.S. pollock fishery. It would thus be inappropriate to apportion Pacific cod to TALFF at this time. Not all of the existing TALFF for Pacific cod has been allocated among foreign nations. These nonallocated amounts are available to meet the needs of foreign fisheries independent of the reserves.

2. Comment: All reserves of Atka mackerel eligible for apportionment in both the Bering Sea/Aleutian Islands areas and the Gulf of Alaska will be needed to support a U.S. fishery for that species and should be retained.

Response: Reserves of Atka mackerel are being retained at this time because of uncertainty as to the extent to which they may be needed to supplement DAH.

National Environmental Policy Act

Environmental impact statements were prepared for the PMP and FMP and are on file with the Environmental Protection Agency (EPA). Environmental assessments and negative determinations of significant environmental impact were prepared on the current regulations implementing the PMP and FMP, and are also on file with the EPA.

Classification

The Acting Administrator, NOAA, has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result: (1) in an annual effect on the economy of $100 million or more; (2) in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) in 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. This rule can be expected to enhance investment in and the productivity of the U.S. fishing industry by making additional amounts of fish available for harvest by U.S. fishermen. Recent increases in U.S. capacity and intent support this action. The Acting Administrator has also determined that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis under the terms of 5 U.S.C. 601 *et seq.* The rule promotes expansion of U.S. fishing activities peviously envisioned in the FMP and PMP.

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information (44 U.S.C. 3501 *et seq.*).

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Parts 611 and 672 are amended as follows:

1. The authority citation for Parts 611 and 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 611.20, Appendix I is amended to read as follows:

§ 611.20 Total allowable level of foreign fishing.

Appendix 1.—*Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint Venture Processing (JVP), Domestic Nonprocessed (DNP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF), All in Metric Tons*

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
* * * * * * *									
Alaska Fisheries									
A. Bering Sea and Aleutian Islands Groundfish Fishery:									
Pollock	701	Bering Sea [1]	1,000,000	29,550	10,500	19,050		40,000	930,450
		Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole	720		117,000	26,200	1,200	25,000		5,850	84,950
Turbots	721, 118		90,000	1,075	1,000	75		2,250	86,675
Other flounders	129		61,000	4,200	1,200	3,000		3,050	53,750
Pacific ocean perch [4]	780	Bering Sea [1]	3,250	1,380	550	830		162	1,708
		Aleutians [2]	7,500	1,380	550	830		375	5,745
Other rockfish	849		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea [1]	3,500	700	500	200		350	2,450
		Aleutians [2]	1,500	700	500	200		150	650
Pacific cod	702		78,700	24,265	7,200	17,065		22,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	509		10,000	50	0	50		500	9,450
Other species [3]	499		74,249	2,000	18,000	200		3,712	68,537
B. * * *									
C. * * *									
D. * * *									
E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [5]	68,500	6,737	29	6,708		13,300	46,463
		Central [5]	111,066	35,540	6,277	9,263		2,213	73,313
		Eastern [5]	19,367	2,584	811	1,773		3,874	12,909
		Total	196,933	44,861				9,387	132,685
Pacific cod	702	Western	19,320	2,193	280	1,213	700	3,864	13,263
		Central	39,130	7,058	4,060	1,598	1,400	7,826	24,246
		Eastern	11,550	2,415	327	688	1,400	1,386	7,749
		Total	70,000	11,666				13,076	45,258
Flounders	129	Western	12,133	816	116	700		2,427	8,890
		Central	17,150	1,307	350	957		3,430	12,413
		Eastern	9,800	1,587	1,050	537		1,960	6,253
		Total	39,083	3,710				7,817	27,556
Pacific ocean perch [4]	780	Western	3,150	402	29	373		630	2,118
		Central	9,217	1,465	344	1,121		1,843	5,909
		Eastern	16,800	1,534	93	1,441		3,360	11,906
		Total	29,167	3,401				5,833	19,933
Other rockfish [6]	849	Total	8,867	1,050				1,773	6,044
Sablefish [7]	703	Western	2,450	315	117	198		294	1,841
		Central	4,433	1,423	1,167	256		532	2,478
		Yakutat District [5]	3,966	1,610	1,377	233		994	1,362
		Southeast Outside [5]	3,500	3,395	3,290	105		0	105
		Total	14,349	6,743				1,820	5,786
Atka mackerel	207	Western	5,458	338	0	338		1,092	4,028
		Central	24,309	1,260	0	1,260		4,862	18,187
		Eastern	3,717	617	0	617		743	2,157
		Total	33,484	2,415				6,697	24,372
Squid	509	Total	5,833	175	0	175		1,167	4,491
Other species [8]	499	Total	18,900	2,007	351	723	933	3,780	13,113
Thornyhead rockfish	749	Total	4,375	7	7	0		525	3,843

* * * * * * *

3. In § 672.20(a) Table 1 is revised to read as follows:

§ 672.20 **Optimum yield.**

Table I.—*OY, DAH, DAP, DNP, JVP, Reserve, and TALFF by Regulatory Area* [1]

Species	Species code	Areas	OY	DAH	DAP	JVP (DAH−DAP)	DNP	Reserve	TALFF
Pollock	701	Western	66,500	6,737	29	6,708		13,300	46,463
		Central	111,066	35,540	6,277	29,263		2,213	73,313
		Eastern	19,367	2,584	811	1,773		3,874	12,909
		Total	196,933	44,861				19,387	132,685
Pacific cod	702	Western	19,320	2,193	280	1,213	700	3,864	13,263
		Central	39,130	7,058	4,060	1,598	1,400	7,826	24,246
		Eastern	11,550	2,415	327	688	1,400	1,396	7,749
		Total	70,000	11,666				13,076	45,258
Flounders	129	Western	12,133	816	116	700		2,427	8,890
		Central	17,150	1,307	350	957		3,430	12,413
		Eastern	9,800	1,567	1,050	537		1,960	6,253
		Total	39,083	3,710				7,817	27,556
Pacific ocean perch [2]	780	Western	3,150	402	29	373		630	2,118
		Central	9,217	1,465	344	1,121		1,843	5,909
		Eastern	16,800	1,534	93	1,441		3,360	11,906
		Total	29,167	3,401				5,833	19,933
Other rockfish [3]	849	Total	6,867	1,050				1,773	6,044
Sablefish	703	Western	2,450	315	117	198		294	1,841
		Central	4,433	1,423	1,167	256		532	2,478
		Yakutat District [4]	3,968	1,610	1,377	233		994	1,362
		Southeast Outside [4]	3,500	3,395	3,290	105		0	105
			14,349	6,743			1,820	5,786	
	Total								
Atka mackerel	207	Western	5,458	338	0	338		1,092	4,028
		Central	24,309	1,260	0	1,260		4,862	18,187
		Eastern	3,717	817	0	817		743	2,157
		Total	33,484	2,415				6,697	24,372
Squid	509	Total	5,833	175				1,167	4,491
Other species [5]	499	Total	18,900	2,007	351	723	933	3,780	13,113
Thornyhead rockfish	749	Total	4,375	7	7	0		525	3,843

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined above and "Thornyhead Rockfish," *Sebastolobus*.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

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BILLING CODE 3510-22-M

50 CFR Part 674

High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule with request for comments; and notice of availability of plan amendment.

SUMMARY: The Acting Administrator, NOAA, has initially approved Amendment No. 2 to the fishery management plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude. NOAA issues emergency regulations under Section 305 of the Magnuson Fishery Conservation and Management Act to implement the amendment on an interim basis with a request for comments to aid in the development of final rules. These regulations reduce the Southeast Alaska catch of Chinook salmon, facilitate data collection, distribute the burden of conservation more equitably between hand trollers and power trollers, and coordinate Federal regulations with State of Alaska salmon regulations. Amendment No. 2 and these regulations will contribute to the rebuilding of Chinook salmon stocks, increase salmon production, and provide long-term positive net economic benefits to the Southeast Alaska and other Pacific Coast salmon fisheries.

EFFECTIVE DATE: June 23, 1981 until August 10, 1981. Comments on the emergency interim regulations and amendments should be submitted in writing by August 10, 1981.

ADDRESS: Comments on the emergency interim rule may be sent to: Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone: (907) 586-7221.

Copies of the amendment, final supplemental environmental impact statement, and regulatory impact review/regulatory flexibility analysis (RIR/RFA) are available at the address above.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Regional Salmon FMP Coodinator, (907) 586-7229.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 18, 1979, the National Marine Fisheries Service published interim emergency regulations implementing the approved portion of the fishery management plan (FMP) for the High Seas Salmon Off the Coast of Alaska East of 175 Degrees East Longitude (44 FR 29040). The FMP was published in its entirety in the **Federal Register** on June 8, 1979 (44 FR 33250). The emergency regulations were reissued on July 11, 1979 (44 FR 40519), were amended once on July 17, 1979 (44 FR 41467), and were published as final regulations on September 6, 1979 (44 FR 51988).

Amendment No. 1 to the FMP was published in the **Federal Register** with proposed implementing regulations on May 21, 1980 (45 FR 34020). Emergency regulations were published on May 20, 1980 (45 FR 33638), and then repromulgated on July 16, 1980 (45 FR 47690). Final regulations to implement Amendment No. 1 were issued on September 8, 1980 (45 FR 59172).

The Acting Administrator, NOAA, has

initially approved Amendment No. 2 to the FMP. The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the FMP is necessary and appropriate to the conservation of high seas salmon resources off Alaska, and that it is consistent with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as well as other applicable law.

Classification

The Acting Administrator has determined that regulations to implement Amendment No. 2 are non-major for the purposes of Executive Order (E.O.) 12291, but that they are significant under the Regulatory Flexibility Act.

The Assistant Administrator finds for good cause that the opportunity for public comment and the 30-day delayed effectiveness period required by the Administrative Procedure Act (5 U.S.C. 553) prior to the effective date of the emergency regulations are impracticable, unnecessary, and contrary to the public interest. The reasons for this finding are set forth below.

1. A delay in the effective date of these emergency regulations is not practicable, since the authority of power trollers to fish in the fishery conservation zone (FCZ) expired on April 14, 1981. Further, the reporting and landing requirements of the regulations issued here would not be effective, hindering the ability to obtain the data necessary for monitoring the catch and in-season management.

2. The public had advance notice of this impending action, is familiar with it, and was afforded a reasonable opportunity to participate in the development of the amendment at meetings of the North Pacific Fishery Management Council (NPFMC) in September 1980, and January and March, 1981.

3. A delay in the effective date of these emergency regulations would be contrary to the public interest. As mentioned above, without these emergency regulations, the FCZ will remain closed to fishing by the power trollers who form the major part of the fishery there, despite their expectation that the season would open May 15 as provided by State regulations. Failure to open the season promptly could adversely affect the fishermen and the economies of the communities which depend on them.

The Acting Administrator also finds that an emergency exists in this fishery which requires promulgation of emergency regulations under Section 305(e) of the Magnuson Act. A major objective of the FMP is to achieve the Chinook and Coho salmon OYS as mandated by National Standard 1 of the Magnuson Act. In order to achieve this objective, the fishery must begin as soon as possible and there is insufficient time for normal promulgation of implementing regulations.

Failure to place regulations in effect as soon as possible would further delay the opening of the fishery and could cause irreparable economic damage to the Southeast Alaska fishing community. The scheduled season from May 15 through September 20 is already designed to implement a 15 percent reduction in Chinook OY, which will result in short-term negative economic impacts. To delay the beginning of the season far beyond May 15 could reduce the Chinook harvest more than 15 percent. This would allow Canada to intercept a greater number of fish, would significantly reduce U.S. fishermen's incomes, and would also cause subsequent "ripple" effects throughout the Southeast Alaska fishing industry. Emergency regulations are also needed to ban the use of treble hooks which may pose a threat to the resource.

Regulatory Impact Review/Regulatory Flexibility Analysis

A draft regulatory analysis, prepared on the proposed regulatory program to implement Amendment No. 2 in accordance with the requirements of E.O. 12044, was made available to the public on February, 6, 1981. Subsequently, E.O. 12291 superseded E.O. 12044 and the Regulatory Flexibility Act became law.

The draft regulatory analysis has been revised to incorporate the requirements of E.O. 12291 and the Regulatory Flexibility Act. It is available to the public as a regulatory impact review/regulatory flexibility analysis (RIR/RFA) at the Regional Director's office (address above). The RIR/RFA describes the problems addressed by the amendment and presents an analysis of the proposed and alternative regulatory options.

After reviewing the criteria set forth in Section 1(b) of E.O. 12291, the Acting Administrator has determined that the regulations to implement the amendment do not constitute a major rule requiring the preparation of a Regulatory Impact Analysis because they are 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 U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Regulatory Flexibility Analysis was prepared because the Acting Administrator determined that the Amendment No. 2 will have a significant economic impact on a substantial number of small domestic entities.

Paperwork Reduction

A new provision of the amendment will require fishermen intending to sell their catch outside of Alaska to submit an Alaska Department of Fish and Game (ADF&G) fish sales ticket or equivalent information in writing at an Alaska port prior to leaving Alaskan waters. This reporting requirement may constitute a "collection of information" under the Paperwork Reduction Act. For this reason, the proposed regulations were submitted to the Director of OMB for review, and authorization sought for collection of the information prior to completion of that review. The information will be collected prior to receipt of interim authorization under the terms of Section 3507(g) of the Paperwork Reduction Act.

Environmental Impact Statement

A draft supplemental environmental impact statement (DSEIS) required by the National Environmental Policy Act of 1969 was filed with the Environmental Protection Agency (EPA) and made available to the public on February 6, 1981. Comments were received until March 23, 1981. Comments received on the DSEIS were responded to in the final supplemental environmental impact statement (SEIS) which was filed with the EPA and made available to the public on May 1, 1981.

General Information

Amendment No. 2 would reduce the Southeast Alaska catch of chinook salmon by 15 percent in order to gradually increase spawning escapements into Southeast Alaskan rivers and ultimately to achieve spawning escapement goals, and to contribute to the conservation and management of non-Alaskan chinook stocks caught off Alaska, especially Columbia River upriver "bright" fall chinook. In addition, Amendment No. 2 would facilitate the timely collection of data necessary for management of the fishery and bring Federal management of salmon fishing in the FCZ into conformity with State of Alaska salmon management within State waters, to the extent permitted under the Magnuson Act.

Specifically, Amendment No. 2 will:

(1) modify the objectives of the FMP;

(2) reduce the current chinook salmon acceptable biological catch (ABC) and optimum yield (OY) ranges in the eastern area (east of Cape Suckling) by 15 percent to provide for an ABC and OY range of 243,000–272,000 chinook and treat the upper limit of the OY range as a harvest ceiling;

(3) establish the chinook, chum, pink, and sockeye salmon trolling season from May 15-September 20 in the eastern area;

(4) limit hand trollers fishing in the FCZ off Alaska to a maximum of two lines and gurdies or four sport poles;

(5) require fishermen intending to sell their catch outside of Alaska to submit an ADF&G fish sales ticket or equivalent information in writing (e.g. Alaska or Federal permit number, vessel name, number of salmon on board by species, proposed port of landing, etc.) at an Alaskan port prior to leaving Alaskan waters;

(6) require fishermen to land all adipose fin-clipped chinook and coho salmon with heads on; and

(7) ban the possession of treble hooks while fishing in the FCZ off Alaska.

Management Objectives

The proposed modifications to the FMP's management objectives will place greater emphasis on: (1) the conservation of all wild stocks of salmon harvested in Southeast Alaska; (2) the control and ultimate reversal of fishing effort increases in the FCZ off Alaska; (3) the management of commingled wild and hatchery stocks; (4) the protection of immature, sublegal size chinook; and (5) the development of a coastwide plan for Pacific Coast salmon fisheries. The modifications to the management objectives are necessary to address several continuing problems in the management of the Southeast Alaska salmon troll fishery.

Wild stocks of chinook salmon have declined coastwide. Conservation of wild chinook stocks is of critical importance because, despite the increased number of hatchery-produced salmon, the wild stocks are still the dominant group harvested by the Southeast Alaskan salmon fisheries. Continuing overharvest of wild stocks due to increased fishing effort in the FCZ off Alaska and outer coastal areas has resulted in spawning escapements declining to a critical degree in Southeast Alaska and has contributed to coastwide conservation and management problems, especially within the Columbia River and other Washington coastal areas. Although chinook and coho salmon are currently the most critical examples, the conservation of all wild stocks of salmon (primarily through controlling fishing effort and catch) is probably the most serious fishery management problem in Southeast Alaska. Increasing the coastwide hatchery production of salmon requires long-range objectives in order to develop harvest strategies that allow a greater harvest rate on hatchery fish while preserving a lesser harvest of commingled wild stocks. Much of the coastwide decline of wild chinook and coho salmon stocks can be attributed to excessively high harvest of commingled hatchery and wild stocks. Although hatchery stocks can support high harvest rates because high fresh water survival requires fewer spawning fish, wild stocks need a greater number of spawners to compensate for lower fresh water survival.

Management strategies designed to reduce the catch and hooking mortalities on small, immature salmon are necessary to increase the poundage and economic yield to the fishery and to increase survival of small fish until they reach a harvestable size. Moreover, coastwide cooperation among fisheries management entities is essential to insure that management actions taken by each group are not detrimental to other areas and that common coastwide fisheries problems can be addressed in a coordinated manner.

As a response to the fisheries management problems briefly described above, and as a basis for the regulatory proposals implementing Amendment No. 2, the following new objectives replace the FMP's current management objectives:

(1) Manage the troll fishery in conjunction with other Southeast Alaska salmon fisheries to obtain the number and distribution of spawning fish capable of producing the optimum total harvest on a sustained basis from all wild salmon stocks harvested in Southeast Alaska.

(2) Allocate the optimum yield to the various Southeast Alaska user groups as directed by the Alaska Board of Fisheries and North Pacific Fishery Management Council.

(3) Decrease directed and incidental harvest of smaller, immature fish and reduce sublegal chinook hook/release mortalities where possible, consistent with allocation decision and with the objective of maximizing benefits to user groups.

(4) Control and reverse recent trends of expanding effort and catch in outer coastal and offshore Southeast Alaskan waters to accomplish conservation goals.

(5) Develop fishery management techniques which will allow full utilization of salmon returning to supplemental production systems while providing necessary protection for intermingling natural runs which must be harvested at lower rates.

(6) Work toward the development of an integrated coastwide management plan for chinook salmon.

Fifteen Percent ABC/OY Reduction

Scientific information (summarized in greater detail in the Final Supplemental Environmental Impact Statement and RIR/RFA) indicates that most wild stocks of chinook salmon harvested in the salmon fisheries off Southeast Alaska are depressed, especially Southeast Alaskan and Columbia River "bright" fall chinook stocks. Based on maximum spawning counts during the years of low populations since the 1950's, the ADF&G has established spawning escapement goals for Southeast Alaskan chinook stocks of 66,000–80,000 chinook per year. The North Pacific Fishery Management Council's (NPFMC) Scientific and Statistical Committee verified the appropriateness of these escapement goals by an independent methodology. Actual spawning escapement into Southeast Alaska streams ranged from 25,000–34,000 chinook during 1978–80, less than 50 percent of the spawning escapement goal.

Spawning escapement goals for the Columbia River "bright" fall chinook stock have been achieved only once since 1974. Declining returns of "brights" to the mouth of the Columbia River have significantly decreased harvests in the Columbia River freshwater fishery, and have created conservation and fishery management problems within the river. Since approximately 36 percent of the total ocean harvest of "bright" chinook occurs in the Southeast Alaska troll fishery, reducing the catch here could allow more "brights" to reach the mouth of the Columbia River.

The NPFMC considered a range of reductions of the chinook salmon ABC/OY, from 10 percent to 55 percent. The various levels of ABC/OY reductions were based primarily on different time schedules to rebuild both Alaskan and non-Alaskan stocks, and to resolve fishery management problems within the Columbia River. Also considered was the possibility that a portion of the harvest foregone off Alaska would be intercepted by Canadian fishermen. The socioeconomic impact on the Southeast Alaska troll salmon fishery and the many local communities dependent upon that fishery was estimated for

various levels of harvest reduction. Having considered these factors, the NPFMC concluded that a 15 percent reduction in the salmon fisheries off Alaska is in the best interest of the nation. Over a reasonable time span, this percentage balances the long-term conservation and management objectives for Alaskan and non-Alaskan stocks with the short-term negative socioeconomic impact on Southeast Alaskan fishermen. A 15 percent reduction in Southeast Alaska chinook harvest will reduce the ABC/OY to 243,000–272,000 chinook salmon, from the current ABC/OY of 286,000–320,000 chinook salmon. The upper end of the range of the 15 percent ABC/OY reduction (272,000 chinook) is slightly more conservative than the harvest guideline recently adopted by the Alaska State Board of Fisheries (285,000 chinook). The Council has concluded that the lower OY range (243,000–272,000) is more appropriate and has elected to reduce the time period for rebuilding Alaskan chinook stocks and to give greater protection to other non-Alaskan stocks.

Complete escapement goals for Southeast Alaska chinook stocks will be achieved by about 1995 and will produce an annual harvestable surplus of about 73,000 chinook by the year 2000.

By reducing the Southeast Alaskan chinook salmon catch for a conservation purpose, the United States is taking action compatible with objectives sought in U.S.-Canada negotiations to find ways of limiting the interception by one country of Pacific Salmon produced by the other country. Conservation of the resource is the foremost management consideration. This action may influence Canada also to act in a similar manner, thereby decreasing Canadian interceptions of these chinook stocks. Such action by the Canadians would greatly benefit U.S. fisheries and the escapement of chinook stocks into U.S. rivers, especially the Columbia River.

Present Value Analysis

A 15 percent ABC/OY reduction will benefit spawning escapements of many other non-Alaskan chinook salmon stocks from British Columbia to Oregon, especially Columbia River "bright" stocks. A December 1980 analysis indicates that a 15 percent ABC/OY reduction will increase the annual return of "brights" to the Columbia River by 7,700 fish over a 3–5 year period and allow the annual in-river harvest of an additional 16,900 fish released from hatcheries. A more recent analysis indicates that these estimates may be slightly overestimated, but no alternative figures are available.

The RIR/RFA contains an estimate of the present value of a 15 percent ABC/OY reduction. The analysis indicates that, at a 3 percent real annual discount rate, a short-term loss to Southeast Alaskan fishermen of less than $20 million (discounted real value) through 1995 will occur. This will be offset by long-term gains from the production of harvestable surpluses from Southeast Alaskan and Columbia River "bright" chinook stocks of $42 million (discounted real value) after 50 years (2030). The break-even year when benefits offset losses is 2006. Additional positive benefits continue accruing annually thereafter. These positive benefits must be considered absolute minima since additional benefits will accrue from increased production resulting from increased spawning escapements of all other non-Alaskan stocks. Both the total net market value estimates and the break-even time for a 15 percent ABC/OY reduction indicate a more favorable revenue stream than for either a 10 percent or a 30 percent ABC/OY reduction. The present value analyses of OY reductions larger than 15 percent indicate that the greater the reduction, the longer the time required for benefits to balance losses.

May 15–September 20 Chinook Chum, Pink, and Sockeye Season

The 15 percent reduction in the Southeast Alaskan chinook salmon harvest will be accomplished by reducing ABC/OY to 243,000–272,000 chinook. This will be implemented primarily by a delayed season opening and by time and area restrictions designed to achieve the chinook OY while allowing coho salmon to be harvested during July and August. If in-season analysis of fishery performance indicates that time/area closures are necessary to maintain coho harvest flexibility, such chinook closures would most likely occur in late June or early July. The most favorable transfer rate of "bright" chinook back to the Columbia River probably occurs at this time. Southeast Alaskan fishermen would be allowed to harvest chinook in August, the month in which chinook are significantly more valuable, according to the Alaska Trollers Association.

Amendment No. 2 will change the troll season for chinook, chum, pink and sockeye salmon from April 15–October 31 to May 15–September 20. The delayed opening (one month) will implement a portion of the ABC/OY reduction at a time which would maximize spawning escapement of mature Southeast Alaskan spring chinook. Mature Alaskan spring chinook are available to the Southeast Alaskan salmon fisheries only until May or June, when they enter their spawning streams. The delay of the season opening from April 15 to May 15, or as soon as possible thereafter, is coordinated with similar restrictions within State waters. It is estimated that the delayed opening, as an integral part of the ABC/OY reduction, will result in an increased annual escapement into Southeast Alaskan rivers of about 8,800 chinook within 3–5 years, and will result in a gradual rebuilding of chinook runs. The season closure on September 20 is designed to prevent trollers from resuming the chinook fishery after the coho season closes. In addition, it is estimated that the ABC/OY for chinook will have been taken by this date.

Restricting Hand Trollers to Two Lines and Gurdies or Four Sport Poles

Amendment No. 2 limits the amount of gear a hand troller may use to fish for salmon in the FCZ to a maximum of two lines and gurdies (the spool by which each line is retrieved) or four sport poles. The two line/gurdy limitation for hand trollers is designed to spread the burden of conservation of chinook and coho salmon stocks proportionately between hand and power trollers. The equitable distribution of this conservation burden is appropriate because power trollers have been subjected to limited entry since 1974 and have been restricted to 4 lines south and 6 lines north of Cape Spencer in the FCZ since 1979. This limitation imposes a significant conservation and economic burden on those power trollers who traditionally fished more than 4 or 6 lines. Many power troll vessels are capable of fishing 8 or 10 lines, although many traditionally-fished only 4 to 6. This efficiency restriction on power trollers is justified by the need to reduce effort and harvest of severely declining chinook stocks in the FCZ, as well as the excessively large harvest of offshore coho.

Hand trollers were exempted from limited entry in 1974, allowing the number of hand trollers and their catch to increase dramatically. The regulations implementing the current FMP allow hand trollers to use the same number of lines as power trollers in the FCZ. Most hand trollers, whether fishing in State of Alaska waters or in the FCZ, normally fish two lines or less, or several sport poles. Most hand troll vessels are small (18–30') and capable of no greater amount of gear. Some hand trollers, however, who could not qualify for a power troller limited entry permit, have utilized the exemption of hand

trollers from limited entry in 1974 as a loophole to compete with the power troller. These relatively small but increasingly numerous hand trollers are generally still limited by the physical capacity of their vessels to a maximum of 4 lines. Nevertheless, they expend significant fishing effort.

For example, in 1974 only one hand troller landed over 10,000 lbs of salmon, while 36 landed over 10,000 lbs apiece by 1978. The lack of a gear restriction equitably balanced with that borne by power trollers has encouraged a small group of hand trollers to utilize the full capacity of their vessels and gear. This has contributed to the conservation problems created by excessive effort and harvest on mixed chinook and coho stocks in the FCZ. Although the number of hand trollers fishing more than two lines is thought to be relatively small, just as the number of power trollers who historically fished greater than 4 or 6 lines was small, the power troller has borne the greater conservation restriction while the hand troller has borne virtually no conservation burden. Restricting hand trollers to a maximum of two lines simply makes the conservation restriction borne by each group equitable.

No major economic barriers exist to prevent a hand troller who wishes to fish more than 2 lines in the FCZ from purchasing a power troll limited entry permit. The State of Alaska offers a low-interest 10-year loan program requiring 10 percent down payment to purchase a limited entry permit for power trolling. At the current permit price of $25,000–$30,000, a hand troller wishing to enter the power troll fleet would only require $2,500–$3,000, plus conversion costs.

It has been argued that restricting the total catch to a specific harvest quota (OY) and closing the fishery after that OY has been reached eliminates the need for any gear restrictions which might reduce efficiency. Without efficiency restrictions, however, effort could concentrate in specific areas and OY could be harvested over a shorter season than the FMP contemplates. This could result in overfishing of chinook and coho stocks found in those areas at those times, and contribute to already severe problems with escapement both to inshore fisheries and to spawning areas. Although management by an OY harvest quota is a valid approach, some efficiency restrictions are still necessary to distribute the harvest throughout a greater time and area. The NPFMC has concluded that both power and hand trollers should share those efficiency restrictions equitably. Further rationale for spreading the harvest over a longer time span is the need to preserve management flexibility to harvest the coho salmon OY from July through September. If the chinook salmon OY were achieved too quickly, the season closure would prevent achievement of the coho OY. Economic advantages will also accrue to trollers harvesting chinook late in the season, when chinook are normally more valuable due to higher ex-vessel price, larger average size, and a greater proportion of red-meated fish.

It also might be argued that an equitable gear limitation for hand trollers would be 2 lines south and 3 lines north of Cape Spencer; in other words, in direct proportion to the 4/6 lines allowed power trollers. However, the 6-line limitation for power trollers north of Cape Spencer is a special exception designed solely to allow power trollers to fish the offshore Fairweather grounds as they have traditionally. Since there are no records of hand trollers fishing the Fairweather grounds, there is no reason for granting the same exception.

This action will provide compatible line limitations for hand trollers in both Federal and State waters, thus improving efficiency of enforcement. The Alaska Board of Fisheries recently rescinded the one line/gurdy limitation, adopted in January 1981, in favor of two lines and gurdies.

In Person Reporting Requirements for Fishermen Intending To Sell Their Catch Outside Alaska

The amendment will require fishermen intending to sell their catch outside of Alaska to submit at an Alaskan port before they leave Alaska waters an Alaskan fish sales ticket or the following equivalent written information to the ADF&G: name, Alaska or Federal permit number, vessel name, total number of salmon on board by species, catch area statistical number, number of lines used, and proposed port of landing. Once the fish have been sold, the operator of the fishing vessel must also report to the ADF&G within one week of the sale by way of a completed fish ticket of Alaska or of the State where landed.

The FMP specifies that the fishery will be managed to achieve ABC/OY by a combination of regulations established prior to the fishing season and by in-season management based upon the latest information on stock abundance and fishery performance. Managers are presently unable to obtain catch information on fish sold outside of Alaska in time to use the information in-season. Since most fishermen intending to leave Alaskan waters to sell their catch return to an Alaskan port for fuel and supplies before leaving, this would not impose an unduly harsh burden for compliance.

Previously, the FMP required fishermen to submit landing information within one week of landing their catch outside of Alaska. No reports were received during 1979 and no reports were received during 1980 until October, although some fishermen began selling their catch outside of Alaska in early July. The precision required to manage for a specific OY harvest ceiling requires more timely collection of harvest data than the regulations currently require.

All fishermen selling their catch outside Alaska utilize vessels with freezing capacity. These vessels are the larger vessels in the fleet, with hold and freezing capacities for 600–800 or more fish. Approximately 10–15 percent of the troll fleet is estimated to have freezing capacity, although all do not sell their catch outside of Alaska. In some recent years, 20–30 vessels landed approximately 8,000–12,000 chinook salmon outside Alaskan waters, mainly in the State of Washington. The number of salmon troll vessels with freezing capacity is steadily increasing, and the potential exists for a much greater portion of the catch to be sold outside of Alaska than previously, should it become economically profitable. Such an increase, undetected, could result in overfishing.

The geography of the Southeast Alaska coastline and the weather and sea conditions off the coast result in most vessels using the inside passage to transit between Alaska, Canada, Washington and Oregon. After fishing in the FCZ, virtually all of these vessels stop at Alaskan ports for rest, fuel and supplies prior to beginning the long trip south, thus, there will be almost no additional costs incurred in submitting the required information. Vessels which do not intend to stop for fuel and supplies would not likely pass any farther than 50 miles, and probably not more than 25 miles, from Alaskan ports such as Petersberg or Ketchikan; therefore, the fuel costs incurred by detouring to an Alaskan port will not be great.

This reporting requirement does not require fishermen intending to sell their catch outside Alaska to leave heads-on, fin-clipped salmon at the Alaskan port where the information was submitted. Such fish must be landed with heads on at the port where the catch is to be sold, and made available there for retrieval of the coded wire tags.

The NPFMC considered reporting by radio as an alternative for fishermen

who do not wish to detour into an Alaskan port. However, the NPFMC rejected this option after Alaska Board of Fisheries members testified that the State has encountered numerous problems with the accuracy and reliability of radio reporting. Moreover, it would be difficult, if not impossible, to insure confidentiality of the data required to be reported by radio.

The State of Alaska now requires submission of a fish sales ticket or equivalent information in an Alaskan port for all vessels fishing in State waters. Failure to adopt a similar rule for vessels fishing in the FCZ would result in incompatible reporting requirements between the State and Federal jurisdictions and create unnecessary confusion and burdens for the large number of fishermen who fish both in the FCZ and in State waters.

Landing Adipose Fin-Clipped Chinook and Coho Salmon With Heads on

The amendment returns to the original 1979 FMP requirement that all adipose fin-clipped chinook and coho salmon be landed with heads on. In 1980, the regulations required that all chinook and coho salmon be landed with heads on. This proposal is designed to insure recovery of coded wire tags implanted in the nose of adipose fin-clipped salmon while lessening the economic burden on trollers. The heads-on all chinook and coho salmon requirement caused additional handling and expense to fishermen and processors, since heads had to be removed and the fish reglazed after landing and checking for tags. The recovery of tagged fish is vitally important to management, but adequate recoveries will occur if trollers comply with the regulation. It is intended that this regulation will allow a trial period of one year during which tag recoveries will be evaluated. The regulation is identical to that adopted by the State of Alaska.

Treble Hook ban

The NPFMC considered a large amount of contradictory public testimony concerning both the hooking efficiency and the hooking mortalities of single versus treble hooks. Some fishermen claimed treble hooks should be banned because they inflicted greater hooking mortality on sublegal shaker chinook than did single hooks, while other disputed that claim. Some fishermen claimed it was necessary to fish with treble hooks because they were more efficient than single hooks, while others disagreed. The scientific literature is also inconclusive on both issues.

The Alaska Board of Fisheries recently adopted a ban on the possession of treble hooks while fishing in State waters.

Although the scientific literature and public testimony was inconclusive, the NPFMC concluded that conformity with the State of Alaska regulations was necessary to maintain coordinated and compatible State and Federal management regimes.

Other Regulatory Changes

These regulations also contain a new provision at Section 674.4(a)(3), requiring that a person engaged in personal use fishing hold a valid State of Alaska sport fishing license. The FMP adopted the State of Alaska's sport fishing regulations, which include a requirement that a person who is sport fishing must hold a valid sport fishing license. The addition of paragraph (a)(3) is intended to bring the regulations implementing the FMP into conformance with State regulations, as contemplated by the FMP.

Certain other revisions to the regulations will make them more understandable and easier to read. The majority of these changes are in Section 674.4; in particular, the paragraphs under subsection (c) pertaining to transfers of permits and appeals from decisions of the Regional Director are reworded.

Section 674.23(b)(2)(iv) has also been revised to provide for a 30-day period for public comment on field orders issued by the Regional Director, rather than the 60-day period now provided. The 60-day period originally was established because of E.O. 12044, which has now been rescinded. Few comments on field orders have been submitted, and experience has shown that a 30-day comment period is sufficient.

Minority Report

On April 22, 1981, the Secretary of Commerce received a minority report submitted by the Washington State Department of Fisheries (WDF). Citing depressed Columbia River stocks and a deficit in salmon treaty obligations to Northwest Indian tribes, the WDF requests a 29 percent reduction in OY (i.e., a chinook harvest level of 227,000) and a 24-day closure of the chinook fishery off Southeast Alaska during June when the interceptions of Columbia River salmon are highest. In its minority report, the WDF advances five reasons as to why it believes the amendment is deficient.

First, the WDF states that serious conservation problems exist for chinook stocks harvested off Southeast Alaska. This is acknowledged by the amendment and is the basic justification for reducing the OY by 15 percent.

Second, the WDF states that a 15 percent reduction in OY will be insufficient to offset the predicted decline in 1981 returns of upper Columbia River bright fall chinook, and would not significantly increase the returns of other lower U.S. chinook stocks, thereby failing to respond significantly to critical conservation problems. While there is merit in this argument, the NPFMC's regulatory scheme balances the conservation needs of the resource against the socio-economic costs to the Alaskan fishing industry. In 1980, upper Columbia River "bright" fall chinook spawning escapement goals could have been achieved if an unusually high inter-dam fish loss (30,000 fish) had not occurred. If inter-dam losses are normal in 1981, spawning escapement goals should be achieved without further restrictions to commercial fisheries.

The amendment does not violate National Standard 1, as contended by WDF, since it seeks to provide some degree of protection for most of the stocks harvested off Southeast Alaska while recognizing that it might be inadequate for some. It does not violate National Standard 3 by failing to manage, to the extent practicable, an individual stock of fish as a unit throughout its range since this is done "to the extent practicable" as required by the standard. The chinook stocks harvested off Southeast Alaska contribute to fisheries in various different Federal, Canadian, and State jurisdictions, and the Council is attempting to coordinate its management with the Pacific Fishery Management Council and Pacific Northwest States.

Third, the WDF points out that a significant change in harvest sharing of upper Columbia River "brights" and Washington coastal chinook stocks has occurred in recent years, with the Alaska fishery almost doubling its proportion of the U.S. harvestable surplus. The WDF believes that the amendment would result in an inequitable allocation of these stocks to the Southeast Alaska fishery.

Since the Pacific Council has restricted the Washington-Oregon ocean fisheries, many trollers who might otherwise have fished there have switched to the Southeast Alaska fishery. Consequently, the shift in the catch sharing balance between Alaska and Washington-Oregon includes, to some unknown degree, catch by the

same individual fishermen in a new area and there is no clear case for inequity.

Fourth, the WDF concludes that increased harvest rates in the Southeast Alaska troll fishery have seriously restricted Columbia River net fishery harvest opportunities on both stocks, thereby exacerbating Columbia River conservation and allocation problems.

The Secretary recognizes the conservation and allocation problems of the Columbia River salmon fisheries. He agrees with the Council that a 15 percent reduction in OY for chinook salmon, as implemented by these regulations, is the appropriate management response. A result of this measure will be increased escapement of "bright" fall chinook salmon to the Columbia River.

Fifth, the WDF believes that the amendment weakens U.S. credibility with the Canadian government regarding the seriousness of chinook conservation problems in the northern British Columbia and Southeast Alaska troll fisheries, despite our efforts to meet specific conservation problems with respect to Fraser River chinook.

This conservation basis of this action strengthens, rather than weakens, U.S. credibility with the Canadian government regarding the seriousness of Alaska's approach to conservation problems.

The Secretary has considered the minority report and is concerned about the serious resource problems in the Columbia River and coastal Washington area. However he finds that the amendment satisfies the requirements of the Magnuson Act and other applicable law, and has therefore approved it as submitted.

Signed at Washington, this 23rd day of June 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR 674 is amended to read as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. For the reasons set out in the preamble, Part 674 is revised to read as follows:

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

Subpart A—General

Sec.

674.1 Purpose and scope.
674.2 Definitions.
674.3 Relation to other laws.
674.4 Permits.
674.5 Recordkeeping and reporting requirements.
674.6 [Reserved]
674.7 Prohibitions.
674.8 Enforcement.
674.9 Penalties.

Subpart B—Management Measures

674.20 General.
674.21 Time and area limitations.
674.22 Catch limitations.
674.23 Modifications of time and area limitations.
674.24 Gear restrictions.

Authority: 16 U.S.C. 1801–1882.

Subpart A—General

§ 674.1 Purpose and scope.

(a) The purpose of this Part is to implement the fishery management plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude. The FMP was developed by the North Pacific Fishery Management Council and approved by the Assistant Administrator for Fisheries of NOAA under the Magnuson Fishery Conservation and Management Act, as amended; 16 USC 1801–1882 (the Act).

(b) This Part governs fishing for salmon by fishing vessels of the United States in the fishery conservation zone (FCZ) seaward of Alaska east of 175° E. longitude. All provisions of this Part shall remain in effect until modified, revoked, or superseded.

§ 674.2 Definitions.

Most of the terms used in this Part are defined in the Act. Additional terms are defined below. (Some terms defined in the Act are repeated or clarified to aid understanding of this Part).

ADF&G means the Alaska Department of Fish and Game.

Act means the Magnuson Fishery Conservation and Management Act, as amended; 16 USC 1801–1882.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or an individual to whom appropriate authority has been delegated.

Authorized Officer means: (a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commercial fishing means fishing for fish for sale or barter.

Fishery conservation zone (FCZ) means that area contiguous to the territorial sea of the United States which, except where modified to accommodate international boundaries, encompasses all waters lying between the seaward boundary of each of the coastal States (the "three-mile limit") and a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity other than scientific research which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Hand troll gear means one or more lines with lures or hooks attached, drawn through the water behind a moving vessel, and retrieved by hand or hand-cranked reels or gurdies and not by any electrically, hydraulically, or mechanically-powered device or attachment.

Management area means the two areas described below:

(a) *West Area* means the waters of the FCZ seaward of Alaska between 175° E. longitude and 143°53'36" W. longitude (Cape Suckling);

(b) *East Area* means the waters of the FCZ seaward of Alaska east of 143°53'36" W. longitude.

NMFS means the National Marine Fisheries Service, NOAA.

NOAA means the National Oceanic and Atmospheric Administration, United States Department of Commerce.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Optimum yield means that amount of any species of salmon which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the FMP.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether for bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to a party to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Personal use fishing means fishing other than commercial fishing.

Power troll gear means one or more lines, with hooks or lures attached, drawn through the water behind a moving vessel, and originating from a power gurdy or power-driven spool fastened to the vessel, the extension or retraction of which is directly to the gurdy or spool.

Regional Director means the Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, telephone 907–586–7221, or an individual to whom the Regional Director has delegated appropriate authority.

Salmon means the following species:

Chinook (or king) salmon (*Oncorhynchus tshawytscha*);

Coho (or silver) salmon (*O. kisutch*);

Pink (or humpback) salmon (*O. gorbuscha*);

Sockeye (or red) salmon (*O. nerka*); and

Chum (or dog) salmon (*O. keta*).

Vessel of the United States means: (a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel, under five net tons, which is registered under the laws of any State.

§ 674.3 Relation to other laws.

(a) *Federal law.* For regulations concerning fishing for Tanner crab see 50 CFR 671; for regulations concerning fishing for groundfish in the Gulf of Alaska see 50 CFR 672; and for regulations concerning fishing for halibut see regulations of the International Pacific Halibut Commission (IPHC) at 50 CFR 301. This Part 674 does not apply to fishing conducted under the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1021–1035, which is the only directed fishing for salmon by vessels other than vessels of the United States which may be conducted in the FCZ seaward of Alaska. 50 CFR 661 concerns fishing for salmon seaward of California, Oregon, and Washington.

(b) *State law.* This Part will be administered in close coordination with ADF&G's administration of the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. Because no commercial fishing for salmon is permitted in the FCZ west of Cape Suckling, all commercial salmon fisheries west of Cape Suckling will take place within the territorial sea and be subject to the management authority of the State of Alaska. Certain responsibilities concerning the enforcement of this Part will be carried out by employees of the State of Alaska under an agreement with NMFS and the United States Coast Guard.

(c) *Delegation.* The Assistant Administrator has delegated to the Regional Director authority to take actions under sections 674.4 and 674.23 of this Part.

§ 674.4 Permits.

(a) *General.*

(1) *Commercial fishing using power troll gear.* Commercial fishing for salmon in the management area using power troll gear may be engaged in by any operator of a fishing vessel who:

(i) held a valid State of Alaska power troll permanent entry permit on May 15, 1979, or is a transferee under paragraph (c) of this section of an operator who held such a permit on that date;

(ii) held a valid State of Alaska power troll interim use permit on May 15, 1979; or

(iii) holds a permit issued by the Regional Director under paragraph (b) of this section.

(2) [Reserved]

(3) *Personal use fishing.* Personal use fishing in the management area may be engaged in by any person who at the time of such fishing holds a valid State of Alaska sport fishing license.

(4) No person may engage in power trolling for salmon in the management area unless that person is described in paragraph (a)(1) of this section; except that no permit is required of a crew member or other person assisting in commercial salmon fishing operations if a person described in paragraph (a)(1) of this section is on board the same fishing vessel and engaged in commercial fishing. No person may engage in personal use fishing for salmon in the management area unless that person is described in paragraph (a)(3) of this section.

(5) The authority to engage in fishing for salmon in the management area that is granted by this paragraph (a) constitutes a use privilege which may be revoked or modified without compensation.

(b) *Permits issued by the Regional Director.*

(1) *Eligibility.* (i) Except as provided in paragraph (b)(1)(ii) of this section, any person is eligible for a permit described in paragraph (a)(1)(iii) of this section if that person, during any one of the calendar years 1975, 1976, or 1977: (A) Operated a fishing vessel in the management area; (B) engaged in commercial fishing for salmon in the management area; (C) caught salmon in the management area using power troll gear; and (D) landed such salmon.

(ii) The following persons are not eligible: (A) Persons described in paragraphs (a)(1)(i) or (a)(1)(ii) of this section; (B) persons who once held but no longer hold a State of Alaska power troll permanent entry or interim-use permit; and (C) persons already holding a permit under this paragraph (b).

(2) *Application.* (i) Each applicant for a permit under this paragraph shall submit a written application to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(ii) Each applicant shall provide the following information: (A) The applicant's name, mailing address, and telephone number; (B) the name of the fishing vessel; (C) the fishing vessel's United States Coast Guard documentation number or State registration number; (D) the home port of the fishing vessel; (E) the length and registered tonnage of the fishing vessel; (F) the color of the fishing vessel; (G) the type of fishing gear used by the fishing vessel; and (H) the signature of the applicant.

(iii) The information required by paragraphs (b)(2)(ii)(A)–(G) shall be provided for each vessel which the applicant intends to use for commercial fishing under this Part. Any changes in such information occurring after a permit is issued shall be reported to the Regional Director within 30 days of that change.

(iv) Each applicant shall submit State fish tickets or other equivalent documents showing the actual landing of salmon taken in the management area by the applicant with power troll gear during any one of the years 1975–1977.

(3) *Issuance.* (i) Upon receipt of a properly completed application and any document required under paragraph (b)(2)(iv) the Regional Director shall

promptly determine whether permit eligibility conditions have been met, and if so, shall issue a permit. If the permit is denied, the Regional Director shall notify the applicant in accordance with paragraph (d) of this section.

(ii) If an incomplete or improperly completed permit application is filed, or if any document required under paragraph (b)(2)(iv) has not been filed, the Regional Director shall promptly notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of receipt of notification, the application shall be considered abandoned.

(4) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit that has been altered, erased, or mutilated shall be invalid.

(5) *Replacement.* Replacement permits may be issued to replace lost or unintentionally mutilated permits. An application for a replacement permit shall not be considered a new application.

(c) *Transfer of Authority to Fish for Salmon in the Management Area.*

(1) *Holders of State of Alaska power troll permanent entry permits.* (i) The authority of any person described in paragraph (a)(1)(i) of this section to engage in commercial fishing for salmon using power troll gear in the management area shall expire upon the transfer of that person's State of Alaska power troll permanent entry permit to another and shall be transferred to the new holder of that permit.

(ii) Any person to whom transfer of a State of Alaska power troll permanent entry permit is denied by the State of Alaska may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area. The Regional Director shall approve the transfer if it is determined that the applicant had the ability to participate actively in the fishery at the time the application for transfer of the permit was filed with the State of Alaska; that the applicant has access to power troll gear necessary for participation in the fishery; that the State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained; and that the proposed transfer of the permit is not a lease. The application shall be filed with the Regional Director within thirty days of the denial by the State of Alaska of transfer of the permit. The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed transfer of the permit and a copy of the State of Alaska's decision denying the transfer of the permit. The Regional Director may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application. Upon approval of the application by the Regional Director, the authority of the permit holder to engage in commercial fishing for salmon in the management area using power troll gear shall expire, and that authority shall be transferred to the applicant.

(2) *Other permits.* Except as provided in paragraph (c)(3) of this section, the authority of any person described in paragraph (a)(1)(ii), (a)(1)(iii), or (a)(3) of this section to fish for salmon in the management area may not be transferred to any other person. Except for emergency transfers, the authority to engage in commercial fishing for salmon which was transferred under paragraph (c)(1)(ii) of this section may not be transferred to any other person except the current holder of the State of Alaska power troll permanent entry permit from which that authority was originally derived. That authority may be transferred to the current holder of that permit upon receipt of written notification of the transfer by the Regional Director, from which time the transferee under paragraph (c)(1)(ii) of this section shall no longer be authorized to engage in commercial fishing for salmon using power troll gear in the management area.

(3) *Emergency transfers—authority to use power troll gear.* The authority of any person described in paragraph (a)(1) of this section to engage in commercial fishing for salmon using power troll gear in the management area may be transferred to another for a period not lasting beyond the end of the calendar year of the transfer when sickness, injury, or other unavoidable hardship prevents the holder of that authority from engaging in such fishing. Such a transfer shall take effect automatically upon approval by the State of Alaska of an emergency transfer of a State of Alaska power troll entry permit, in accordance with the terms of the permit transfer. Any person to whom emergency transfer of a State of Alaska power troll entry permit is denied by the State of Alaska and any person desiring to obtain emergency transfer of a Federal commercial power troll permit previously issued by the Regional Director may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area for a period not lasting beyond the calendar year of the proposed transfer. The Regional Director shall approve the transfer if he determines that sickness, injury, or other unavoidable hardship prevents the current permit holder from engaging in such fishing; that the applicant had the ability to participate actively in the fishery at the time the application for emergency transfer of the permit was filed with the State of Alaska or, in the case of a Federal permit, with the Regional Director; that the applicant has access to power troll gear necessary for participation in the fishery; and that the State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained. The application in the case of a State of Alaska permit shall be filed with the Regional Director within thirty days of the denial by the State of Alaska of emergency transfer of the permit. The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed emergency transfer of the permit and a copy of the State of Alaska's decision denying the emergency transfer of the permit. The Regional Director may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application. Upon approval of the application by the Regional Director, the authority of the permit holder to engage in commercial fishing for salmon using power troll gear in the management area shall expire for the period of the emergency transfer, and that authority shall be transferred to the applicant for that period.

(d) *Appeals and Hearings.* (1) A decision by the Regional Director: (i) To deny a permit under paragraph (b)(3)(i) of this section; or (ii) to deny transfer of authority to engage in commercial fishing for salmon in the management area under paragraph (c) of this section, shall be in writing, shall state the facts and reasons therefor, and shall advise the applicant of the rights provided in this paragraph (d).

(2) Any such decision of the Regional Director shall be final thirty days after receipt by the applicant, unless an appeal is filed with the Assistant Administrator within that time. Failure to file a timely appeal shall constitute waiver of the appeal. (Address: Assistant Administrator, National Marine Fisheries Service, Room 400, Page 2 Building, 3300 Whitehaven Street, NW., Washington, D.C. 20235). Appeals

under this paragraph shall be in writing, shall set forth the reasons why the appellant believes the Regional Director's decision was in error, and shall include any supporting facts or documentation. At the time the appeal is filed with the Assistant Administrator, the appellant may request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time shall constitute a waiver of the hearing. If a request for a hearing is filed, the Assistant Administrator may order a hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant. If the Assistant Administrator orders a hearing, that order shall also serve to appoint a hearing examiner to conduct an informal fact finding inquiry into the matter. Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations. As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this section, the Assistant Administrator shall notify the appellant in writing of the final decision. The notice shall summarize the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be final and unappealable.

(e) *Display.* Any permit or license described in paragraph (a)(1), or (a)(3) of this section shall be on board the vessel at all times while the vessel is in the management area, and shall be displayed for inspection upon request by an authorized officer.

(f) For purposes of this section, the term "person" excludes any nonhuman entity.

§ 674.5 Recordkeeping and reporting requirements.

(a) *Salmon Landed In Alaska.* For each sale or delivery in the State of Alaska of salmon caught in the management area, the operator of the vessel landing the salmon or the purchaser of the salmon, at the vessel operator's option, shall submit an accurately completed State of Alaska fish ticket to the local ADF&G representative within one week of the sale or delivery. For purposes of this paragraph, "purchaser" means any person who receives salmon for a commercial purpose from the operator of the vessel landing the salmon.

(b) *Salmon to be Landed Outside Alaska.* (1) If a person intends to sell or deliver salmon caught in the management area at a place outside the State of Alaska, that person shall first take that salmon to a port in the State of Alaska. There, the operator of the vessel from which the salmon were caught shall submit to the local ADF&G representative an accurately completed State of Alaska fish ticket or the following equivalent information in writing: name, Alaska or Federal permit number, vessel name, total number of salmon on board by species, catch area statistical number, number of lines used, and proposed port of landing. Further, the vessel operator shall permit any authorized officer to inspect the vessel and its contents, with or without warrant or other process, to the extent deemed necessary by that officer for the enforcement of this Part. The entry of a vessel into the State of Alaska for purposes of compliance with this paragraph shall not constitute a ground for treatment of that vessel as a vessel registered under the laws of the State of Alaska for any purposes under the Act, and the State of Alaska may not impose any permit, license, registration, fee, or other requirement as a condition of such entry or of subsequent departure from that State.

(2) In addition to the requirements of paragraph (b)(1) of this section, the operator of any fishing vessel subject to this Part whose port of landing is in the United States but outside Alaska, or who sells, transfers or delivers salmon in the FCZ, shall submit a completed Alaska fish ticket, or a completed fish ticket of the State where the salmon are landed, containing all of the information required on an Alaska fish ticket, to the ADF&G within one week after the date of each sale, transfer, or delivery. (ADF&G address: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.)

§ 674.6 [Reserved]

§ 674.7 Prohibitions.

It is unlawful for any person:

(a) To fish for, take, or retain any salmon in violation of the Act or this Part, including but not limited to the following:

(1) During closed seasons or in closed areas specified in Subpart B of this Part;

(2) By means of gear or methods prohibited by Subpart B of this Part;

(3) If such salmon are less than the minimum length specified in Subpart B of this Part; or

(4) In number exceeding the limit for personal use fishing as specified in Subpart B of this Part.

(b) To engage in fishing for salmon in the management area except to the extent authorized by § 674.4(a) of this Part.

(c) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any salmon taken in violation of the Act, this Part, or any other regulations issued under the Act.

(d) To refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this Part, or any other regulations issued under the Act.

(e) Forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (d) of this section.

(f) To resist a lawful arrest for any act prohibited by this Part.

(g) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part.

(h) To transfer directly or indirectly, or attempt to so transfer, any salmon harvested by a vessel of the United States to any foreign fishing vessel, while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Act which authorizes receipt by that foreign fishing vessel of salmon harvested by a vessel of the United States.

(i) To violate any other provision of the Act, this Part, or any other regulation issued under the Act.

§ 674.8 Enforcement

(a) *General.* Any person authorized under this Part to engage in fishing for salmon in the management area and the owner or operator of any vessel suitable for use in such fishing shall comply immediately with instructions issued by any authorized officer to facilitate safe boarding and inspection by the authorized officer of that person's vessel and its gear, equipment, logs, documents, and catch for purposes of enforcing the Act and this Part.

(b) *Boarding Procedures.* Any vessel signalled by an authorized officer to stop or heave to for boarding and inspection under paragraph (a) of this section shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide sufficient illumination when necessary to facilitate boarding and inspection; and

(3) Take such other actions as may be necessary to ensure the safety of the authorized officer and his party, and to facilitate the boarding and inspection.

§ 674.9 Penalties.

Any person or fishing vessel committing or used in the commission of a violation of this Part shall be subject to the civil and criminal penalty provisions, civil forfeiture provisions, and permit sanction provisions of the Act, and to Parts 620 and 621 of this Title.

Subpart B—Management Measures

§ 674.20 General.

The management measures prescribed in this Subpart shall apply to all fishing for salmon in the management area.

§ 674.21 Time and area limitations.

(a) *Commercial fishing.*

(1) *West Area.* Commercial fishing for salmon in the West area is not permitted at any time.

(2) *East Area.* (i) Commercial fishing for chinook, pink, chum, and sockeye salmon in the East area is permitted from 12:01 a.m., Pacific Daylight Time, on May 15 to 11:59 p.m., Pacific Daylight Time, on September 20.

(ii) Commercial fishing for coho salmon in the East area is permitted from 12:01 a.m., Pacific Daylight Time, on June 15 to 11:59 p.m., Pacific Daylight Time, on September 20.

(b) *Personal use fishing.* Personal use fishing in the east and west areas is permitted at all times.

(c) The time and area limitations prescribed in this section may be modified in accordance with section 674.23 of this Part.

§ 674.22 Catch limitations.

(a) *Size restrictions.*

(1) *Minimum size limit.*

(i) *Chinook salmon.* No chinook salmon less than 28 inches in length with the head on, or less than 23 inches in length with the head off, may be retained. (See Figure 1.)

(ii) *Other salmon.* There is no minimum size limit for coho, pink, chum or sockeye salmon.

(2) *Method of measurement.* For purposes of paragraph (a)(1)(i) of this section, a salmon with its head on shall be measured in a straight line from the tip of the snout to the midpoint of a straight line between the upper and lower tips of the tail in its natural open position. for the same purposes, a salmon with its head off shall be measured in a straight line from the midpoint of the cleithral (gill) arch to the midpoint of a straight line between the upper and lower tips of the tail in its natural open position. (See Figure 1.)

(3) *Mutilation.* No person in the management area shall mutilate or disfigure a chinook salmon in any manner that would interfere with the determination of that salmon's length in accordance with paragraphs (a)(1) and (a)(2) of this section.

(b) *Personal use daily catch limit.* No person may catch and retain more than six (6) salmon during any day for personal use, and no more than three (3) of those salmon may be chinook salmon. No person in the management area may possess more than twelve (12) salmon for personal use, and no more than three (3) of these salmon may be chinook salmon.

(c) *Possession of prohibited salmon species.* When a part of the management area has been closed to fishing for a species of salmon, no person in that part of the management area may possess a salmon of that species while engaged in commercial fishing.

(d) *Landing requirements.* Every salmon satisfying minimum size limits that is caught in the management area which has had its adipose fin removed or clipped (See Figure 1) shall be retained and landed with its head on. This salmon shall be made available for retrieval of the coded wire tag by an appropriate official at the port of landing.

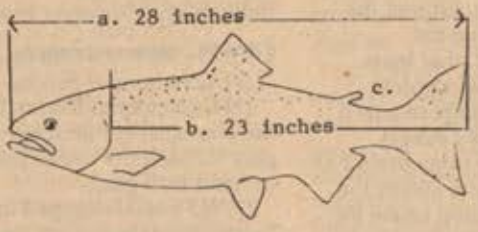


Figure 1. Chinook salmon with lines indicating (a) the minimum legal length for a whole chinook salmon, (b) the minimum legal length for a chinook salmon with its head removed, and (c) the adipose fin.

§ 674.23 Modifications of time and area limitations.

(a) *Standards governing modifications.*

(1) Following consultation with ADF&G, the Regional Director may modify the time and area limitations prescribed in section 674.21 of this Part by issuing a field order in accordance with paragraph (b) of this section. Any such modification shall be based upon a determination by the Regional Director that: (i) the condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP; and (ii) this difference reasonably requires a modification of time or area limitations if salmon of any species are to be adequately conserved and managed. In making this determination, the Regional Director may consider any of the following factors:

(A) the effect of overall fishing effort within any part of the management area;

(B) catch-per-unit-of-effort and rate of harvest;

(C) relative abundance of salmon stocks within the management area;

(D) condition of salmon stocks throughout their ranges; and

(E) any other factors relevant to the conservation of salmon.

(2) Following consultation with ADF&G, the Regional Director shall prohibit fishing for one or more species of salmon in all or part of the management area if such a prohibition is necessary to prevent the total harvest of any species of salmon for the year from exceeding the maximum amount of the optimum yield for that species that is specified in the FMP. The Regional Director shall do this by issuing a field order in accordance with paragraph (b) of this section.

(b) *Field Orders.*

(1) Any field order issued by the Regional Director under this section shall include the following:

(i) a description of the modification of time and area limitations;

(ii) the reasons for the modification; and

(iii) the effective date of the modification.

(2) No field order issued under this section may take effect until:

(i) it has been filed for publication with the **Federal Register**;

(ii) it has been posted for 48 hours, and otherwise made available to the public, in accordance with procedures customarily used by ADF&G for posting and publicizing similar notices of opening or closure;

(iii) it has been broadcast for 48 hours at those time intervals, channels and frequencies customarily used by ADF&G to broadcast similar notices of opening or closure; and

(iv) the public has been offered the opportunity to comment on the modification for a period of at least thirty (30) days, a final field order responding to any comments received has been published in the **Federal Register**, and a further waiting period of thirty (30) days has passed, unless the Regional Director finds good cause for dispensing with these requirements in accordance with 5 U.S.C. 553.

(3) If the Regional Director determines under 5 U.S.C. 553 that there is good cause for issuing a field order without affording prior opportunity for public comment, he shall receive and consider public comments for a period of thirty (30) days after the effective date of the field order. During this period, the Regional Director shall make available for public inspection during business hours the aggregate data upon which the modification effected by the field order was based. As soon as practicable after the end of this period, the Regional Director shall reconsider the necessity of the modification, and shall publish in the **Federal Register** either a notice of the continued effectiveness of the field order or an amendment or rescission of the field order in accordance with the standards and procedures prescribed in this section, unless the field order has already expired or has been rescinded.

(4) Any field order issued under this section shall remain in effect until rescinded by the Regional Director in accordance with the standards and procedures prescribed in this section, or until any expiration date stated in the field order, whichever is earlier.

§ 674.24 Gear restrictions.

(a) *Commercial fishing.*

(1) Commercial fishing for salmon in the management area may be engaged in only through the use of power troll gear or hand troll gear.

(2) No vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than four (4) lines south of the line segments connecting the following points:

Latitude	*Longitude*
58°12'45" N.	136°39'30" W. (Cape Spencer)
58°12'45" N.	138°00' W.
58°00' N.	138°00' W.
58°00' N.	143°33'36" W.

North of these line segments, no vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than six (6) lines. No vessel that is equipped for use in commercial fishing for salmon using power troll gear may at any one time while in the management area have more than six (6) gurdies mounted and in operational condition.

(3) No vessel engaged in commercial fishing for salmon in the management area using hand troll gear may at any one time utilize more than two (2) lines and gurdies or four (4) sport rods; and no vessel that is equipped for use in such fishing may at any one time while in the management area have more than two (2) gurdies mounted and in operational condition.

(4) No vessel engaged in commercial fishing for salmon in the management area using power troll or hand troll gear may use or have on board any treble hook.

(b) *Personal use fishing.* No person engaged in personal use fishing for salmon in the management area may at any one time utilize more than one (1) line held in the hand or attached to a hand-held or closely attended rod. This line may not at any one time have attached to it more than one (1) artificial lure or two (2) flies or two (2) single hooks.

[FR Doc. 81-18993 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

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

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1504

Certification to Office of Advocacy

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Certification that Proposed Rule Does Not Have a Significant Economic Impact on a Substantial Number of Small Entities.

SUMMARY: Take notice that on June 23, 1981, the Federal Inspector certified that a proposed rule, published by the Office of the Federal Inspector (OFI) on April 16, 1981, on OFI information regulations (46 FR 22340) has no significant economic impact on a substantial number of small entities. This certification, to the Office of Advocacy at the Small Business Administration, is rendered pursuant to the Regulatory Flexibility Act (RFA), Pub. L. 96–354, 5 U.S.C. 605(b).

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20044, (202) 275–1144.

The proposed rule, 10 CFR Part 1504, is the OFI's regulations for gathering, handling, and disclosing information. This rule should not impose significant economic impact. Any impact that does occur, however, will fall on the three companies sponsoring ANGTS, the largest privately-financed construction project in U.S. history: By definition, they are not small business entities.

Dated: June 23, 1981.

John T. Rhett,
Federal Inspector.

[FR Doc. 81-19116 Filed 6-25-81; 8:45 am]
BILLING CODE 6820-AW-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 105

[Docket No. 78P–0207]

Special Dietary Foods Label Statements: Misleading Statements; Reduced Calorie Labeling for Bread; Revocation of Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Revocation of the withdrawal of a proposed rule on reduced calorie labeling for bread and reopening the comment period.

SUMMARY: The Food and Drug Administration (FDA) is revoking the withdrawal of the proposal to allow bread that has achieved a 25-percent reduction in calories to be labeled as "reduced calorie" bread. In addition, FDA is reopening the comment period so that interested persons may comment further on the proposal. This action is being taken in response to an objection and request for hearing filed by Interstate Brands Corp., a bread manufacturer.

DATES: Comments by August 25, 1981; tentative effective date of final rule based on the proposal is July 1, 1983.

ADDRESS: Send comments to: Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Taylor M. Quinn, Bureau of Foods (HFF–300), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1243.

SUPPLEMENTARY INFORMATION: FDA proposed a regulation on "label statements relating to usefulness in reducing or maintaining caloric intake or body weight" that was issued in the **Federal Register** of June 20, 1962 (27 FR 5815). The regulation is now codified in § 105.66 (21 CFR 105.66). Comments were received, and FDA issued a final regulation in the **Federal Register** of June 18, 1966 (31 FR 8521).

During the 30-day period following issuance of the final regulation, objections and requests for a public hearing were filed under section 701(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)). On December 14, 1966 FDA revised the final regulation and stayed its effective date (31 FR 15730). The agency then scheduled a public hearing (April 2, 1968; 33 FR 5268) and appointed a hearing examiner (May 4, 1968; 33 FR 6828). A hearing was conducted between May 21, 1968, and May 14, 1970. The stayed regulation, as revised, provided in part that a food could be represented as being for special dietary use because of its lower calorie content and be labeled with the statement "For calorie restricted diets" only if the food had a minimum 50-percent reduction in calories when compared to the regular food for which it substituted.

On January 25, 1971, the hearing examiner issued his report and found, in part, that a 50-percent minimum reduction in calories was unreasonable. He recommended instead a 35-percent reduction as the minimum required for a food to be labeled as "reduced in calories."

In the **Federal Register** of July 19, 1977 (42 FR 37166), FDA published its proposed statement of reasons, proposed findings of fact, proposed conclusions, and tentative order. The agency accepted the hearing examiner's findings and recommendations in essence, but set the minimum reduction requirement slightly lower at 33⅓ percent because it could be expressed as a proportioned reduction of one-third, a figure that is more familiar and understandable to the public. Under the tentative regulation a food could be labeled as "reduced calorie", "reduced in calories", or "a reduced calorie food", only if it is similar in all its organoleptic properties to the regular food for which it substitutes.

FDA also provided a procedure, not included in the stayed regulation, for making exceptions, where appropriate, to the requirement that a food labeled as "reduced in calories" must have at least a one-third reduction in calories. Specifically, tentative § 105.66(d)(3) stated that in response to a petition, the agency could establish by regulation acceptable alternative criteria for labeling a food as "reduced in calories" in cases in which a one-third calorie reduction was not technologically feasible. Interstate Brands excepted to the July 19, 1977 tentative order and petitioned to establish a separate regulation to permit bread with a 25-

percent minimum calorie reduction to be labeled as "reduced in calories."

In the **Federal Register** of September 22, 1978 (43 FR 43248), the agency published a final rule setting forth, among others, the regulation now codified in § 105.66, which incorporates most of the provisions of the tentative regulation discussed above. The final regulation relaxed the requirement that a food labeled as "reduced in calories" be similar in all organoleptic properties to the regular food with which it is compared and provided that all material organoleptic differences have to be prominently disclosed.

In the same issue of the **Federal Register** (43 FR 43261), the agency published portions of Interstate Brands' petition and proposed a separate regulation permitting bread with a 25-percent minimum calorie reduction to be labeled as "reduced in calories." The petition stated that "although it is technologically feasible to make bread with a greater calorie reduction (than 25 percent), the food would not be as palatable and acceptable to consumers".

In the **Federal Register** of June 20, 1980 (45 FR 41652), FDA withdrew the proposal. The notice announced that a total of 13 comments from 3 manufacturers, 2 trade associations, and 4 individuals had been received in response to the proposed exemption. The comments from all four consumers opposed the proposal, stating that bread with a one-third reduction in calories is currently being marketed and is acceptable to consumers. One trade association opposed the proposal; the other neither supported nor opposed it. One manufacturer submitted four comments in opposition to the proposal. Another manufacturer submitted two comments supporting the proposal. The third manufacturer commented on the comments received and supported the proposal.

The notice reported that some comments from the baking industry admitted that it is technologically feasible to make bread with at least a one-third reduction in calories, but contended that bread with a one-third calorie reduction is not similar in organoleptic properties to the product for which it substitutes and is not acceptable to consumers. The notice reported that "to better evaluate these statements," FDA had conducted a limited test comparing the organoleptic properties of a bread with a one-third reduction in calories to regular bread. FDA stated that "although the test results were not definitive as to consumer acceptance of a bread with a one-third reduction in calories, they did indicate the technological feasibility of producing a product with a one-third reduction in calories organoleptically similar to bread" (45 FR at 41653). The notice concluded that "the agency has determined from the comments received that the production of bread with a calorie reduction of at least one-third is feasible and that such a bread is acceptable to those consumers interested in or participating in weight control programs" (45 FR at 41653).

Finally, some industry comments disclosed that there is controversy concerning the proper method of determining the utilizable calorie content of foods such as bread, because the estimation of utilizable calories will vary depending on the procedure used. FDA regulations require that calorie content be determined by the Atwater method. (21 CFR 101.9(c)(3).)

Request for Reconsideration

Interstate Brands filed with the Dockets Management Branch (formerly the Hearing Clerk's office) on July 18, 1980, an objection and request for hearing, contending that it was entitled to object and request a public hearing upon such objection under section 701(e) of the act. The agency is treating the objection and request for hearing as a request for reconsideration under § 10.33 of the regulations (21 CFR 10.33). On September 18, 1980, within the time limit imposed for judicial review under section 701(e) of the act, Interstate Brands filed a petition for review with the U.S. Court of Appeals for the Eighth Circuit.

In a letter to the firm dated February 18, 1981, the agency granted the petition for reconsideration. Although the June 20, 1980 notice withdrawing the proposal specifically stated that FDA was acting on the basis of comments received (45 FR at 41653), the agency recognizes that the reference to the test in the June 20, 1980 notice may have led to the impression that it was used in the agency's decisionmaking process. For this reason FDA decided to grant the request for reconsideration and to reopen the rulemaking proceeding begun by the proposal issued in the **Federal Register** of September 22, 1978 (43 FR 43261). As part of its reconsideration, the agency has further decided to reopen the administrative record for additional comment. Accordingly, the June 20, 1980 notice withdrawing the proposal is hereby revoked, and the comment period on the September 22, 1978 proposal is reopened for additional comment.

Subjects for Comment

The agency particularly seeks comments on the following subjects:

1. Information concerning methods of analysis for determining the calorie content of bread. Comments should discuss the Atwater method of analysis, as well as any other method which might be used to determine the calorie content of a product high in fiber.

2. Information on all currently marketed breads that are labeled as having a 25-percent or higher reduction in calories when compared with regular breads, including submission of the label and labeling; identification of the type of bread with which it is compared or for which it is intended to substitute; any available analytical or formula information that substantiates the claimed calorie reduction, particularly the method of analysis used to determine calorie content, including a determination of water content; and information on consumer acceptability of that bread.

3. Information which shows the feasibility or lack of feasibility of producing a bread that is one-third reduced in calories and is acceptable to consumers.

4. Economic consequences of the type described in Executive Order 12291 and the impact of the regulation on small businesses. While the agency particularly seeks comment on these subjects, all relevant comments may be submitted and will be considered. Comments already submitted need not be resubmitted.

Based on its experience with the earlier limited comparison test, FDA does not consider such tests to be useful for measuring consumer acceptability. The agency will not rely on the results of the already conducted test and does not intend to conduct additional tests. FDA considers consumer acceptability to be best determined by whether consumers will make repeated purchases of a particular bread.

Products subject to the September 22, 1978 proposal (43 FR 43261) may be labeled in reliance on that proposal and will have at least 1 year from the publication of a final regulation in this reopened rulemaking proceeding to comply with any final regulation or a withdrawal of the proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) the June 20, 1980 notice withdrawing the September 22, 1978 proposal to amend Part 105 by the addition of a paragraph in § 105.66 to allow reduced calorie labeling for bread

based on a one-quarter calorie reduction is revoked and the comment period is reopened so that interested persons may comment further on the proposal.

Interested persons may, on or before August 25, 1981, submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18896 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 145

[Docket No. 77P-0300]

Canned Fruits; Proposed Revision of Standard of Quality for Canned Peaches; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on a proposed rule that would revise the standard of quality for canned peaches. This action is based on requests from the Canners League of California and the National Food Processors Association.

DATE: Comments by April 27, 1982.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standard of quality for canned peaches (21 CFR 145.170(b)) in consideration of the quality aspects of the Recommended International Standard for Canned Peaches developed by the Codex Alimentarius Commission; requests by the Canners League of California (CLC) and the United States Department of Agriculture (USDA), that the requirements for minimum size and uniformity of size be deleted from the U.S. standard of quality; and, in addition, a request by CLC that the Codex limitation on pits and pit fragments not be adopted was published in the **Federal Register** of August 26, 1980 (45 FR 56823). The proposal also considered a request by Libby, McNeill and Libby, Inc., to amend the standards of identity and quality to provide for a new optional style of peaches designated as "chunky".

FDA received requests from CLC and the National Food Processors Association (NFPA) for an extension of the comment period on the quality aspects of the proposal. However, both associations endorsed amendment of the standard of identity to provide for the additional optional style designated as "chunky". A final rule amending the standard of identity for canned peaches to provide for "chunky" as an optional style of canned peaches appears elsewhere in this issue of the **Federal Register.**

Both associations stated that additional time for comment on the quality requirements is needed because the proposal was published during the height of the packing season, and there was not sufficient opportunity adequately to review and evaluate the proposal. The comments noted that sufficient data and information on the requirements for uniformity of size and the limitation on pits and pit fragments need to be developed during one complete canning season before the effects on industry can be determined.

The agency concludes that CLC and NFPA have given sufficient grounds to support the need for additional time to comment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the comment period on the proposal to amend the standard of quality for canned peaches is reopened and extended to April 27, 1982.

Interested persons may on or before April 27, 1982, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19005 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Plan for Periodic Review of Rules Having a Significant Economic Impact Upon a Substantial Number of Small Entities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Plan for Periodic Review of Rules Required by the Regulatory Flexibility Act of 1980.

SUMMARY: This plan announces the review actions that EEOC plans to take during the period, July 1981 to July 1983. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of Title VII to minimize any significant economic impact of the rules upon small entities. The Commission's purpose in publishing this plan is to allow interested small entities a meaningful opportunity to participate in all stages of the Commission's review.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, or Raj. K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506; Telephone: 202-634-7060.

Signed at Washington, D.C., this 23d day of June 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

Equal Employment Opportunity Commission Regulatory Flexibility Act of 1980

Plan for Periodic Review of Rules

1. Review the recordkeeping regulations located at 29 CFR Part 1602 *et seq.* Every employer, employment agency, labor organization, and State and local government entity subject to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.)* Must make and keep records relevant to the determination of whether practices

made unlawful by Title VII have been or are being committed. Proposed amendments to the Commission's regulations were published for notice and comment in the **Federal Register** on July 25, 1978 (43 FR 32280). Their publication as final rules is still pending. This review is expected to be completed by July 1983.

[FR Doc. 81-18982 Filed 6-25-81; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 906, 920, 931, 934, 944, 948, 950

Permanent State Regulatory Programs of Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia and Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadlines for seven States to meet conditions on their approved State permanent regulatory programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These States are Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia and Wyoming. Since the Secretary's approval of these programs, circumstances have changed in several respects. Based on the requests of these seven States, the Secretary is proposing to extend the schedule for these States to meet certain conditions in their programs.

DATE: Comments must be received by July 27, 1981 at the address below, no later than 5 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTRACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343-4225.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules. There are currently 13 States with conditionally approved permanent regulatory programs.

Since the Secretary's conditional approval of these programs, circumstances have changed in several respects. The Secretary is considering whether to revise the permanent program rules. It is on the basis of these rules as well as SMCRA itself, that the Secretary evaluated State programs. Thus, the States with conditionally approved programs may be expending valuable time pursuing program amendments to meet Federal requirements which may change. In addition, some of those States have indicated that they are having difficulty in making the changes within the scheduled times. For these reasons, the Office of Surface Mining has asked each State regulatory authority to identify those conditions for which it would like an extension of time. Based on the requests of seven States, the Secretary is proposing to extend the schedule for those States to meet certain conditions in their programs. Where the States have indicated that they do not wish extensions of the deadlines in meeting their schedules, none is being proposed today. The seven States that have requested extensions are Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia, and Wyoming.

The Colorado program was conditionally approved on December 15, 1980, 45 FR 82173–82214. In that document, the Secretary published the schedule for resolving each of the 45 conditions on the State program approval. The Colorado Department of Natural Resources has indicated that it wishes an extension for meeting all of the conditions. The Secretary proposes to allow the State until December 1, 1982, rather than December 1, 1981, to meet those conditions for which the State plans to seek statutory amendment, and until June 1, 1982, rather than June 1, 1981, to meet those conditions which the State expects to meet by regulatory amendment. This extension would give the State an additional year beyond the present schedule.

The Maryland program was conditionally approved on December 1, 1980, 45 FR 79430–79451. In that document, the Secretary published the schedule for the State to meet the 34 conditions on the State program. The Maryland Department of Natural Resources has indicated that it wishes an extension for making changes to meet certain conditions within the required time. The conditions were tentatively identified as letters (a), (e), (l) and (p) as listed at 45 FR 79449–79450. The Secretary proposes to allow the State until April 1, 1983, rather than October 1, 1981, to meet conditions (a) and (e), and until October 1, 1982, rather than April 1, 1981, to meet conditions (l) an (p).

The New Mexico program was conditionally approved on December 31, 1980, 45 FR 86459–86490. In that document, the Secretary published a schedule for the State to meet each of the 12 conditions on the State program. The New Mexico Energy and Minerals Department, Division of Mining and Minerals, has indicated that it wishes an extension for meeting all of the conditions. The Secretary proposes to allow the State an additional eight months, until February 28, 1982, to meet conditions (a)-(d) and (f)-(l) as listed at 45 FR 86489–86490. Condition (e) is not included because that condition already has a deadline of February 28, 1982.

The North Dakota program was conditionally approved on December 15, 1980, 45 FR 82214–82248. In that document, the Secretary published a schedule for the State to meet each of the 13 conditions on the State program. North Dakota has indicated that it wishes an extension of time for meeting certain conditions within the required time. The conditions have been identified as letters (e), (f), (g), (h) and (m) as listed at 45 FR 82247–82248. The Secretary proposes to allow the State until January 1, 1983, rather than July, 1981, to meet those conditions.

The Utah program was conditionally approved on January 21, 1981, 46 FR 5899–5915. In that document, the Secretary published a schedule for the State to meet each of the 12 conditions on the State program. The Utah Division of Oil, Gas, and Mining has indicated that it wishes an extension of time in meeting three conditions by the required date of July 1, 1981. The conditions identified are letters (f), (g) and (h) as listed at 46 FR 5914. The Secretary proposes to allow the State an

additional six months, until January 1, 1982, to meet these conditions.

The West Virginia program was conditionally approved on January 21, 1981, 46 FR 5915–5956. In that document, the Secretary published a schedule for the State to meet each of the 35 conditions on the State program, 46 FR 5955–5956. The State's Department of Natural Resources has indicated that it wishes an extension of time in making changes to West Virginia's statute, and would prefer that the deadline for such changes be extended until the next session of the State legislature. For this reason, the Secretary is proposing to extend the schedule for meeting those conditions in West Virginia's program which the State intends to meet by a statutory change. These conditions are tentatively identified as numbers 1, 4, 5, 19, 24, 26, 27, 28, 29, 31, 32, 33 and 34 as listed at 46 FR 5955–5956. Comments are specifically requested on whether there are any other conditions which should be resolved by statutory amendments. Number 3 is not included because that condition already has an extended deadline of April 1, 1982. The Secretary proposes to allow the State until November 1, 1982, rather than the various dates set in the January 21, 1981, notice to meet the conditions for which an extension is proposed, thus allowing two sessions of West Virginia's legislature to take place before the conditions must be met. West Virginia requested that an extension also be granted for conditions identified as numbers 2, 6–17, 21–24, 30 and 35. An extended deadline of November 1, 1982, is also proposed for meeting these conditions.

The Wyoming program was conditionally approved on November 26, 1980, 45 FR 78637–78684. In that document, the Secretary published a schedule for the State to meet each of the seven conditions on the State program. The Wyoming Department of Environmental Quality has indicated that it wishes an extension of time for meeting certain conditions. The conditions have been tentatively identified as letters (b) and (c) as listed at 45 FR 78684. The Secretary proposes to allow the State until September 26, 1982, rather than within four months of November 26, 1980, to meet these conditions.

The Secretary believes that extension of these deadlines does not render the deficiencies major. Most of them involve standards and requirements which will not become operative for some time. Operators normally do not have to meet the permanent program performance standards for at least eight months after program approval (and in West Virginia, this time period will be further delayed because a State court has enjoined the State from enforcing most of its permanent program). However, the Secretary specifically requests comments on whether extension of the deadlines would render any particular deficiency major, as that term is used in 30 CFR 732.17(i).

The Secretary is continuing to review, with the States, all of the outstanding conditions on their programs. A final rule implementing these proposed extensions may include extensions of time for other conditions besides those proposed now. In addition, the final revised deadlines may, in response to public comment, be different from the ones proposed today.

I have determined that, pursuant to § 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on these rules. I also have determined that these rules are not major rules under Executive Order 12291. I have further certified that the proposed rules will not have a significant economic effect on a substantial number of small entities as the rules are essentially a timing change with no direct or indirect impact on small entities.

Dated: June 9, 1981.

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

The following are proposed amendments to CFR Title 30, Chapter VII, Subchapter T:

PART 906—COLORADO

§ 906.11 [Amended]

30 CFR 906.11 is proposed to be amended by substituting "December 1, 1982" for December 1, 1981, each time it appears, and substituting "June 1, 1982" for June 1, 1981 each time it appears.

PART 920—MARYLAND

§ 920.11 [Amended]

1. 30 CFR 920.11 (a) and (e) are proposed to be amended by substituting "April 1, 1983" for October 1, 1981, each time it appears.

2. 30 CFR 920.11 (l) and (p) are proposed to be amended by substituting "October 1, 1982" for April 1, 1981, each time it appears.

PART 931—NEW MEXICO

§ 931.11 [Amended]

30 CFR 931.11 is proposed to be amended by substituting "February 28, 1982" for July 1, 1981, each time it appears.

PART 934—NORTH DAKOTA

§ 934.11 [Amended]

30 CFR 934.11 (e), (f), (g), (h) and (m) are proposed to be amended by substituting "January 1, 1983" for July 1, 1981, each time it appears.

PART 944—UTAH

§ 944.11 [Amended]

30 CFR 944.11 (f), (g), and (h) are proposed to be amended by substituting "January 1, 1982" for July 1, 1981, each time it appears.

PART 948—WEST VIRGINIA

§ 948.11 [Amended]

30 CFR 948.11 (1), (2), (4)–(17), (19), (21)–(24), and (26)–(35) are proposed to be amended by substituting "November 1, 1982" for each date contained therein.

PART 950—WYOMING

§ 950.11 [Amended]

30 CFR 950.11 (b) and (c) are proposed to be amended by substituting "May 26, 1982" for November 26, 1980, each time it appears.

[FR Doc. 81-18897 Filed 6-25-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records; Exemptions

AGENCY: Department of the Army.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Army proposes to delete the exemption rules for system of records AO726.04aDAAG, entitled "Casualty Case Files," and AO228.01DAMH, entitled "Historian's Background Material."

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, The Adjutant General's Office (DAAG-AMR-R), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-16678 (46 FR 29981), June 4, 1981, system of records AO726.04aDAAG, was proposed for deletion thus negating

need for the exemption rule and system of records AO228.01DAMH, no longer requires a specific exemption rule.

Accordingly, § 505.9 of 32 CFR is proposed to be amended by deleting the present exemptions for systems AO726.04aDAAG and AO228.01DAMH.

§ 505.9 [Amended]

Section 505.9 is amended by deleting the exemptions for systems AO726.04aDAAG and AO228.01DAMH.

M. S. Healy,

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

June 23, 1981.

[FR Doc. 81-19070 Filed 6-25-81; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-1853-5]

Approval and Promulgation of Kansas State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246) promulgation of National Ambient Air Quality Standards (NAAQS) for lead, the State of Kansas has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP shows that all areas of the State of Kansas are presently, and will remain, in attainment of the lead NAAQS. EPA is proposing to fully approve the Kansas lead SIP.

EPA invites public comments on the proposed action, and on the consistency of the SIP with respect to the attainment of the lead NAAQS and other requirements of the Clean Air Act.

DATES: Comments must be received by August 25, 1981.

ADDRESSES: Comments should be sent to: Ken Greer, Air, Noise and Radiation Branch, EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the proposed rulemaking, the SIP, the public hearing minutes, and the technical support memo (which explains the rationale for EPA's actions) are available for public review at the above location and at the following locations.

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620

Kansas Department of Health and Environment, North Central District Office, 2501 Market Place, Salina, Kansas 67401

Kansas Department of Health and Environment, Northwest District Office, 1014 Cody Avenue, Hays, Kansas 67601

Kansas Department of Health and Environment, Southwest District Office, 203 West McArtor Road, Dodge City, Kansas 67801

Kansas Department of Health and Environment, South Central District Office, 202 Century Plaza, 111 East Douglas, Wichita, Kansas 67211

Kansas Department of Health and Environment, Southwest District Office, 1 West Ash, Box 566, Chanute, Kansas 66720

Public Information Reference Unit, EPA Library, Room 2922, PM 213, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead were promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms lead per cubic meter of air (ug lead/m^3), averaged over a calendar quarter. As required by section 110(a)(1) of the Clean Air Act (CAA), within nine months after promulgation of a NAAQS each State is required to submit a SIP which provides for attainment and maintenance of the primary and secondary NAAQS within the State. The State of Kansas has developed and submitted a SIP for the attainment of the lead NAAQS. The SIP shows that all areas of the State are presently, and will remain, in attainment of the NAAQS.

The basic requirements for a SIP in general are outlined in Section 110(a)(2) of the CAA and EPA regulations at 40 CFR Part 51, Subpart B. These provisions require the submission of air quality data, emission inventory data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. Specific requirements for developing a SIP for lead are outlined in 40 CFR Part 51, Subpart E. The deadline for attainment of the lead NAAQS, stated in the lead standard final rulemaking (43 FR 46246, October 5, 1978), is no later than October 31, 1982.

II. Description of Kansas Lead SIP

On February 17, 1981, the Governor of Kansas submitted to EPA the state's SIP for attainment of the NAAQS for lead. The SIP includes the following.

(1) A summary of lead air quality data measured since 1974, a description of the methods used to collect and analyze the data, and a description of the State's plans for continued lead monitoring. No monitored exceedences of the lead NAAQS have been observed in Kansas since 1974.

(2) A baseline emission inventory for the year 1977 for all point sources of lead in the State of Kansas.

(3) A summary of projected lead emissions for the years 1982 and 1987 for major stationary sources of lead emissions in Kansas.

(4) A summary of calculated lead emissions for the years 1976, 1982 and 1987 for mobile source emissions for the cities of Kansas City, Kansas, Topeka, and Wichita.

(5) A description of the control strategy for maintenance of the lead NAAQS throughout Kansas.

(6) A description of the Kansas regulations for new source review of lead sources.

(7) A description of the resources available in the state agency to implement the lead SIP.

(8) A description of the intergovernmental cooperation that the state agency has allowed in development of the SIP, and will allow if any future revisions to the lead SIP are needed.

(9) A description of the opportunities that the public had to comment on the lead SIP.

III. EPA's Proposed Actions

After evaluating the Kansas lead SIP as to whether it meets all requirements for an approvable lead SIP, EPA proposes to fully approve the SIP. Two parts of the SIP should be mentioned as differing from EPA requirements for a lead SIP.

One issue concerns the lead-acid battery manufacturing plants located in Kansas. Of the four plants, three have daily production rates of 2000 or more batteries. As stated in 40 CFR 51.84, the SIP must include calculations of the maximum lead air quality concentrations around lead-acid battery manufacturing plants producing 2000 or more batteries per day. The calculations are intended to assist the State in showing that the lead NAAQS is not being exceeded around all significant point sources of lead, including battery plants producing 2,000 or more batteries per day. EPA believes that battery plants of this size, along with the other point sources listed in 40 CFR 51.80 and 51.84, would normally have lead

emissions of 5 tons or greater per year, and therefore would have the potential to exceed the lead NAAQS in areas around the source.

The State has shown in the emission inventory in the SIP that the total controlled lead emissions from each battery plant ranges from 0.06 tons per year to 1.19 tons of lead per year, with none of the plants located in the same city. Since the State has shown that each source is well below the cutoff level (5 tons per year of lead emissions) for sources having the potential to violate the lead NAAQS, EPA believes that calculations of the maximum lead air quality concentrations for each of these sources need not be included in the Kansas lead SIP. Also, since the SIP shows that the battery plants are neither close to each other nor have significant lead emissions, EPA believes that the SIP meets the requirements of 40 CFR 51.80, which requires that the SIP show that the lead NAAQS will be attained and maintained in areas in the vicinity of significant point sources of lead, which for Kansas, are the lead-acid battery manufacturing plants.

The other issue to be mentioned concerns the review of new sources of lead emissions in Kansas, as required by section 110(a)(2) of the Clean Air Act and 40 CFR 51.18, relating to state plans to ensure that new pollution sources would not cause or contribute to a violation of an applicable NAAQS. The State of Kansas has committed to allow for public comment prior to the State's approval or disapproval of the construction or modification of stationary sources of lead emissions. The State intends to review all new sources of lead having emission rates of five tons or more of lead per year. The State believes that their existing regulation requiring review and control of all new particulate sources with emissions of 4.4 tons or more of particulates per year will allow for review and control of new lead sources with emissions of 5 tons or more of lead per year, since the State believes that most of the significant lead emissions from point sources are in the form of particulate matter. EPA has reviewed the State's existing regulations, and the State's intentions and commitments concerning the review of new sources of lead emissions, and EPA believes that the State's lead SIP is adequate concerning this issue.

EPA notes that the Kansas new source review regulations, as they pertain to control of new lead sources, do not allow the State to impose source-specific emission limitations and other conditions in instances where sources would not prevent attainment or maintenance of the lead standard, but would, in connection with other lead source emissions, contribute to concentrations which would cause such sources to interfere with attainment and maintenance of the lead standard. The SIP indicates that the State new source review regulations will be revised in the future as part of a general SIP revision covering lead sources and other sources. EPA does not believe the difference between the State lead regulations and EPA requirements for a lead SIP is serious at this time, because the lead standards are being attained in Kansas, and any new source of lead which would cause new violations of the standards would prevent attainment and maintenance (within the meaning of the Kansas new source regulations), and could not be permitted to construct. However EPA believes that the Kansas new source review regulations must be modified, to authorize the State to deny construction approval or impose requirements on new sources to ensure that such sources will not interfere with attainment and maintenance of the standards. While EPA is proposing to approve the lead SIP for Kansas, EPA will work with the State to correct the deficiency noted in the new source review regulations.

To summarize, EPA believes that the lead SIP is adequate to attain and maintain the lead NAAQS, and EPA is proposing to fully approve the Kansas lead SIP.

IV. Public Comments

The Regional Administrator hereby issues this notice setting forth EPA's approval of the Kansas lead SIP as a proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region VII office. Comments received on or before the date listed in the DATES section will be considered. Comments received will be available for public inspection at the EPA Region VII Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve or disapprove the Kansas lead SIP will be based on the comments received and on a determination whether the SIP 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.

The Kansas Department of Health and Environment has certified that the public hearing requirements of 40 CFR Part 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule if promulgated, would not be "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it would be unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Section 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, constitutes a SIP approval under section 110 within the terms of the January 27 certification. This action would only approve state actions. It would impose no new requirements.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: June 3, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-18091 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL 1861-5]

Designation of Areas for Air Quality Planning Purposes; Alabama: Proposed Redesignation for Etowah County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On February 27, 1981, the Alabama Air Pollution Control Commission submitted to EPA eight quarters of total suspended particulate (TSP) data from the Etowah County area. These data show no violations of the primary TSP standards. EPA is today proposing to approve the state's request for redesignation of Etowah County from primary nonattainment for TSP to a secondary nonattainment classification.

DATE: To be considered, comments must be submitted on or before July 27, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

In addition, the Alabama revision may be examined at the Office of the Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130. Comments should be addressed to Mr. Jerry Preston, EPA, Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

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

SUPPLEMENTARY INFORMATION: On June 10, 1980, EPA promulgated a nonattainment status designation for a portion of Etowah County, Alabama. This designation was primary and secondary nonattainment for particulates near Gadsden, Alabama.

EPA policy for Section 107 redesignation criteria was issued on June 12, 1978, and stated that for redesignation of a nonattainment area by use of monitoring data, data must be below the standard for the pollutant measured for a reporting period of no less than eight quarters.

The TSP data submitted by the Alabama Air Pollution Control Commission on February 27, 1981, showed no violations for the annual primary standard and only one exceedance of the 24-hour primary standard. The eight quarters of data submitted were from the 1979 and 1980 calendar years. All data have been documented, shown to be representative, and have been subjected to an accepted quality assurance program.

Gadsden TSP Data

[Units: Micrograms per cubic meter]

SAROAD No.	Year	Annual geometric mean	Maximum 24-hour reading	2d Maximum reading	Number of readings greater than	
					150	260
01-1480-001	1979	51	111	102		
	1980	57	107	107		
01-1480-003	1979	69	175	164	3	
	1980	70	139	135		
01-1480-005	1979	54	119	111		
	1980	56	134	123		
01-1480-006F05	1979	75	350	184	3	1
	1980	74	172	168	4	

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

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

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

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: June 15, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-18917 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 180

[PH-FRL-1833-6; PP 7E1978/9E2242/P171]

2-Chloroallyldiethyldithiocarbamate; Proposed Tolerance

Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

In FR Doc 81-15382 appearing at page 27973 in the issue for Friday, May 22, 1981, the following corrections should be made:

1. On page 27973, in the second column fifth paragraph, 12th line, the words "at the" should be deleted.

2. On page 27974, in § 180.247 in the first column, in the table headed "Commodities" and "Parts per million" the list should include the word "chickory" listed alphabetically and the figure "0.2 (N)" listing the parts per million of chickory.

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6091]

National Flood Insurance Program; Proposed Elevations, Road Name, Special Flood Hazard Area, and Floodway for the City of Pittsfield, Mass.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations, road name, special flood hazard area, and floodway described below.

The proposed elevations, road name, special flood hazard area, and floodway will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be

ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations, road name, special flood hazard area, and floodway are available for review at the Mayor's Office, Pittsfield, Massachusetts.

Send comments to: The Honorable Charles Smith, Mayor of Pittsfield, City Hall, 70 Allen Street, Pittsfield, Massachusetts 02101.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations, road name, special flood hazard area, and floodway for the City of Pittsfield, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968, Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former section, 24 CFR 1917.4(a)).

The proposed elevations, road name, special flood hazard area, and floodway, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. The proposed elevations, road name, special flood hazard area, and floodway will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet)
Housatonic River.	Southern corporate limits	962 (NGVD).
Housatonic River.	Point approximately 2,250 feet upstream of southern corporate limits.	963 (NGVD).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 9, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18904 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5845]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Swatara, Dauphin County, Pennsylvania, previously published at 45 FR 46119 on July 9, 1980.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Swatara, Dauphin County, Pennsylvania, previously published at 45 FR 46119 on July 9, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

The Source of Flooding of Swatara Creek listed locations which more precisely belong under that portion of the creek known by the community as Beaver Creek. In an effort to more correctly identify the areas affected by these Sources of Flooding, the following corrected locations are offered, which correspond to the Flood Insurance Study and Rate Map for the Township of Swatara.

Source of flooding	Location	Elevation (feet)
Swatara Creek.	Downstream Corporate Limits	325
	Upstream U.S. Route 322	327
	Upstream Corporate Limits	328
Beaver Creek.	Upstream Confluence with Swatara Creek.	328
	Upstream Conrail	333
	Downstream Corporate Limits	335

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18901 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6014]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Ringwood, Passaic County, New Jersey, previously published at 46 FR 18731 on March 26, 1981.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Ringwood, Passaic County, New Jersey, previously published at 46 FR 18731 on March 26, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following location to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Cupsaw

Brook Branch 3 in the Borough of Ringwood, Passaic County, New Jersey, the elevation for the location "confluence with Cupsaw Brook" should be amended to read 390.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18902 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6014]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Somerset, Niagara County, New York, previously published at 46 FR 18733 on March 26, 1981.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Somerset, Niagara County, New York, previously published at 46 FR 18733 on March 26, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations under the Source of Flooding of Fish Creek in the Town of Somerset, New York, to be more easily identified with the corresponding Flood Insurance Study (profile) and Rate Map, the locations and elevations listed below have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations was correct as published.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Fish Creek..	Confluence with Lake Ontario	250
	Downstream of Lower Lake Road	258

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18903 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6027]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Franklin County, Alabama, previously published 46 FR 21028 on April 8, 1981.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Franklin County, Alabama, previously published at 46 FR 21028 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

For the location of "Just downstream of Southern Railway" under the source of flooding of Mud Creek, the elevation of 653 feet NGVD is incorrect. The location should be "Just upstream of Southern Railway", with an elevation of 654 feet NGVD.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Franklin County	Mud Creek	Just upstream of Southern Railway	*654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority of Federal Insurance Administrator

Issued: June 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18918 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Petition Acceptance and Status Review for Wiest's Sphinx Moth

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rule.

SUMMARY: Notice is given that a petition from Dr. Karolis Bagdonas of the University of Wyoming to add Wiest's sphinx moth (*Euproserpinus wiesti*) to the U.S. list of Endangered and Threatened Wildlife has been accepted. The Director has determined that substantial evidence to support the petition has been presented. The petition was received on December 23, 1980, and was supported by a report submitted by Dr. Bagdonas on March 2, 1981. A status review has been conducted and is summarized in this notice. The Service anticipates preparation of a proposed rule to list Wiest's sphinx moth as Endangered. The moth is presently known from only one site in northeastern Colorado. The Service is requesting comments on the status and distribution of Wiest's sphinx moth, as well as information on environmental and economic impacts and effects on small entities that would result from listing the moth as an Endangered species. The Service also seeks comments on possible alternatives to the listing.

DATE: Persons wishing to comment on this notice should submit their data and other relevant information to the Director by September 24, 1981.

ADDRESSES: Director (OES) U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: Dr. Karolis Bagdonas of the Department of Zoology and Physiology of the University of Wyoming petitioned the service to list Wiest's sphinx moth as Endangered or Threatened in a letter dated December 23, 1980. The letter was supplemented by a report provided to the Service by Dr. Bagdonas on March 2, 1981. After reviewing the petition and report, the Service had determined that sufficient information exists to justify consideration of the listing of this species as Endangered.

Status Review

Wiest's sphinx moth was scientifically described in 1939. It has only been collected at two sites; in Weld County, northeastern Colorado; and near Albuquerque, New Mexico. The species has not been collected in the Albuquerque area since the 1950's. The moth was rediscovered in Colorado in 1979. Studies by Dr. Bagdonas found that 200–300 adult moths were present during the flight season in 1979, but only 40–50 individuals were seen in 1980. On July 6, 1980, pesticide spraying for grasshopper control accidentally affected the site, killing all the moth larvae being studied by Dr. Bagdonas and his students. The studies had indicated that the moth was almost completely confined to a 25 by 600 meter sandy wash where the larval foodplant, the primrose *Oenothera latifolia*, grew. It is believed that at the time of the spraying some of the larvae had already entered the soil and pupated, thus escaping the effects of the grasshopper spraying. Dr. Bagdonas has obtained funding from the World Wildlife Fund to continue studies on Wiest's sphinx moth in the summer of 1981.

References

Bagdonas, K. 1981. The life history and ecology of *Euproserpinus wiesti* Sperry. Progress report for IUCN/WWF project No. 1793. 16 p.

Hodges, R. W. 1971. Sphingoidea. In Dominick, R. B. *et al.*, The Moths of America north of Mexico, fascicle 21, p. 143.

Sperry, J. L. 1939. Two apparently new western moths. Bulletin of the Southern California Academy of Sciences 38:126.

The Service has reviewed the status of Wiest's sphinx moth, and based on information presently available, is of the opinion that this species may qualify for Endangered status as defined by the 1973 Endangered Species Act. At this time, the Service is requesting comments on status and distribution of the moth. Also, the Service is requesting information on environmental and economic impacts and effects on small entities (including small businesses, small organizations, and small governmental jursidictions) that would result from listing Wiest's sphinx moth as an Endangered species, and information on possible alternatives to the listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act, and in preparing any required analyses of effect. An additional comment period will be provided if this species is proposed for listing.

The primary author of this notice is Dr. Michael M. Bentzien, Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. (703/235–1975).

Dated: June 12, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–18965 Filed 6–25–81; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

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

DEPARTMENT OF AGRICULTURE

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on July 18, 1981, at the Canjilon Ranger Station in Canjilon, New Mexico.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on August 1, 1981, at the Panasco Ranger Station, Penasco, New Mexico.

The purpose of these meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meetings will be open to the public. Persons wishing to attend should notify Ken Bishop, Telephone 505/758–2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or within one week after the meeting.

Dated: June 17, 1981.

Kent Dunstan,

Acting Forest Supervisor.

[FR Doc. 81-18638 Filed 6-25-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39705]

Westair Jet Fitness Investigation; Notice of Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., June 22, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-18953 Filed 6-25-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-018]

Clear Sheet Glass From Japan; Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding and of tentative determination to revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on clear sheet glass from Japan. The review covers the three known exporters of this merchandise to the United States and the period January 1, 1975, through February 11,1977. The review indicates the absence of dumping margins for two of the manufacturers, Asahi Glass Co., Ltd. and Nippon Sheet Glass Co., Ltd., and *de minimis* margins on a few sales of the third manufacturer, Central Glass Co., Ltd. There is no indication of any sales at less than fair value since that time.

As a result of this review the Department has tentatively determined to revoke the finding. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202) 337–4794.

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to clear sheet glass from Japan was published in the **Federal Register** as Treasury Decision 71–131 (36 FR 9010). On February 11, 1977, the Department of the Treasury published in the **Federal Register** a notice of "Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise (42 FR 8740). Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present writen and oral views. The petitioner presented arguments opposing revocation. However, petitioner failed to supply additional information requested by Treasury as necessary to confirm these arguments; thus, Treasury discontinued investigation of the opposing arguments but took no further action on the proposed revocation prior to January 1, 1980.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** on March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on clear sheet glass from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of clear sheet glass, currently classifiable under items 542.3120–542.4835 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three exporters of clear sheet glass to the United States. These firms are Asahi Glass Co., Ltd., Nippon Sheet Glass Co., Ltd. and Central Glass Co., Ltd. The review covers the period from January 1, 1975, through February 11, 1977, the date of the tentative revocation, for all three firms. The Treasury Department previously reviewed all earlier periods covered by the finding and issued appraisement instructions ("master lists") for these periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued master lists, is under review. Liquidation has been suspended pending disposition of the issue.

A written request for a ruling as top the applicability of the dumping finding

to extra thin sheet glass was received and reviewed. It is our opinion that the finding does not cover extra thin sheet glass.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, as all sales were to unrelated purchasers. Purchase prices here are ex-factory, packed and are based on the United States delivered price or, as applicable, the United States delivered, duty paid price, with deductions for cash discounts, rebates (as applicable), U.S. and foreign inland freight, U.S. and foreign brokerage and port charges, commissions to unrelated parties, U.S. duty, marine insurance, ocean freight and currency surcharges (in the case of Asahi Glass Co., Ltd.) No other adjustment were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act, since all of the manufacturers sold in the home market more than 90% of their production of this merchandise. Foreign market values here are packed ex-factory prices, based on delivered prices with adjustments for discounts, regates, inland freight, aid to distributors, selling expenses as an offset to U.S. commission, differences in credit terms and compensation for breakage in accordance with section 153.10 of the Customs Regulations. Claims for adjustments for warehousing charges and sales branch expenses, not shown to be sales related, and advertising expenses, not shown to be for the benefit of the ultimate buyer, were not allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price of foreign market value, we preliminarily determine that only *de minimis* margins exist on some shipments from Central Glass Co., Ltd. and no margins exist for the other exporters. Therefore we determine that no dumping margine exist for the period January 1, 1975, through February 11, 1977.

As provided for in section 353.54(e) of the Commerce Regulations the manufacturers have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that clear sheet glass thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review, we tentatively determine to revoke the finding on clear sheet glass from Japan. If the finding is revoked, it shall apply with respect to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 11, 1977. 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. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions for each exporter directly to the Customs Service.

This administrative review, tentative determination to revoke, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and section 353.54 of the Commerce Regulations (19 CFR 353.54).

Leonard M. Shambon,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-18914 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

[A-583-081]

Polyvinyl Chloride Sheet and Film From Taiwan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding and of tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on polyvinyl chloride sheet and film from Taiwan. The review covers the 50 known manufacturers and exporters of this merchandise to the United States covered by the finding. The analyses cover separate time periods for each exporter up to May 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

In addition, the Department has tentatively determined to revoke the finding with respect to Nan Ya Plastics Corporation. There have been no imports of polyvinyl chloride sheet and film from Taiwan produced and sold by Nan Ya Plastics Corporation at less than fair value from October 7, 1977, the date of suspension of liquidation, through May 31, 1980.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-5222).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 30, 1978, a dumping finding with respect to polyvinyl chloride ("PVC") sheet and film from Taiwan was published in the **Federal Register** as Treasury Decision 78-219 (43 FR 28457). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on PVC sheet and film from Taiwan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of unsupported, flexible, calendered polyvinyl chloride sheet, film, and strips, over 6 inches in width

and over 18 inches in length, and at least 0.002 inch but not over 0.020 inch in thickness, currently classifiable under item number 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 49 Taiwanese firms and 1 transshipper engaged in the manufacture and exportation of PVC sheet and film to the United States and covered by the finding. This review covers separate time periods for each of the firms up to May 31, 1980. The Treasury Department reviewed all prior time periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Two manufacturers of PVC sheet and film from Taiwan are not covered by this review: Ocean Plastics Co., Ltd. was excluded from the finding, and China Gulf Plastics Corporation was "discontinued" in accordance with section 153.33 of the Customs Regulations.

Eight exporters stated that they did not export PVC sheet and film to the U.S. during the periods reviewed. The estimated deposit rate for these firms shall be the most recent information for each firm. Twenty-seven exporters failed to respond to our questionnaire for the most recent time period. For these non-responsive exporters we used the best information available to determine the assessment and estimated deposit rates. Since none of these firms were investigated during the fair value investigation, the best information available is the most recent rate (master list) for the firm, if higher than the rates for responding firms in the current period, or, if no information is available, the highest fair value rate, if higher than the rates for responding firms in the current period.

Nan Ya Plastics Corporation did not sell PVC sheet and film at less than fair value from October 7, 1977, the date of suspension of liquidation, through May 31, 1980. In addition, Nan Ya has agreed in writing, as provided for in section 353.54(e) of the Commerce Regulations, to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that the merchandise thereafter imported into the United States is being sold at less than fair value. Cathay Plastic Industry Co., Ltd. also requested a revocation from the finding. Since we found sales of less than fair value for Cathay in the last two years, we are denying this application for revocation.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate.

Purchase price was based on the packed price, either to an unrelated purchaser in the United States or to an unrelated Taiwanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, and U.S. and foreign inland freight. Additions were made for both harbor dues and customs duties on imported raw materials not collected by reason of subsequent exportation in a finished product. Additions were also made for the amount of sales tax, stamp tax and education tax rebated upon exportation, but only to the extent that such taxes were incurred with respect to home market sales and were added to or included in the price of such or similar merchandise. Adjustments were also made for currency conversion expenses and export license fees. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or constructed value when sufficient sales did not exist in the home market or to purchasers in third countries, all as defined in section 773 of the Tariff Act, or sections 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, quantity and other discounts, a packing differential, and technical assistance, in accordance with §§ 353.14 and 353.15 of the Commerce Regulations and §§ 153.9 and 153.10 of the Customs Regulations. Adjustments were claimed for bad debts, sales returns and allowances, and advertising and sales promotion. These were all disallowed since they were not directly related to the sales.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Asiam International Inc.	10/1/78-5/31/80	11.37
BL & GY International Co., Ltd.	7/1/78-5/31/80	
Brave Dragon Industry Ltd.	9/1/78-5/31/80	5.9
Bueno Manufacturing Co.	5/1/79-5/31/80	[1]5.9
Caleco Industries Inc.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Cathay Plastic Industry Co., Ltd.	10/1/77-8/31/78	3.06
	9/1/78-6/30/79	.97
	7/1/79-9/30/79	1.04
	10/1/79-5/31/80	14
Cheng Hsung Corp.	10/1/79-5/31/80	
Chia Shu Enterprise Co., Ltd.	7/1/78-5/31/80	
Chien YW Enterprises Corp.	7/1/78-5/31/80	11.37
Chu Kang Enterprises	9/1/78-5/31/80	5.9
Collins Co.	1/1/79-5/31/80	5.9
Digest International Development Corp.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Dirkson Inc.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Essex Sporting Goods.	4/1/79-5/31/80	5.9
Fair Enterprises Corp.	8/1/79-5/31/80	
Fashion Plastics Fabricating Co., Ltd.	9/1/78-5/31/80	5.9
Formosa Shoes Industry.	10/1/77-5/31/80	11.37
Foremost Worldwide (Taiwan) Co., Ltd.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Fuji Industries Co., (Taiwan) Ltd.	10/1/77-5/31/80	5.9
Gela & Co.	9/1/78-10/6/79	
	10/7/79-5/31/80	
G. Goily International Corp.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Goss Plastic Film Corp.	10/1/79-5/31/80	
Haney Enterprising Co., Ltd.	9/1/78-5/31/80	11.37
Heyward & Co., Ltd.	9/1/78-10/6/79	
	10/7/79-5/31/80	[1]
Holdcfleer Corp., Ltd.	7/1/78-5/31/80	
Hotsun Industrial Corp.	7/1/78-5/31/80	5.9
Interbond, Ltd.	8/1/79-5/31/80	[1]5.9
Jamecle Corp.	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Jiffy Trading Co., Ltd.	10/1/79-5/31/80	[1]
Jump International Corp.	9/1/78-10/6/79	
	10/7/79-5/31/80	[1]
K.E. & Kingstone Co.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Key Song International Co., Ltd.	9/1/78-5/31/80	11.37
Le Yang Inc.	10/1/79-5/31/80	
Long Joy Enterprises Co., Ltd.	9/1/78-5/31/80	5.9
Lot Heng (PVC Co.) Ltd.	10/1/77-5/31/80	11.37
Nan Lung Plastics Co., Ltd.	10/1/77-5/31/80	11.37
Nan Ya Plastics Corp.	10/1/79-5/31/80	
Nippon Industries Inc.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Odin Industrial Co., Ltd.	10/1/77-5/31/80	11.37
Paulko Enterprises.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Phoenix Enterprises Inc.	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Progress Plastics Co., Ltd.	9/1/79-5/31/80	11.37
Richard Soong & Co., Ltd.	9/1/79-5/31/80	11.37
San Ching Plastics.	9/1/78-5/31/80	11.37
San Jing Enterprises Corp.	9/1/79-5/31/80	[1]5.9
Sequence Co., Ltd.	4/1/79-5/31/80	[1]
St. Solid Co., Ltd.	9/1/79-5/31/80	[1]5.9
Taiwan Eva Industrial Co., Ltd.	1/1/79-5/31/80	5.9
Taiwan Upholstery Furniture Export Supplies Ltd.	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Tarner Enterprises Co.	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Team Worldwide Corporation.	9/1/78-10/6/79	
	10/7/79-5/31/80	
Union Industries Ltd.	9/1/79-5/31/80	11.37
Wen Fung Industrial Co., Ltd.	4/22/79-5/31/80	5.9
Yen Shan Plastic Co., Ltd.	5/1/79-5/31/80	11.37
Yung Chieh Enterprise Co., Ltd.	10/1/77-5/31/80	11.37
Yunloon Enterprises Co., Ltd.	7/1/78-5/31/80	11.37

[1] No shipments during period.

The Department was unable to locate Brave Dragon Industry Ltd. and the manufacturer of the merchandise exported by Fuji Industries Co. (Taiwan), Ltd. in time to complete its

review of these companies. Therefore, for appraisement purposes they will be covered in a subsequent review. For these two firms the above figures will be used for cash deposit purposes only.

Also, as a result of our review we tentatively determine to revoke the finding on polyvinyl chloride sheet and film from Taiwan, produced and sold by Nan Ya Plastics Corporation. If this action is made final it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of PVC sheet and film entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and sections 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53 and 353.54(e)).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18913 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230

Docket No. 81-00031. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Rapair of Klystron Type VRB 2113A30. Manufacturer: Varian Canada Inc., Canada. Intended use of article: See Notice on page 11695 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 80 to 110 gigahertz. The National Bureau of Standards advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph.D.,

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. 81-18979 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

University of Georgia; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00010. Applicant: University of Georgia, Microbiology Department, Athens, GA 30602. Article: Iatroscan Th-10 TLC/FID Analyser. Manufacturer: Newman Howells Assoc., Ltd., United Kingdom. Intended Use of Article: See Notice on page 9685 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an automated quantitative detection system with a hydrogen flame ionization detector. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph. D.

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. 81-18980 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

Yale University, Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00029. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, Conn. 06511. Article: Excimer Laser, EMG 102. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: See Notice on page 11695 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 5 watts average power using xenon fluoride gas. The National Bureau of Standards advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph.D.,

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. 81–18981 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

DATES: The public meetings will convene on Tuesday, July 6, 1981, at approximately 1:30 p.m., and adjourn at approximately 5 p.m.; reconvene on Wednesday, July 7, 1981, at approximately 8:30 a.m., and adjourn at approximately 3 p.m.

ADDRESS: The meetings will take place at the Naples Beach Hotel and Golf Club, 851 Golf Shore Boulevard, North, Naples, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center—Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone: (813) 228–2815.

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 81–18972 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Electromagnetic Radiation Management Advisory Council; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet from 9:00 a.m. to 5:00 p.m. on July 8–9, 1981, in the Forum Room at the National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. (Public entrance to the building is on G Street, between 13th Street and 14th Street, N.W.)

The Council was established on December 11, 1968. Its objective is to advise the Secretary of Commerce on side effects and the adequacy of control of electromagnetic radiation arising from telecommunications activities. It reviews, evaluates and recommends potential measures to investigate and mitigate possible undesirable effects on the environment, biological and physical, including equipment and materials, from the use of the radio frequency spectrum, and develops recommended policy guidance in these areas. The Council consists of 14 members whose knowledge of telecommunications and its effects is balanced in the areas of medicine, biology, physics, biophysics, and engineering.

The agenda items will be principally reviews of agency programs in being, as well as future plans affecting ERMAC objectives.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before July 7, 1981. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be furnished upon request when available.

Inquiries may be addressed to the Council Control Officer, Mr. Eugene Zucker, National Telecommunications and Information Administration, Room 278, 1325 G Street, N.W., Washington, D.C. 20005, telephone (202) 724–3301.

Dated: June 6, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 81–18878 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–60–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981 Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 26, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 23281) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 7699

Rebuilding of Typewriters
GSA Self-Service Stores
Chicago, Illinois

C. W. Fletcher,
Executive Director.

[FR Doc. 81-18898 Filed 6-25-81; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1981 Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 2540

Cushion Assembly, Back Rest
2540-00-737-3308

Class 7210

Mattress, Bed, Foam Rubber
7210-00-290-8297
7210-00-052-7327
7210-00-889-3733
7210-00-275-5873
7210-00-275-5874
7210-00-290-8298
7210-00-290-8299
7210-00-290-8300

Class 7340

Flatware, Plastic, Picnic
7340-00-170-8374
7340-00-205-3187
7340-00-205-3342
(For GSA Regions 1, 8, 9, 10)

Class 7920

Towel, Paper
7920-00-823-9772
(For GSA Regions 4, 6, 7 only)

C. W. Fletcher,
Executive Director.

[FR Doc. 81-18899 Filed 6-25-81; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1981 Proposed Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from procurement list.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 a commodity produced by and a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodity and service from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6230

Light, Desk
6230-00-643-2077

SIC 7641

Furniture Rehabilitation
Metal and Wood Portions
Fairbanks, Alaska, plus 30-mile radius

C. W. Fletcher,
Executive Director.

[FR Doc. 81-18900 Filed 6-25-81; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletions and amendment of systems of records.

SUMMARY: The Department of the Army proposes to amend its inventory of systems notices by deleting 3 and amending 1 systems of records subject to the Privacy Act of 1974. Specific changes to the system of records being amended are set forth below, followed by printing the system in its entirety as amended.

DATE: Actions shall be effective as proposed on July 27, 1981 unless comments are received which would result in a further determination and republication.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the **Federal Register:**

FR Doc 79-37052 (44 FR 73729), December 17, 1979
FR Doc 81-85 (46 FR 1002), January 5, 1981
FR Doc 81-897 (46 FR 6460), January 21, 1981
FR Doc 81-3374 (46 FR 9692), January 29, 1981
FR Doc 81-5885 (46 FR 13544), February 23, 1981
FR Doc 81-7250 (46 FR 15531), March 6, 1981
FR Doc 81-7621 (46 FR 16111), March 11, 1981
FR Doc 81-10724 (46 FR 21220), April 9, 1981
FR Doc 81-10791 (46 FR 21221), April 9, 1981
FR Doc 81-12660 (46 FR 23523), April 27, 1981
FR Doc 81-15109 (46 FR 27518), May 20, 1981
FR Doc 81-16678 (46 FR 29981), June 4, 1981

System being amended does not fall within the criteria of 5 USC 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A-108.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 23, 1981.

DELETIONS

AO905.03USAREUR

System name:

Claims Inventory of Active Claims for Medical Care under CHAMPUS (44 FR 73 FR 73920), December 17, 1979.

Reason:

Records are covered by Department of Defense system of records DOCHA 07 (46 FR 31317), June 15, 1981.

AO905.04USAREUR

System name:

Cross Reference List Report of Claims for CHAMPUS (44 FR 73920), December 17, 1979.

Reason:

Records are covered by Department of Defense system of records DOCHA 07 (46 FR 31317), June 15, 1981.

AO905.05DAAG

System name:

Active Claims for Medical Care Provided Under CHAMPUS File (46 FR 6477), January 21, 1981.

Reason:

Records are covered by Department of Defense system or records DOCHA 07 (46 FR 31317), June 15, 1981.

AMENDMENT

AO102.02aDAAG

System name:

Office Business Visitor Files (45 FR 20992), March 31, 1980.

Changes:

System name:

Delete "Business"; after "Visitor", insert: "/Commercial Solicitor".

Categories of individuals covered by the system:

Change to read: "Visitors to Army installations/activities and/or commercial solicitors who . . . Army."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After "Visitor's", insert: "/solicitor's".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete "Division and Branch Chiefs" and substitute therefor: "officials".

AO102.02aDAAG

SYSTEM NAME:

Office Visitor/Commercial Solicitor Files

SYSTEM LOCATION:

Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installations, and supporting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who represents an individual, firm, corporation, academic institution, or other enterprise involved in official or business transactions with the Department of the Army and/or its members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

ATHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING FO RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor/solicitor.

SAFEGUARDS:

Records are maintained in file cabinets with access limited to officials having primary interest.

RETENTION AND DISPOSAL:

Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-PSI), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander/supervisor maintaining the information.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander. Official mailing addresses are in the Directory of Army addresses preceding the annual compilation of Army system notices published in the **Federal Register.**

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–19043 Filed 6–25–81; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Privacy Act of 1974; Amendment and Deletion of Systems of Records

AGENCY: Department of the Navy (DON), DOD.

ACTION: Amendments to and deletion of system notices.

SUMMARY: The Department of the Navy is amending two system notices and deleting a system notice from its inventory of systems of records subject to the Privacy Act of 1974.

DATE: The proposed actions will be effective without further notice on July 27, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: 202/694–2004

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems or records notices as prescribed by the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. L. 93–579; 88 Stat. 1896, et. seq.) have been published in the **Federal Register** at:

FR. Doc. 81–897 (46 FR 6696) January 21, 1981
FR. Doc. 81–3277 (46 FR 9693) January 29, 1981
FR. Doc. 81–10892 (46 FR 21226) April 9, 1981
FR. Doc. 81–13603 (46 FR 25337) May 6, 1981
FR. Doc. 81–14976 (46 FR 27370) May 19, 1981
FR. Doc. 81–17204 (46 FR 30680) June 10, 1981

The proposed corrections are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

M. S. Healy,

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

June 23, 1981.

DELETIONS

N61339 WA1144

System name:

Design of Training System Data Base-Instructor File (46 FR 6772), January 21, 1981.

Reason:

This system has been discontinued.

N00600 1NAVTIS

System name:

NAVSCOLS/TIS, USMC Aviation Training Supsys (46 FR 6765), January 21, 1981

Changes:

System name:

Change the system name to read "NAVSCOLS/TIS, USMC Training Support System."

Authority for maintenance of the system:

Change the authority to read: "10 U.S.C. 5031".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In line 7, delete the word "aviation".

N96021-431

System name:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc. (46 FR 6805), January 21, 1981.

Changes:

System location:

Add the following to the end of the first sentence: " . . . Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps field activities employing civilians."

Categories of individuals covered by the system:

After the word "Navy" in lines 1, 4, and 7, insert the words "Marine Corps."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After the word "Navy's" in line 15, insert the words, "Marine Corps' ".

System manager(s) and address:

Add the following sentence to the paragraph: "for Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380."

Notification procedures:

Revise the first sentence to read: "Requests should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, DC 20350 or the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380, Commanding Officers or Heads of Navy or Marine Corps Staff Headquarters and Field Activities." Revise the third sentence to read: "The individual may visit the Chief of Naval Operations (OP-14) or the Commandant of the Marine Corps (Code M), Washington, DC 20380 or the Navy or Marine Corps Activity at which the individual is employed."

N96021-431

SYSTEM NAME:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Field Divisions, Navy and Navy Staff Headquarters and Field Activities employing Civilians, Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps field acitivities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps civilian employees, paid from appropriated funds serving under career, career-conditional temporary and excepted service appointments on whom dicipline, grievances, and complaints records exist. Discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employee appeal case files (Filipinos who are lawfully admitted residents.) Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, amending the Civil Service Rules and Providing for federal personnel administration, amended by Executive Order 10577 and Executive Order 12106; Executive Order 12107; 5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512, relevant portions of the Civil Service Reform Act, Pub. L. 95-454; 42 U.S.C. Sec. 2000e-116 et. seq.; Equal Employment Opportunity Act of 1972, Pub. L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec. 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec. 633a; the Rehabilitation Act of 1978 as amended, 29 U.S.C. 791, 794a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or personnel actions, or such other matters under the Jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's and Marine Corps' civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch

agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control, and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP–14), Department of the Navy, Washington, DC 20350. For the Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380.

NOTIFICATION PROCEDURES:

Requests should be addressed to the Chief of Naval Operations (OP–14), Department of the Navy, Washington, DC 20350 or the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380, Commanding Officers or Heads of Navy or Marine Corps Staff Headquarters and Field Activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP–14) or the Commandant of the Marine Corps (Code M), Washington, DC 20380 or the Navy or Marine Corps activity at which the individual is employed. The addresses of these activities are provided in the Department of the Navy Directory, published in the **Federal Register.**

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N00600 1 NAVTIS

SYSTEM NAME:

NAVSCOLS/TIS, USMC Training Support System

SYSTEM LOCATION:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents's schooling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Schools and training programs administration and evaluation. Student performance, progression and prediction; instructors performance, organizational and administrative control. Internal Navy users are Chief of Naval Personnel, Naval Education and Training Command Activities Staff Personnel and the Commandant of the Marine Corps and his designated officials in the performance of their duties relating to training/assignments. Type commanders; Health/Science Education Training Center; Chief, Bureau of Medicine and Surgery; Commander Naval Recruiting Command, and to other Department of the Navy officials in the performance of personnel training functions. Information may be used to determine course and training demands, requirement, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes. Internal users are

staff and faculty. Information is provided to officials of the Department of Defense on "need-to-know" basis in the performance of their official duties; and for reporting to other governmental agencies, such as the Department of Education. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY:

Social security number and name.

SAFEGUARDS:

Access is provided on a "need-to-know" basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

NOTIFICATION PROCEDURES:

Apply to system manager. Requester should provide his/her full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, schools and educational institutions, Chief of Naval Personnel, staff of Naval Education and Training Command and other activities and the Commandant of the Marine Corps; instructor personnel; and Commander, Naval Recruiting Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19040 Filed 6-25-81; 8:45 am]
BILLING CODE 3810-71-M

Privacy Act of 1974; Addition of New System of Records

AGENCY: Department of the Navy (DON), DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Navy proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the system of records is set forth below.

DATES: The proposed action will be effective without further notice (30 days after publication), unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressd to the system manager identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat et seq.) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 212267) April 9, 1981

The Navy submitted a new system report for this system under the provisions of 5 U.S.C. 552a(o) on May 18, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters services, Department of Defense.

June 23,1981.

N7600 STAFS

SYSTEM NAME:

NIF RDT&E Standard Automated Financial System (STAFS).

SYSTEM LOCATION:

Naval Industrial Fund Research, Development, Test and Evaluation Activities (NIF RDT&E): (1) Naval Air Development Center (NADC), Warminster, Pennsylvania; (2) Naval Coastal Center (NCSC), Panama City, Florida; (3) Naval Surface Weapons Center (NSWC), Dahlgren, Virginia; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, Maryland; (5) Naval Ocean Systems Center (NOSC), San Diego, California; (6) Naval Underwater Systems Center (NUSC), Newport, Rhode Island; (7) Naval Weapons Center (NWC), China Lake, California; (8) Naval Air Engineering Center (NAEC), Lakehurst, New Jersey; (9) Naval Air Propulsion Center (NAPC), Trenton, New Jersey; (10) Naval Air Test Center (NATC), Patuxent River, Maryland; (11) Pacific Missile Test Center (PMTC), Pt. Mugu, California; (12) Civil Engineering Laboratory (CEL), Pt. Hueneme, California; and (13) Naval Research Laboratory (NRL), Washington, D.C. Official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective military personnel assigned to, and civilian personnel employed by the 13 activities listed above.

CATORIES OF RECORDS IN THE SYSTEM:

Personnel, payroll, travel and locator records, and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2208, Title IV.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employees of the Department of the Navy in the peformance of their duties relating to the preparation of rosters and locators, contact with appropriate personnel in emergencies, continuity of operations planning and execution, determination of clearance for access control, budget and manpower control, minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information, reimburse travelers for travel expenses, historic file and audit trail for payments made by the Navy, respond to inquiries from travels on status of claims, control travel advances, pay, record and account for government expenditures for personal services of Navy employees, time and attendance information, federal, state and city tax information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tape, magnetic disc.

RETRIEVABILITY:

By name, SSN, organization, job order, values and ranges of values, other relationships defined by the system manager.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are retained locally for two years, shipped to remote storage for four years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURES:

Apply to system manager.

RECORDS ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19041 Filed 6-25-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Amendments and Deletions of System Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments and deletions of system notices.

SUMMARY: The Office of the Secreatary of Defense proposes to delete the notices for two systems of records and individually combine them with two existing systems which are subject to the Privacy Act of 1974. In addition the system notice for another system of records in being amended. The specific amendments to these system notices are set forth below followed by the amended system notices in their entirety.

DATE: These shall be effective without further notice on July 27, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981

Only the amendments to system DWHS P02 fall within the purview of subsection 552a(o) of the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. et seq.) a report of an altered system was submitted for DWHS P02 on May 20, 1981.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 23, 1981.

Deletions

DWHS P10

System Name:

Long Term Training Program Files.

Reason:

Combined with system DWHS P30, entitled; "Executive Development Program and Training Files," as amended.

DWHS P30

System Name:

Labor Management Relations Records System

Reason:

Combined with system DWHS P37, entitled: "Grievance and Unfair Labor Practices Records," as amended.

DWHS P02

System name:

Job Opportunity Announcements (46 FR 6427, January 21, 1981).

Changes:

Storage:

Delete the period at the end of the entry, and insert: "and in a stand alone Word Processing Machine (IBM SYSTEM 6) on floppy disks.".

Safeguards:

At the end of the entry, insert: "Computer files are stored on floppy disks in the same area.".

Amendments

DWHS P12

System name:

Executive Development Programs File (46 FR 6427, January 21, 1981).

Changes:

System name:

Delete the above system name, and insert: "Executive Development Program and Training File.".

Categories of individuals covered by the system:

Insert "and training" after the word "development".

Categories of records in the system:

After the word "plans," on the first line, insert: "optional forms 37 and 170, DD Form 1556, SD forms 446 and 447, training record card file,".

Internal users, uses, and purposes:

Delete the period at the end of the entry, and insert: "and training assignments.".

DWHS P37

System name:

Grievance Records (46 FR 6427, January 21, 1981).

Changes:

System name:

Insert "and Unfair Labor Practices" after the word "Grievance".

Categories of individuals covered by the system:

Delete the word "procedure." at the end of the entry, and insert: "procedure, to include E.O. 11491, as amended.".

Categories of records in the system:

Insert the following sentence at the end of the entry: "Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.".

Authority for maintenance of the system:

Delete the period at the end of the entry and insert: ", and E.O. 11491.".

External users, uses, and purposes:

Insert a new paragraph at the end of the entry:

"j. To provide information to the Comtroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.".

Retrievability:

Delete the entry under the above heading, and insert:

"These records are retrieved by case subject, case number, and/or individual employee names.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Case files are permanently maintained. Other records are normally destroyed after supersession.".

Contesting record procedures:

Delete the last two lines of the entry under the above heading, and insert: "CFR Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; from related correspondence from organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.".

DWHS P02

SYSTEM NAME:

Job Opportunity Announcements.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Pentagon, Room 3B347, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any applicant for employment who applies for a specific vacancy.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of "best qualified" and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Personnel and Security Directorate—To advertise vacant positions and to solicit applications for employment from qualified individuals for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of rountine users.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Documents filed in folders by Job Opportunity Announcement (JOA) number and title, series and grade of position.

STORAGE:

Paper records in file folders and in a stand alone Word Processing Machine (IBM SYSTEM6) on floppy disks.

RETRIEVABILITY:

Filed by Job Opportunity Announcement (JOA) number and title.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed. Computer files are stored on floppy disks in the same area.

RETENTION AND DISPOSAL:

Records are maintained for a two-year period or Office of Personnel Managment (OPM) inspection, whichever occurs earlier. Then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington D.C. 20301. Telephone 202-697-3305.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32

CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P12

SYSTEM NAME:

Executive Development Program and Training Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for executive development and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Optional Form 69 individual development plans, optional forms 37 and 170, DD form 1556, SD forms 446 and 447, Training Record Card File, SF 171, SF59, which contain name, social security number, date of birth, home address, annual salary, and office and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Personnel and Security Directorate—To determine eligibility for specialized development programs and training assignments.

EXTERNAL USERS, USES, AND PURPOSES:

The Office of Personnel Management (OPM) for information necessary for OPM to carry out its Government-wide personnel management fuctions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal five drawer legal size file cabinet without lock.

RETRIEVABILITY:

Filed by training program name and employee name.

SAFEGUARDS:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202–697–3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Employees submit application forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C.2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, 5 U.S.C. 7121, and E.O. 11491.

ROUTINES USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING THE CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES:

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a

security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

d. To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel polices, practices, and matters affecting work conditions.

j. To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Other records are normally destroyed after supersession.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in this system of records in provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials, from related correspondence from organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19042 Filed 6-25-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming preliminary hearing of the Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education concerning the Reauthorization of Indian Education Act, Public Law 92-318, which expires September 30, 1983. Written testimony is required. Oral testimony is limited to a 5-10 minute summary of the written testimony. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Preliminary Hearing: August 4, 1981, 9:00 a.m. to 5:00 p.m. Strategy/Planning Session: August 5, 1981, 9:00 a.m. to 5:00 p.m., and August 6, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESSES: San Diego State University, North Education Building, Room 60, Intersection of College Avenue and Interstate 8, San Diego, California 92182 for the August 4, 1981, hearing (714-265-6991). Howard Johnson's Motel, 4545 Waring Road, San Diego, California 92120 for the August 5-6, 1981, strategy/planning session (714-286-7000).

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L.92-318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81–874) as added by Title IV, Part A, of P.L. 92–318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Eduction regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, P.L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The hearing and the strategy/planning session will be open to the public. The proposed agenda includes: Preliminary public hearings of the reauthorization of the Indian Education Act, Public Law 92–318 and, a strategy/planning session for the Reauthorization of the Indian Education Act.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, NW, Suite 326, Washington, D.C. 20004.

Date: June 15, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-18954 Filed 6-25-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed 1981 Wholesale Rate Increase; Finding of No Significant Impact

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Finding of No Significant Impact, Bonneville Power Administration's Proposed 1981 Wholesale Power Rate Increase.

SUMMARY: Bonneville Power Administration (Bonneville) proposes to increase its revenues by 78.5 percent ($492.0 million) to (1) meet repayment obligations for Federal Columbia River Power System resources, (2) pay the cost of new resources acquired by the Administrator to meet his firm power supply obligations pursuant to Section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), and (3) to pay the cost of the Administrator's transmission, conservation, and other programs pursuant to the Regional Act, the Federal Columbia River Transmission System Act, and the Bonneville Project Act. An additional amount of annual revenue (estimated to be between $351 million and $488 million) will be derived beginning in October 1981 from Bonneville's direct-service industrial customers in order to recover the cost of residential exchange resources acquired by the Administrator under Section 5(c) of the Regional Act. The exact amount will not be determined until an average system cost methodology is developed in a separate approval process. Bonneville proposes to recover its increased revenue requirement by raising wholesale power rates charged for electricity produced, acquired, and transmitted by Bonneville.

Bonneville has prepared an environmental assessment on the proposed wholesale rate increase. A draft environmental assessment was circulated for public review. A final environmental assessment was prepared on the basis of the draft and comments received on the draft. This Finding of No Significant Impact is based on the information in the final environmental assessment.

SUPPLEMENTARY INFORMATION:

I. Description of the Proposal

Bonneville's proposed rates would result in a revenue increase from the sale of power produced by Federal base system resources and new resources acquired by the Administrator pursuant to Section 5 of the Regional Act of 78.5 percent. The increase in projected revenue to be recovered from Bonneville's preference customers will average approximately 59 percent. Because Bonneville has not previously provided service under the (7)(f) rate of the residential exchange there is no base on which to calculate an increase. The increase in revenue from direct-service industries will range from 175 percent to 250 percent. The exact amount of the increase in rates to direct-service industrial customers is presently unknown. It will depend on which utilities participate in the residential exchange, the amounts of power exchanged, and the determination of the average sysem costs of participants.

In developing the rate structures to recover Bonneville's revenue requirement, a number of considerations were reflected in the rate development process. The results of Bonneville's (1) Time-Differentiated Pricing, (2) Long Run Incremental Cost and (3) Cost-of-Service Analyses were used in designing the proposed rate schedules.

As a result of the use of the above mentioned studies in the rate development process, Bonneville's proposed rates reflect seasonal and diurnal differences in the cost of providing service, as well as the costs incurred to provide service to each class of service. Certain adjustments in the allocation of excess revenues from nonfirm energy sales reflect the relationship between the long run incremental costs of energy and capacity. The classification of Bonneville's generation costs to capacity and energy also reflects the results of its Long Run Incremental Cost Analysis. The reflection of these studies resulted in rates which contained higher energy charges, but lower capacity charges, than rates based solely on an embedded cost classification method.

Nine separate rate schedules are contained in the wholesale power rate proposal. The PF–1 rate schedule would apply to the sale of firm power to utilities participating in the residential exchange for service of 60 percent of their residential and small farm loads and to preference customers for service of their total net requirements exclusive of large new single loads as identified in Section 3(13) of the Regional Act. The PF–1 rate contains diurnally and seasonally differentiated charges for capacity and seasonally differentiated rates for energy.

The RP–1 rate schedule would be applied to the sale of firm power required to meet unanticipated load growth of existing customers, sales to customers which have no contracts in

force with Bonneville, and sales which Bonneville determines are covered under no other rate schedule. The schedule has separate charges for demand and energy. The capacity charge is seasonally differentiated and is based on Bonneville's long run incremental cost of capacity. The energy charge is uniform throughout the year and is based on Bonneville's long run incremental cost of energy.

The IP–1 rate schedule would be applied to the sale of industrial firm power to Bonneville's existing direct-service industrial customers. Prior to October 1, 1981, the IP–1 rate would be the same as the PF–1 priority firm rate, minus an adjustment to reflect the credit assigned to the direct-service industries in recognition of the reserves which they provide to Bonneville. Commencing on October 1, 1981, the IP–1 rate would be increased by an amount sufficient to recover the cost of residential exchange resources acquired by the Administrator pursuant to the provisions of Section 5(c) of the Regional Act.

The MP–1 rate schedule would be applied to the sale of modified firm power and the sale of authorized increase power on either an intermittent or contract demand basis to existing direct-service industrial customers. The MP–1 rate would be identical to the IP–1 rate except that it would reflect no adjustment relative to the value of reserves.

The CF–1 rate schedule would be applied to the sale of firm capacity on a contract demand basis either during a contract year or during a contract season (June 1 through October 31). An additional variable charge is applied in the event a purchaser's demand duration during a month exceeds nine hours. The monthly contract year charge is equal to the average of the monthly winter and summer peak period charges for capacity contained in the PF–1 firm power rate schedule. The contract season charge is based on a 20.9 percent general inflation rate escalation of the summer charge contained in the existing F–7 Rate schedule.

The CE–1 rate schedule would be applied to the sale of emergency capacity to a purchaser when Bonneville determines that an emergency condition exists on the purchaser's system and Bonneville has capacity available to serve the purchaser's needs. The CE–1 rate is based on the CF–1 rate per kilowattyear divided by the number of weeks in a year multiplied by 1.15 (in order to cover additional administrative and general costs). An additional cost based charge is made for deliveries made over the Pacific Northwest/Pacific Southwest Intertie.

The FE–1 rate schedule would be applied to the sale of firm energy for uses, in amounts, and during periods specified by contract. The FE–1 rate is based on the annual average cost of firm power assuming a 100 percent load factor at the PF–1 rate.

The NF–1 rate schedule would be applied to the sale of energy on a nonfirm basis. The NF–1 rate is designed to reflect the cost of resources used to produce nonfirm energy which may include the following: (1) the diurnally differentiated cost of hydroelectric power, (2) the cost of purchase power, (3) the cost of other resources which have been operated, or (4) a weighted average based on costs from the preceding categories. A charge of two mills per kilowatthour representing the average cost of transmission is added to this charge.

The NR–1 rate schedule would be applied to the sale of firm power to investor-owned utilities to meet existing deficits and load growth and to public bodies and cooperatives to serve large new single loads. The NR–1 rate is based on the costs of new resources acquired by the Administrator adjusted downward based on revenues received from the sale of nonfirm energy from these resources. The demand charge was set equal to the PF–1 demand charge. The energy charge was designed to recover all remaining costs recoverable under the rate. Both the demand and energy charges are seasonally differentiated proportionate to the seasonal differentiation in the PF–1 rate. The demand charge is diurnally differentiated proportionate to the differentiation in the PF–1 demand charge.

Alternative revenue levels and rate designs were considered by Bonneville in developing the draft and final environmental assessments. Alternative revenue levels for the Federal base system resources which were analyzed included a no-action alternative, a 30-percent revenue increase based on an assumed limitation of the costs of net-billed nuclear facilities for which Bonneville is responsible, and a 720-percent increase which would result from long run incremental cost pricing.

Due to their inability to permit Bonneville to meet its statutorily mandated repayment requirements, the no action and 30 percent increase alternatives were not proposed. Adoption of the long run incremental cost alternative would result in violation of the requirement the Bonneville provide power at rates designed to encourage the widest possible use of electricity at the lowest cost consistent with sound business principles.

Alternative rate designs which Bonneville considered include rates designed to reflect the inverse elasticity rule, tiered rates, fixed or share-the-savings rates for nonfirm energy, fixed or time-differentiated firm capacity rates, and differing values for the reserve credit applied to the industrial firm power rate.

Due to the insufficiency and questionable reliability of existing estimates of the price elasticities of demand of Bonneville's customer groups, rates based on the inverse elasticity rule were not proposed. Due to the inconclusive nature of currently available evidence concerning their potential for encouraging conservation, tiered rates were not proposed. Because they would be less consistent than the proposed rate with Bonneville's objective to design rates to reflect cost causation while allowing the agency to respond prudently to varying market conditions, fixed and share-the-savings rates for nonfirm energy were not proposed. Fixed or time-differentiated firm capacity rates were considered less consistent with Bonneville's general cost causation approach to rate design than the design of the proposed firm capacity rate. The alternative values of reserve credit considered were judged less consistent with both the value of the reserves and the price at which the direct-service industrial customers are eligible to purchase power from Bonneville than is the case for the proposed value of reserves adjustment.

The alternative revenue levels and alternative rate designs are discussed in greater detail in the Environmental Assessment.

II. Discussion of Impacts

Two factors must be taken into account in evaluating the potential impact of Bonneville's wholesale power rates. The first of these is revenue level. Revenue level refers to the total amount of revenue projected to be recovered under a given set of power rates. Bonneville's rates are designed to achieve a revenue level which will permit Bonneville to meet its repayment requirement. The repayment requirement is a reflection of the legal guidelines of cost recovery under which Bonneville operates. These guidelines are set forth in the Bonneville Project Act, Authorization for the Third Powerhouse at Grand Coulee, the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act).

The second factor in rate development is that of rate design. Once Bonneville's

revenue requirement is established, it is possible to recover the designated amount of revenue in a variety of ways. The process of rate design involves the development of specific rate structures which will recover the required amount of revenue in ways which are consistent with Bonneville's rate objectives. In essence, rate design determines the pattern of revenue recovery which will occur in the process of recovering Bonneville's repayment requirement.

Bonneville considered the potential of both revenue level and rate design for creating significant environmental impacts in preparing its draft and final environmental assessments.

Bonneville focused on two stages of impact in evaluating the potential of its rate proposal for significantly impacting the environment. The first stage addresses the direct effects which the proposed rates would have on Bonneville's customers in terms of their use of electricity and their ability to adapt to increases in the cost of electricity. The second stage considers the effects which changes in the use of and demand for electricity would have on various aspects of the physical environment.

A. *Direct Effects on Customer Groups.* Bonneville serves basically three customer groups: (1) preference customers, (2) investor-owned utilities, and (3) direct-service industries. Analyses of direct impact were performed for each of these groups.

1. *Impacts on Preference Customers.* As previously indicated, Bonneville's proposed rates would result in an increase of approximately 59 percent in revenues derived from preference customers. An analysis of the effect of this increase on consumption of electricity by these customers indicated a probable decrease of approximately 280,000 megawatthours per year by 1998 (see Table 14 of the Final Environmental Assessment).

Although the proposed rates would produce an increase of approximately 59 percent in preference customer revenues, they would require a significantly smaller percent increase in rates to retail customers, because wholesale power costs represent only a portion of the total costs recovered through retail power rates. Although the exact percent retail level increase needed to cover the increase in wholesale power costs would vary somewhat from customer to customer, the average percent increase would be near 20 percent. For most residential customers this would represent an increase of approximately $3.50 to $5.25 per 1,000 kilowatthours per month (see Tables 12 and 13 of the Final Environmental Assessment).

Assuming preference customers distribute their increase in wholesale power costs uniformly across retail customer classes, commercial and industrial customers would also experience power cost increases averaging about 20 percent. In most cases, electricity purchases account for less than three percent of value added in the industrial sector and less in the commercial sector. Thus, the increase in the cost of goods and services resulting from Bonneville's proposed rate increase would generally be less than one percent (see Section III(B)(1)(a) of the Final Environmental Assessment).

2. *Impacts on Investor-Owned Utilities.* The Regional Act requires that Bonneville provide resources on an exchange basis to meet 60 percent of the residential and small farm loads in the region of investor-owned utilities during the rate period at a rate equal to that charged preference customers. In addition, Bonneville must serve any existing regional investor-owned utility deficits and load growth to the extent requested, at a rate reflective of the cost of new resources acquired by Bonneville.

The general parameters under which service to the investor-owned utilities must be provided are established by the Regional Act. Although the specific rates under which the service will be provided are established by the Administrator, insufficient information regarding the participants to the exchange and the amounts of load involved precludes development of reliable estimates of the effect of Bonneville's proposed rates on the retail rates charged by investor-owned utilities within the region. Correspondingly, it is not possible to arrive at valid estimates of the effects of Bonneville's proposed rates on consumption by customers served by investor-owned utilities.

Since the percent of investor-owned utility residential and small farm load eligible for service under the priority firm rate is limited to 60 percent of total residential and small farm load during the rate period, the proposed rates would have a smaller impact on consumption by these customers than that previously discussed for residential customers of preference customers.

The availability of power from Bonneville to serve investor-owned utility deficits and load growth would be expected to minimize the costs of the investor-owned utilities for meeting load growth. The amount of purchases which will be made from Bonneville is currently unknown, thus preventing reliable estimates concerning potential consumption effects. The relatively high charge for this power, as well as the fact that it would represent only a minor fraction of investor-owned utility resources, leads to the conclusion that the impact on retail customer costs, and therefore on consumption, would be small (see Section III)(B)(1)(c) of the Final Environmental Assessment).

3. *Impacts on Direct Service Industries.* The direct-service industries would experience the largest increase in power costs of any of Bonneville's customer groups as a result of the proposed rates. Rates to these customers are expected to increase by between 175 and 250 percent depending on the cost of exchange resources obtained from investor-owned utilities. Based on requirements of the Regional Act, the exchange costs will be recovered from the direct-service industries during the period the proposed rates would be in effect.

Although the proposed rates could result in production cost increases as high as 25 percent for some direct-service customers, none of the direct-service industries are expected to suspend or significantly alter their operations as a result of the proposed rates. Northwest aluminum producers would continue to maintain a competitive edge in variable production costs over plants located in other parts of the country (see Section III(B)(1)(c) of the Final Environmental Assessment).

B. *Indirect Effects on the Physical Environment.* Although Bonneville's proposed rates would have no direct effect on the physical environment, Bonneville considered the possibility that its proposal could indirectly impact the environment through its effects on consumption of electricity and the use of alternative forms of energy.

1. *Effects on Energy Use.* Studies by Bonneville and National Economic Research Associates (see Section III(B)(2)(a) of the Final Environmental Assessment) indicate approximately one-third of the projected reduction in consumption of electricity associated with electricity price increase is due to conservation. The remaining two-thirds is due to fuel switching. Given the previously indicated estimate of a decrease of 280,000 megawatthours per year for preference customers by 1998 due to Bonneville's proposed rates, that portion attributable to conservation would amount to approximately 95,000 megawatthours per year.

Rate induced conservation by customers of investor-owned utilities, although not specifically quantifiable, would be considerably less than that by

preference customers given the limited nature of Bonneville's service to the investor-owned utilities (see Section III(B)(2)(a) of the Final Environmental Assessment).

The results of a study by the Department of Commerce indicate the demand for electricity of Bonneville's direct-service industrial customers is inelastic (see Section III(B)(2)(a) of the Final Environmental Assessment). Furthermore, any conservation by these industries is expected to result in expansion of production capability rather than reduction of electricity consumption. Therefore, the proposed rates would have little effect on consumption by these customers.

2. *Effects on Use of Alternative Energy Resources.* Bonneville performed an econometric analysis of the likely effect of its proposed rates on consumption of electricity substitutes by the customers of its preference customers. Consumption of natural gas was projected to increase by a fraction of a percent by test year 1998. The proposed increase is expected to have virtually no effect on the consumption of oil (see Table 15 of the Final Environmental Assessment).

3. *Effects on the Need for Generation.* As previously indicated, the primary reduction in consumption of electricity resulting from Bonneville's proposed rates would be associated with the preference customers. The projected 280,000 megawatthour reduction in consumption of electricity associated with these customers would represent less than four percent of the output of a conventional 1,100 megawatt thermal plant operating at a 70-percent load factor. The physical environmental impacts associated with such a plant are set forth in Tables 16, 17, and 18 in the Final Environmental Assessment.

4. *Effects on River Operations.* Certain features of Bonneville's rates are expected to discourage use of capacity during peakload periods. This could produce a decrease in river fluctuation associated with the operation of the hydroelectric facilities of the Federal Columbia River Power System. This effect would be expected to be extremely minor relative to the total range of fluctuation which will occur. Any reduction in river fluctuation would be expected to have a beneficial effect on fish, wildlife and recreation (see Section III(B)(2)(d) of the Final Environmental Assessment).

5. *Effects Associated with Agricultural Development.* Irrigation farming can impact the physical environment by altering land use, by causing siltation and chemical pollution of streams and by altering wildlife habitat. Bonneville's proposed rates are not expected to force existing irrigated acreage out of production. It is projected that the amount of new irrigated acreage developed over the next 20 years would be approximately 10 percent less given Bonneville's proposed rates than under the existing rates. The effects of this decreased development would be dispersed over a wide geographical area (see Section III(B)(2)(e) and Table 19 of the Final Environmental Assessment).

6. *Long Term, Cumulative, and Unavoidable Adverse Impacts.* Long term impacts would include potential reductions in the production of nuclear waste, the mining of uranium, and the combustion and mining of coal. These effects include a decrease in the risk of exposure to harmful levels of radioactivity, avoidance of adverse air quality and water quality impacts, and a reduction in visual scarring of land and destruction of natural vegetation. Detailed analysis of these effects is presented in Tables 16, 17, and 18 in the Final Environmental Assessment.

The types of impacts described with respect to the proposed rates have also been associated with Bonneville's recent previous rate increases. The proposed rate increase would be larger than previous increases. The combination of impacts of the proposed increase with those associated with previous increases would not result in significant impacts to the physical environment.

No unavoidable adverse impacts to the physical environment are expected to occur as a result of Bonneville's proposed rate increase. Long term, cumulative, and unavoidable adverse socioeconomic impacts are described in Sections III(B)(3), (4), and (5) of the Final Environmental Assessment.

III. Explanation of the Finding of No Significant Impact

A finding of no significant impact relative to Bonneville's proposed rates is supported by the following findings:

A. No change is anticipated in the operations of Bonneville's direct-service industrial customers as a result of the proposed rate increase.

B. Bonneville's estimate of a conservation effect for the proposed rates by preference customers in 1998 of 95,000 megawatthours per year represents slightly more than one percent of the output of a conventional 1,100 megawatt thermal power facility.

C. Conservation effects on customers of investor-owned utilities are expected to be less than those for preference customers.

D. Use of alternative energy sources is expected to increase by only a small fraction of a percent as a result of the proposed rate increase.

E. Potential effects on river fluctuation would be extremely minor relative to the total range of fluctuation. Therefore, no significant impact would be expected to occur to fish, wildlife, or recreational resources dependent on the river system.

F. The reduction in development of irrigated agriculture would result in a reduction of adverse impacts associated with irrigation. However, these impacts are expected to occur over a wide geographical area. Their concentration would therefore not be expected to reach a significant level either locally or regionally.

Finding: It is the finding of the Department of Energy that Bonneville's proposal, described in greater detail in Bonneville's Environmental Assessment, would not significantly affect the quality of the human environment. Therefore, it is the determination of the Department of Energy that an environmental impact statement is not required on this proposal.

This finding will be made available to the public through the following agencies or groups:

Federal agency headquarters and regional offices
State clearinghouses and historic preservation offices
Regional clearinghouses and counties in the States of Idaho, Montana, Oregon, Washington, and Wyoming
Interest groups in the States of Idaho, Montana, Oregon, and Washington

In addition, copies will be sent to all Bonneville customers and to a number of interested private citizens on Bonneville's mailing list.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, ext. 4261. Toll-free numbers for Oregon callers, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800–547–6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, ext. 379.
Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.
Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701.
Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Dated: June 23, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-19071 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-014; OFC Case No. 55056-3787-10-12]

Notice of Acceptance of Petition for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On June 8, 1981, the Chesapeake Corporation (Chesapeake) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Chesapeake requested a permanent fuels mixture exemption in order to burn petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste in a new field-erected boiler under construction at its kraft pulp and paper mill at West Point, Virginia.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. Chesapeake utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether Chesapeake will be granted the requested permanent exemption to use petroleum or natural gas in a mixture with wood waste in the new MFBI in which the amount of petroleum and natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

ERA has determined that Chesapeake's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant Chesapeake the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of Chesapeake's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of Chesapeake's petition for exemption are due on or before August 10, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of Chesapeake's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461

Docket Number ERA–FC–81–014 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3934
Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4257
Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler under construction at Chesapeake's kraft pulp and paper mill at West Point, Virginia. The new MFBI, designated as the No. 10 power boiler by Chesapeake (hereafter, No. 10 P.B.), is scheduled for startup in December 1981 and will have a design heat input rate of 659 million Btu's per hour and will, under normal operation, burn 100 percent wood waste with supplement oil (No. 6 fuel oil) used only as necessary for flame stabilization or to meet mill process demands.

Chesapeake has utilized the certification alternative for the permanent fuel mixtures exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of petroleum or natural gas to be used in the fuels

mixture in the No. 10 P.B. will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

(2) That, pursuant to 10 CFR 503.15(b), Chesapeake will, prior to operating the No. 10 P.B. under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of petroleum and natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable environmental requirements;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposte pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that Chesapeake's petition for a permanent fuels mixture exemption for its No. 10 P.B. has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis: The ERA staff has examined the aforementioned certifications made by Chesapeake in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant Chesapeake the requested permanent fuels mixture exemption for its No. 10 P.B. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for the No. 10 P.B.

Terms and Conditions: Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), Chesapeake, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of petroleum (No. 6 fuel oil) or natural gas to be used in a mixture with an alternate fuel in the No. 10 P.B. will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the No. 10 P.B. will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating the No. 10 P.B. Chesapeake will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, Chesapeake will pursuant to 10 CFR 503.38(g), certify to ERA the date the No. 10 P.B. is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of the anniversary date, a certification that the amount of petroleum and natural gas used in the No. 10 P.B. during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of Chesapeake. Cite OFC Case Number 55056-3787-10-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55056-3787-10-12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Chesapeake has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new NFBI under exemption. The Environmental Checklist completed and certified to by Chesapeake pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Chesapeake's responses to the questions contained therein indicate that the operation of the new No. 10 P.B. will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the catagorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial question regarding the application of the categorical exclusion in this instance is raised during the proceeding on Chesapeake's petition which would indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at EFA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on June 19, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18947 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Bolin Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 20, 1981.

COMMENTS BY: July 27, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 20, 1981 the Office of Enforcement of the ERA executed a Consent Order with Bolin Oil Company of Wichita Falls, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Bolin Oil Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Bolin effective as of the date of its execution by the DOE and Bolin.

I. The Consent Order

Bolin Oil Company (Bolin) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Bolin the Office of Enforcement, ERA and Bolin entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1979 Bolin allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Bolin and the DOE have agreed to a settlement of $27,500. This amount will be refunded by Bolin within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Bolin.

3. This Consent Order constitutes neither an admission by Bolin that ERA regulations have been violated nor a finding by the ERA that Bolin has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Bolin agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $27,500 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined in 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outide of your envelope and on the documents you submit with the designation "Comments on the Bolin Oil Company Consent Order". We will consider all comments we received by 4:30 p.m., local time, July 27, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 12th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-18880 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51209-1393-28-22; Docket No. ERA-FC-81-004]

Gulf States Utilities Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of Tentative staff analysis.

SUMMARY: On February 12, 1981, Gulf States Utilities Company (GSU)

petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA is published at 10 CFR Part 500 *et seq.* (45 FR 38276, June 6, 1980).

GSU plans to install an 83,470 kilowatt natural gas or oil-fired combustion turbine unit to be known as Roy S. Nelson Unit No. 8 at Westlake, Louisiana. GSU certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA accepted the petition pursuant to 10 CFR §§ 501.3 and 501.63 on March 26, 1981, and published notice of its acceptance in the **Federal Register** on April 2, 1981 (46 FR 19973). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA and 10 CFR §§ 501.31 and 501.33, during which time interested persons were also afforded an opportunity to file comments and to request a public hearing on the petition. The comment period ended May 18, 1981. No comments or requests for a public hearing were received.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested peakload powerplant exemption.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before July 13, 1981.

ADDRESSES: Fifteen copies of written comments and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street N.W., Washington, D.C. 20461. Docket Number ERA-FC-81-004 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653-4208.

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA Room B-110, 2000 M St., NW, Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: GSU plans to install an 83,470 KW natural gas/oil-fired combustion turbine to be known as Roy S. Nelson Unit No. 8 at Westlake, Louisiana.

GSU submitted a sworn statement with its petition, signed by Mr. J. H. Derr, Jr., Vice President of GSU, as required by 10 CFR § 503.41(b)(1). In his statement, Mr. Derr certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 83,470 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 125,205,000 Kwh.

Under the requirements of 10 CFR § 503.41(b)(1)(ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of GSU's sworn statements and information provided, the staff recommends that ERA grant the requested peakload powerplant exemption.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GSU has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by GSU pursuant to 10 CFR § 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that GSU's responses to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR § 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by GSU and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant to section 214(a) of the Act, be subject to the following terms and conditions.

A. GSU shall not produce more than 125,205,000 Kwh during any 12-month period with Roy S. Nelson Unit No. 8. GSU shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 8:00-10:00 a.m. and 3:00-6:00 p.m. during the June-September period, etc.). Estimates of the hours in which GSU expects to operate Roy S. Nelson Unit No. 8 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. GSU shall comply with the reporting requirements set forth in 10 CFR § 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. GSU shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR § 503.15(b).

Issued in Washington, D.C. on June 19, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18879 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Conoco, Inc.

AGENCY: Department of Energy.

ACTION: Notice of proposed remedial order to Conoco, Inc. and of opportunity for objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to Conoco, Inc. (Conoco), Stamford, Connecticut on June 8, 1981. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Conoco's pricing of first sales of crude oil, produce and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. These regulations were in effect prior to January 28, 1981. The amount of overcharges on audited properties by Conoco during the period September 1973 through May 31, 1979 and interest thereon to May 31, 1981 totals not less than $36,299,811.13. In addition, OSC has reserved the right to proceed against Conoco for projected overcharges from unaudited properties and projected overcharges during unaudited time periods in the range of $19,402,524.09 plus interest to date of $7,252,807.44, pending outcome of related administrative proceedings.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA. On or before July 13, 1981, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. 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 10 CFR 205.193, the Proposed Remedial Order may be issued as a final order. Such Notice Should be filed with: Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to: Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Department of Energy, Forrestal Building, Room AD-43, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from: Office of Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue SW., Washington, D.C. 20585.

Issued in Washington, D.C. June 18, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-18878 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP81-26-000]

ANR Production Co.; Application for Authorization To Collect Production Related-Costs

June 22, 1981.

Take notice that on May 18, 1981, ANR Production Company (ANR), Suite 1100 West, 5075 Westheimer, Galleria Towers, Houston, Texas, 77056, filed with the Federal Energy Regulatory Commission (Commission) an application for the recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA) and §§ 271.1104 and 271.1105 of the Commission's regulations (18 CFR 271.1104, 271.1105).

Specifically, ANR states that it sells gas from its Gwinville Gas Unit No. 203 and 201-B Wells (Gwinville Field, Jefferson Davis County, Mississippi) to United Gas Pipe Line Company (United). Both wells have received determinations from the Mississippi State and Oil and Gas Board that gas produced therein qualifies for the NGPA section 102 rate.

Section 271.1104(c) provides for the application for the recovery of "costs of processing . . . to the extent they exceed the amount attributable to meeting the following standards: . . . (d) carbon dioxide (percent by volume)-3 . . ."

ANR states that it is required by the terms of its contract with United to reduce the carbon dioxide content of the gas from the Gwinville Field from 3% to 2%. ANR therefore requests authorization to charge and collect for its sale of gas from the two wells in question the amount, in addition to the first sales price, necessary to recover the costs incurred by it to reduce the carbon dioxide content of the gas sold from such wells from 3% to 2%. ANR also states that it has contractual authority to collect the production-related costs here involved.

ANR therefore requests authorization to collect from United 65.3 cents/Mcf from August 13, 1980 to March 26, 1981 for the gas sold from the Gwinville Gas Unit No. 203 Well. For the period beginning March 27, 1981,[1] on which date the Gwinville Unit No. 201-B Well commenced opertion, ANR proposes that the charge be reduced to 21.8 cents/Mcf and that ANR be permitted to collect this lower amount from that point forward.

Any person desiring to be heard or to protest this proceeding should, on or before July 27, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., 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). All protests filed with the Commission will be considered but will not 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 must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18856 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-352-000]

Arkansas Louisiana Gas Co.; Application

June 23, 1981.

Take notice that on May 29, 1981, Arkansas Louisiana Gas Company

[1] ANR's application contains the erroneous date of March 1, 1981. The date was corrected to March 27, 1981, during a telephone conversation between ANR and the Commission Staff on June 16, 1981.

(Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP81-352-000 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 natural gas facilities in southwest Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a group of small communities in southwest Arkansas have for many years been served with natural gas by a municipally-owned integrated distribution system. It is further stated that the City of DeQueen, Arkansas, has traditionally arranged for the purchase of gas supplies for such system from Louisiana Nevada Transit Company (LNT) and that LNT's certificated service to DeQueen is limited to a maximum of 5,000 Mcf of natural gas per day.

Applicant submits that because its pipelines virtually surround the subject communities it has been requested by state and local authorities to acquire and operate the aforementioned distribution system. Applicant further submits that it intends to acquire the ownership and operation of such system along with the gas supply arrangement under which LNT has been supplying gas for such system. Applicant asserts that all gas which enters this system is consumed in the system and that it intends to continue using said facilities in precisely the same distribution service. Applicant further asserts, therefore, that the aforementioned facilities are nonjurisdictional and no certificate is required for their acquisition and operation. It is submitted that LNT has agreed to continue supplying gas to Applicant at the point of delivery near Okay, Arkansas.

Applicant specifically proposes, then, to construct and operate approximately 923 feet of 6-inch pipe, a meter station and miscellaneous valves and fittings in order to connect Applicant's existing system in Howard County, Arkansas, with the above-described distribution system. Such an interconnection, it is stated, would enable Applicant to augment the supply of gas which would continue to be available from LNT when necessary.

Applicant estimates the cost of the connecting facilities to be $43,650 which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will 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. 81-18857 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ST81-314-000 and ST81-315-000]

Channel Industries Gas Co. and United Texas Tramsmission Co.; Applications

June 19, 1981.

Take notice that on June 16, 1981, Channel Industries Gas Company (Channel), 720 Two Allen Center, Houston, Texas 77002, and United Texas Transmission Company (United Texas), 711 Louisiana Street, Suite 1300, Houston, Texas 77002, filed in Docket Nos. ST81-314-000 and ST81-315-000, respectively, applications pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and the rules and regulations of the Commission thereunder, for prior approval of natural gas transportation services to be rendered on behalf of a local distribution company served by an interstate pipeline for a fixed period terminating on January 31, 1982, and for approval of their proposed transportation rates, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Channel and United Texas state that they are intrastate pipeline companies within the meaning of Section 2(16) of the Natural Gas Policy Act of 1978, seeking authorization to transport, for the account of Energy Gathering, Inc. (Energy) certain quantities of natural gas, which Energy has arranged to purchase from Natural Gas Pipe Line Company of America (Natural) and sell to Houston Lighting & Power Company (HL&P). Channel states that it will transport the subject gas from the existing interconnection point between its pipeline and Natural's pipeline, located near Devers, Liberty County, Texas, to the existing meter on its pipeline at Cedar Bayou, Chambers County, Texas. United Texas says that it will transport the subject gas from the existing interconnection point between its pipeline and that of Channel in Chambers County, Texas, to the facilities of HL&P at Cedar Bayou, Chambers County, Texas. Applicants propose to transport up to approximately 100,000 Mcf of gas per day (measured at 14.65 psia) for a primary term commencing on the effective date of the Commission's approval of the application and terminating on January 31, 1982, subject to extension by mutual consent of the parties and approval of the Commission. Channel and United Texas state that they will take delivery of the subject gas for Energy's account at the above described points of interconnection and redeliver equivalent MMBtu's at 14.65 psia dry at said points of redelivery.

It is stated that Energy will compensate Channel and United Texas for the proposed transportation services by paying a fee of nine cents per Mcf redelivered to Channel and one cent per Mcf redelivered to United Texas. Applicants state that the proposed transportation rates are fair and equitable and not in excess of the rate which an interstate pipeline would be permitted to charge for providing similar transportation service. As justification thereof, Applicants state that the proposed rate is based upon a rate for similar service to an interstate pipeline currently on file with the Railroad Commission of Texas in their respective rate proceedings.

Channel and United Texas further state that their Gas Transport Agreements with Energy provide that the transportation arrangements are

subject to the provisions of Subpart C of Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978.

Any person desiring to be heard or to make any protest with reference to said applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, on or before July 10, 1981, 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 of Practice and Procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at any hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18840 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-75-001]

Dow Pipeline Co.; Filing of Extension Report

June 23, 1981.

Take notice that on May 29, 1981, Dow Pipeline Company (Applicant), P.O. Box 4286, Houston, Texas 77210, filed in Docket No. ST79-75-001 an extension report pursuant to Section 284.126 (c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Houston Pipe Line Company (HPL) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with HPL and now proposes to extend such agreement for a term of two years ending July 25, 1983.

Applicant asserts that under the terms of its agreement with HPL, Applicant would perform a portion of the transportation service which HPL has contracted to provide to Northern Natural Gas Company, Division of InterNorth, Inc. (Northern).

Applicant states that as an intrastate pipeline engaged in transportation service on behalf of another intrastate pipeline, Applicant believes that it has no obligation to file the reports prescribed by Part 284 of the Regulations. Applicant, therefore, explains that the submission herein is conditional in nature and requests guidance from the Commission as to its true filing responsibilities.

Applicant estimates that the quantities to be transported during the term of the gas transportation agreement would be 73 trillion Btu total and 50 billion Btu per day or at such greater flow rate up to 150 billion Btu per day which Northern shall elect upon thirty days notice.

Applicant asserts that it would provide transportation service from its existing interconnection with Tenngasco, Inc. at Juliff, Brazoria County, Texas, and its interconnection with the A-S pipeline Brazoria County, Texas, to its existing interconnection with Oasis Pipe Line Company in the Katy Field, Waller County, Texas.

Applicant states that the rate to be charged for the transportation would be $.006 per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in connection 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. 81-18858 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-360-000]

El Paso Natural Gas Co.; Application

June 23, 1981.

Take notice that on June 8, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-360-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of certain existing meter stations on Applicant's pipeline system and for budget-type authorization for future modifications as may be required, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to:

(1) replace the 250B 250 psig case positive displacement meter at its Joseph City meter station, Navajo County, Arizona, with a 500B 250 psig case positive displacement meter;

(2) install an additional 500B 250 psig positive displacement meter at its Kirkland meter station, El Paso County, Texas;

(3) replace the 250B 250 psig case positive displacement meter at its Buford Gin meter station with a combination station consisting of a 500B 350 psig case positive type displacement meter and one 4½-inch O.D. standard orifice meter run;

(4) replace the dual 4½-inch O.D. standard orifice meter runs at its Cortaro City Gate meter station, Pima County, Arizona, with dual 6⅝-inch O.D. standard orifice meter runs; and

(5) replace the existing dual 8⅝-inch O.D. standard orifice meter runs at its Glendale City Gate meter station, Maricopa County, Arizona, with dual 10¾-inch O.D. standard orifice meter runs.

Applicant asserts that the above-described modifications are required in order to enhance the measurement capability of those meter station facilities so as to provide accurately measured natural gas deliveries.

The total cost of the specific modifications proposed herein is estimated to be $163,017 which would be financed through use of internally generated funds.

In addition, Applicant requests budget-type authorization to make further modifications of existing meter station facilities as may be required in the future.

Applicant states that it seeks such budget authority in order to avoid delays inherent in the preparation and processing of numerous applications for separate authorizations.

Applicant asserts that such budget-type meter modifications would be performed by Applicant only at those locations where modifications are required for accurate measurement of peak hour loads and no change in authorized delivery quantities would result. It is further submitted that

Applicant would continue to file separate and specific certificate applications in all cases where modifications to existing measurement facilities would entail a change in authorized service.

Applicant further requests that the Commission establish a $250,000 single project cost limitation for metering facility modifications during a twelve-month period and a total calendar year dollar limit of $750,000.

Applicant also requests that the budget-type authority be granted on a calendar year basis for an indefinite period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to becomed 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. 81-18859 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-43-000 and Docket No. CP80-520]

Energy Gathering, Inc. and Natural Gas Pipeline Co. of America; Intent To Initiate, Service and Request for Expedited Consideration of Related Applications

June 19, 1981.

Take Notice that on June 16, 1981, Energy Gathering, Inc. (Energy), P.O. Box 165, Corpus Christi, Texas 78403, filed in Docket Nos. CP81-43-000 and CP80-520 a notice of intent to initiate service authorized by the orders issued January 27, 1981, in these proceedings, and a request for expedited consideration of the related applications by Channel Industries Gas Company (Channel) in Docket No. ST81-314-000 and United Texas Transmission Company (United Texas) in Docket No. ST81-315-000 for authorization to transport natural gas for the account of Energy pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the notice and request, which is on file with the Commission and open to public inspection.

Energy states that it has entered into a contract with Houston Lighting & Power Company (HL&P) for the resale of gas purchased by it from Natural Gas Pipeline Company of America (Natural). The gas, according to Energy, will be used by HL&P for the purpose of electric generation and will be used during peak requirement periods during the summer and winter months.

It is stated that the gas to be sold to HL&P will be transported pursuant to separate NGPA Section 311(a) arrangements between two intrastate pipelines (Channel and United Texas) and Energy, which the Commission has determined to be a local distribution company served by an interstate pipeline. According to Energy, under the first arrangement, the gas will be delivered by Natural to Channel for the account of Energy at the interconnection of Natural's system with the system of Channel located near Devers, Liberty County, Texas. This delivery point, it says, was described to the Commission in a December 15, 1980, filing by Energy as one of the four possible delivery points for the sale from Natural to Energy.

Following the receipt of the gas by Channel for the account of Energy, Channel will transport the gas to a point near the Cedar Bayou electric generating facility of HL&P, according to Energy. It is further stated that, at that point, the gas will be delivered to United Texas for final transport to the HL&P facilities.

Energy says that, although the sale by it to HL&P does not require further Commission consideration, the NGPA Section 311 arrangements between it, Channel and United Texas appear to require specific prior Commission authorization. Energy requests that the filings by Channel and United Texas in Docket Nos. ST81-314-000 and ST81-315-000, respectively, be given expedited consideration by the Commission.

Any person desiring to be heard or to make any protest with reference to said notice and request should on or before July 10, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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. 81-18841 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-55-000]

Florida Gas Transmission Corp.; Tariff Filings

June 19, 1981.

Take notice that on June 9, 1981, Florida Gas Transmission Corporation (FGT), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. TC81-55-000 the following tariff sheets, as part of its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1981:

Third Revised Sheet Nos. 20-M and 20-O
Fourth Revised Sheet Nos. 22-I and 22-J
Second Revised Sheet Nos. 24 and 29
Substitute Fourth Revised Sheet Nos. 32, 33, 34, and 35
Substitute Sixth Revised Sheet No. 36

Also filed were revised service agreements with all "G" and "I" customers. The filings are available for public inspection at the Commission.

FGT states that the filings reflect the assignments of direct sales contracts to new purchasers, extend the primary terms of the "G" and "I" service agreements through July 1, 1999, and reflect recognition on the part of FGT's customers that FGT does not currently

have sufficient reserves to fulfill the extended service agreements and may not be able to acquire sufficient reserves to do so in the future.

With respect to the inclusion of language relating to the adequacy of reserves, FGT states that the specific purpose is to make certain that the customers are aware of FGT's supply situation to preclude any argument that FGT would be contractually liable in the event FGT does not have gas available through 1999. FGT does not view the inclusion of the language as necessarily constituting a change in its contractual relationship with its customers. Further, it is stated, this is not a case in which FGT has attempted to modify or limit its liability to its customers by seeking to have a condition imposed by the Commission on unwilling customers but rather FGT and its customers have mutually agreed to include the exculpatory language in the service agreements.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 2, 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. 81-18842 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP75-79-009]

Florida Gas Transmission Co.; Proposed Tariff Changes

June 22, 1981.

Public notice is hereby given that on June 2, 1981, Florida Gas Transmission Company (FGT) filed, pursuant to Section 154.11 of the Commission's Rules and Regulations, a revised service agreement with the City of Sunrise, Florida, as directed by the Commission in its Opinion No. 98, together with the following revised tariff sheets:

Third Revised Sheet No. 20-H
Fourth Revised Sheet No. 22-J.1
Substitute Fifth Revised Sheet No. 36

FGT states that in Opinion No. 98, the Commission directed FGT to increase the volumetric entitlement for the City of Sunrise from 1,961,570 therms per year to 2,721,770 therms in order to accommodate high priority growth on Sunrise's system (Opinion No. 98, at Ordering Paragraph (G)). FGT adds that the instant filing reflects the increase in the appropriate sections of its tariff.

Additionally, FGT requests that the Commission waive the notice requirements of 18 CFR 154.51 in order to allow the instant tariff sheets to become effective on March 1, 1981, the effective date of the Opinion No. 98 curtailment plan. In support of the request for waiver, FGT states that the service agreement was not executed until April 2, 1981, and hence an earlier filing was not possible.

Copies of the filing were served upon FGT's jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 July 6, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18880 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-27-000]

Gulf Oil Corp.; Petition To Vacate Final Well Category Determination and Request for Withdrawal

Issued: June 22, 1981.

In the matter of State of Texas, Section 108 NGPA Determination, Gulf Oil Corporation, Cap Yates Well No. 8, JD No. 79-17112.

On November 24, 1980 Gulf Oil Corporation (Gulf) filed with the Federal Energy Regulatory Commission (Commission) a Petition To Vacate and Permit Withdrawal of the Final Well Category Determination for the Cap Yates Well No. 8 pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978).

Gulf states that the Taxas Railroad Commission made an affirmative determination that the subject well qualified as a stripper well under section 108 of the NGPA and that the determination became final on October 2, 1979, forty-five days after the Commission received notice pursuant to § 275.202(a) of the Commission's regulations. Gulf further states that the subject well did not qualify as a stripper well but does not include its reasons for the requested withdrawal.

Any person desiring to be heard or to protest this petition should file on or before July 27, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18852 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-34-000]

Hach Energy Systems, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 22, 1981.

On June 2, 1981, Hach Energy Systems, Inc., of Elkader, Iowa, filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Elkader, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. 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. 81-18843 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-181 and ER81-48-000]

Indiana and Michigan Electric Co.; Refund

June 22, 1981.

The filing company submits the following:

Take notice that Indiana and Michigan Electric Company (I&M Elec.) filed a refund report on June 1, 1981, with this Commission. Such report resulted from a settlement in Docket No. ER78-381 involving Richmond Power and Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 July 14, 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. 81-18844 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-507 and EL81-15-000]

Intermountain Rural Electric Association v. Public Service Company of Colorado, Inc.; Filing

June 22, 1981.

The filing company submits the following:

Take notice that on May 29, 1981, the Intermountain Rural Electric Association (IREA) filed a motion to defer Commission action on its Petition to Reopen Proceedings and Complaint filed April 21, 1981, in Docket No. ER78-507. The Petition and Complaint alleged that Public Service Company of Colorado, Inc., had violated various provisions of the Federal Power Act and had failed to lower its wholesale rates to IREA to reflect the rate settlement in Docket No. ER78-507.

In anticipation of an overall settlement of the issues raised by its Complaint in Docket No. ER78-507, IREA has requested that the Commission defer all action with regard to IREA's Petition and Complaint until it notifies the Commission within 45 days that full settlement of this controversy has been achieved, or that it has determined that settlement is not possible.

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 July 7, 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. 81-18845 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-26-001]

Iowa Public Service Co.; Amended Application

June 19, 1981.

Take notice that on June 18, 1981, Iowa Public Service 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 $50 million to $60 million, with no change in the issuance dates or maturity dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18846 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-209-010]

Michigan Wisconsin Pipe Line Co.; Amendment to Application

June 23, 1981.

Take notice that on June 2, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-209-010 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications in its transportation agreement with Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) and to reflect a change in proposed compression facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is submitted that on April 10, 1981, Applicant and Northern amended their transportation agreement dated November 11, 1980, so as to delete the points of delivery originally defined in such agreement and to include the following:

(1) a proposed interconnection between the pipeline transmission systems of Applicant and Northern located in Sections 16, 17, and 20 (T28S, R19W), Kiowa County, Kansas (Greensburg);

(2) an existing interconnection between the pipeline transmission systems of Applicant and United Gas Pipe Line Company (United) located in Section 48 (T15S, R10E), St. Mary Parish, Louisiana (St. Mary), where redeliveries would be made by Applicant for the account of Northern; and

(3) such other delivery points as may be established from time to time by mutual agreement of Applicant and Northern.

Applicant states that the maximum daily volume redelivered at all points of delivery would not exceed an aggregate of 170,000 Mcf of gas per day.

Applicant further states that the rate for transporting gas for Northern would be $8.60 per month per Mcf of contract demand.

It is further submitted that Applicant and Northern have agreed that the

Greensburg delivery point would be utilized to make redeliveries pursuant to their transportation agreement until such time as the pipeline facilities of Northern Border Pipeline Company are available for service. Thereafter, it is asserted, redeliveries would be made by Applicant to United for the account of Northern pursuant to a transportation/displacement and exchange agreement between Northern and United.

Applicant states that in its original application it proposed to install an aggregate of 13,000 horsepower of compression at its Grand Chenier measurement station in Cameron Parish, Louisiana. Applicant now proposes to install a pair of combined cycle centrifugal units having an aggregate rating of 16,200 horsepower. It is asserted that such proposed units would provide both the lowest installed project cost and the lowest annual cost of service with respect to subsequent operation. Applicant estimates no increase in construction costs.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18861 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-77-006 (Reserved Issues)]

Mississippi River Transmission Corp.; Proposed Tariff Changes and Refund Report

June 22, 1981.

Take notice that on June 3, 1981 Mississippi River Transmission Corporation ("Mississippi") tendered for filing revised tariff sheets to its FERC Gas Tariff as listed on the attached Appendix, and a Refund Report.

The purpose of the filing is to implement the applicable provisions of the Stipulation and Agreement at Docket No. RP78-77 (Reserved Issues), approved by Commission letter order dated April 30, 1981. The revised tariff sheets modify Mississippi's PGA provisions with respect to the cost of storage gas and reduce its base tariff rates to reflect a reduced storge working capital allowance in rate base. The Refund Report sets forth the cash distribution made to Mississippi's customers under Rate Schedules CD-1, PI-1, and SWS-1 also in accordance with the Stipulation and Agreement.

Mississippi states that copies of its filing have been served on all jurisdictional customers 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, 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 July 6, 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. 81-18847 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2752]

Northern Lights, Inc.; Order Providing for Hearing

Issued: June 19, 1981.

On November 30, 1978 Northern Lights, Inc. filed an application, pursuant to sections 4(e) and 23(b) [1] of the Federal Power Act, for a license to construct, operate and maintain its proposed Kootenai River Project, FERC Project No. 2752. The project would be located, in part, in the Kootenai National Forest.

The proposed project would be constructed on the Kootenai River at river mile 193 in Lincoln County, Montana, between the towns of Troy and Libby, Montana. The 144 megawatt conventional hydroelectric facility would consist of: (1) a dam with a spillway elevation of 2,000 feet msl; (2) a 3.5 to 4.5 mile long, 150 acre reservoir (at normal maximum water surface elevation); (3) an intake and outlet structure; (4) an access portal and tunnel; (5) a head tunnel, underground powerhouse and tail tunnel; (6) an underground switchyard and bus; (7) recreational facilities; (8) an access road and (9) other appurtenant facilities. Construction of the project would require approximately 4½ years.

Pursuant to the National Environmental Policy Act [2] and Commission regulations, [3] the Commission's staff has prepared an environmental impact statement (EIS) evaluating the Kootenai Project. [4] A draft EIS was issued in May 1980 and circulated for public and agency comment; comments were received from over 50 agencies, groups, and individuals. A final EIS was issued by the staff in April 1981.

Eleven agencies, associations and individuals have been granted intervention in the proceeding. These intervenors are:

Cabinet Resources Groups
Libby Rod and Gun Club
Save the Kootenai Association
Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana
Kootenai Tribe of Idaho
League of Women Voters of Montana
Montana Wildlife Federation
National Wildlife Federation
Lower Kootenai Band of Canada
Lucy Caye
United States Department of Interior

The parties and participants in this proceeding, as well as others who have submitted comments on the Draft EIS, have raised significant factual issues concerning the Kootenai Project. These issues include the Kootenai Project's impact on the scenic quality of Kootenai Falls, over which a substantially reduced volume of water would flow; the project's impact on aquatic life in the 3.5 to 4.5 mile stretch of the Kootenai River which would become the project reservoir; the project's impact on sites of religious significance to the Kootenai and other native American Indians; the suitability of various alternatives to the project; and whether there is a need for the project's power at all. Several parties have requested a hearing to resolve these factual disputes.

Resolution of these factual questions is necessary to determine whether a license should be issued for the project.

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[1] 16 U.S.C. 797(e) and 817 (1976).

[2] 42 U.S.C. 4332(2)(C) (1976).

[3] 18 CFR 2.80-2.82 (1980).

[4] The Rural Electrification Administration, United States Forest Service, and Bonneville Power Administration have been designated as cooperating agencies in the preparation of the EIS.

Accordingly, we find that it is appropriate and in the public interest that an evidentiary hearing be held to determine whether a license should be issued for the Kootenai River Project, and, if so, upon what conditions. The hearing shall consider all evidence relevant to the issues concerning the proposed project, including evidence on alternatives to the project.

Three of the intervenors have requested that if any hearings are held in this proceeding, they be held in Montana, in order to accommodate local witnesses and counsel. In fixing the time and place of hearing, the Presiding Judge shall give due regard to the convenience and necessity of the parties and their attorneys so far as time and the proper execution of the Commission's functions permit, and may, in his or her discretion, hold a portion of the hearing, including a session for statements from the general public, in the project vicinity. *See* 18 CFR 1.19(b) (1980); 5 U.S.C. 554(b) (1976).

The Commission Orders

(A) Pursuant to the provisions of the Federal Power Act, particularly sections 4(e), 10(a), 10(g), 308, and 309, and the Commission's Rules of Practice and Procedure, a hearing shall be held concerning all issues relevant and material to the application by Northern Lights, Inc. for a major license for the Kootenai River Project, FERC Project No. 2752.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. The Presiding Judge shall convene a prehearing conference in this proceeding at a date, time and place to be specified.

(C) The Secretary shall cause prompt publication of this order in the **Federal Register** and shall otherwise give appropriate notice in accordance with § 1.19(b) of the Commission's Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18848 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-355-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 23, 1981.

Take notice that on June 3, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-355-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to certain facilities for conditioning, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it currently receives natural gas from reserves purchased under contract in Irion, Sterling and Tom Green Counties, Texas, and that such gas is transported through either the Middle Concho System or the Irion County Transmission System which intersects the Middle Concho line to a point of tie-in with Applicant's existing 16-inch pipeline at Section 103, Block 14 H&TC RR Survey, Irion County, Texas.

Applicant proposes to deliver such gas to a proposed conditioning plant located on the Middle Concho supply line connecting to Applicant's existing facilities just prior to the point of interconnection with Applicant's 16-inch line.

Applicant states that the proposed plant would be constructed, owned and operated by various producers in the area and Northern Gas Products Company, a wholly-owned subsidiary of InterNorth, Inc. It is asserted that the operation of the proposed conditioning plant would eliminate the need for Applicant to construct required conditioning or dehydrating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to becomed 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. 81-18862 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-20-000]

Pacific Northwest Electric Power Planning and Conservation Act; Rates for Sales to Bonneville Power Administration; Meeting

June 19, 1981.

Take notice that a meeting of the representatives appointed to serve as members on a Joint State Board under Section 9(g) of the Pacific Northwest Power Planning and Conservation Act (the Act) (Pub. L. No. 96-501, 94 Stat. 2697, *et seq.*), will commence at 9 a.m. on July 9, 1981. The meeting will be held at room 380 of the Federal Building, 915 Second Avenue, Seattle, Washington 98174. This meeting will continue on July 10, 1981, if business from the first day is not finished.

The meeting will deal primarily with procedural and organizational matters. Also, at 10 a.m., representatives of the Bonneville Power Administration will give a presentation of the draft proposals for the "average system cost methodology" to be developed pursuant to section 5(c) of the Act. The purpose of the Joint State Board will be to assist the Commission in reviewing rates for the sale of electric power from investor-owned utilities to the Administrator of the Bonneville Power Administration.

Members of the public may attend, but may not participate in, the meeting of July 9, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18849 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-353-000]

Pennsylvania Gas and Water Co., Applicant; Transcontinental Gas Pipe Line Corp., Respondent; Application

June 19, 1981.

Take notice that on June 2, 1981, Pennsylvania Gas and Water Company (Applicant), 39 Public Square, Wilkes-Barre, Pennsylvania 18711, filed in Docket No. CP81-353-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Respondent) to establish a new delivery point with Applicant, 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 presently purchases natural gas from Respondent and receives such gas from Respondent at five delivery points: Three (Dallas, Saylor Avenue and Wyoming) from which Applicant distributes gas in the Scranton and Wilkes-Barre market areas and two (Old Lycoming and Pennsdale-Muncy) from which Applicant receives gas for distribution and resale in the Williamsport/Susquehanna market area. It is submitted that these two groups of existing delivery points are approximately 52 miles apart.

Applicant specifically requests that Respondent be directed to construct a tap on a point on Respondent's pipeline approximately 15 miles southwest of Wilkes-Barre in Salem Township, Luzerne County, Pennsylvania. Applicant states that it intends to connect with the requested new delivery point and existing facilities to serve Applicant's central Susquehanna market area. It is stated that these markets have been subject to interruption in recent years due to their remoteness from existing delivery points and the age and condition of the existing facilities.

Applicant asserts that the new delivery point coupled with the new pipeline would greatly enhance Applicant's ability to serve these existing markets.

Applicant contends that no additional supply of gas is requested and that Respondent's operations would only be changed to the extent of shifting a portion of gas deliveries from the Pennsdale-Muncy delivery point to the requested new delivery point in Salem Township.

Applicant estimates the total cost of this project to be approximately $4,917,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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 157.9). 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. 81-18850 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-7-018 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

June 23, 1981.

Take notice that on May 29, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7018 a petition to amend the order issued October 29, 1969,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to change the applicable rate schedule under which it sells natural gas to the Pickens County Natural Gas District (Pickens), 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 the order issued October 29, 1969, in the instant docket it was authorized to sell and deliver a contract demand of 1,510 Mcf of natural gas per day to Pickens pursuant to the terms and conditions of its Rate Schedule OCD-2. It is further stated that Petitioner currently renders service to Pickens under such Rate Schedule.

Petitioner submits that Pickens has requested an amendment to its currently effective service agreement with Petitioner so as to change the applicable rate schedule from the Rate Schedule OCD-2 to Rate Schedule G-2.

Petitioner asserts that the proposed change in rate schedule would allow Pickens to reduce its purchased gas cost. It is further asserted that the proposed modification would not affect the maximum daily amount of gas which Petitioner would be obligated to deliver to Pickens.

Petitioner, therefore, proposes that the applicable rate schedule under which it sells natural gas to Pickens be changed from the OCD-2 to G-2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18851 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP70-7-018 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

June 13, 1981.

Take notice that on May 29, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7-018 a petition to amend the order issued October 29, 1969,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to change the applicable rate schedule under which it sells natural gas to the Pickens County Natural Gas District (Pickens), all as more fully set forth in the petition to amend which is on file with the Commission and open to the public inspection.

Petitioner states that by the order issued October 29, 1969, in the instant docket it was authorized to sell and deliver a contract demand of 1,510 Mcf of natural gas per day to Pickens pursuant to the terms and conditions of its Rate Schedule OCD-2. It is further stated that Petitioner currently renders service to Pickens under such Rate Schedule.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner submits that Pickens has requested an amendment to its currently effective service agreement with Petitioner so as to change the applicable rate schedule from the Rate Schedule OCD–2 to Rate Schedule G–2.

Petitioner asserts that the proposed change in rate schedule would allow Pickens to reduce its purchased gas cost. It is further asserted that the proposed modification would not affect the maximum daily amount of gas which Petitioner would be obligated to deliver to Pickens.

Petitioner, therefore, proposes that the applicable rate schedule under which it sells natural gas to Pickens be changed from the OCD–2 to G–2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18863 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-354-000]

Southern Natural Gas Co.; Application

June 23, 1981.

Take notice that on June 3, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-354-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its Marrero No. 1 receiving station (Marrero No. 1), approximately 3,300 feet of its 6-inch Marrero field line and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Marrero No. 1 was located at or near the upstream starting point (mile post 0.00) of Applicant's 6-inch Marrero field line in Marrero Field, Jefferson Parish, Louisiana. Applicant states that Marrero No. 1 and the Marrero field line were originally installed to attach and receive new gas reserves committed to it in Marrero Field. It is asserted that production connected to Marrero No. 1 ceased in June 1980 and on March 4, 1981, Applicant removed and salvaged Marrero No. 1's remaining facilities and secured the station.

Applicant states that it currently receives gas at its Marrero No. 2 receiving station (Marrero No. 2) and would continue to use its 6-inch Marrero field line to transport such gas. Applicant proposes to abandon that section of the Marrero field line extending from the Marrero No. 1 site to a point on such line upstream of Marrero No. 2, located at mile post 0.631 on the Marrero field line.

Applicant asserts that the proposed abandonment would not affect the daily system design capacity of Applicant's system or result in any termination of service on its pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18864 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-76-000]

Tarpon Transmission Co.; Proposed Changes in FERC Gas Tariff

June 22, 1981.

Take notice that Tarpon Transmission Company (Tarpon) on June 10, 1981 tendered for filing First Revised Sheet No. 29 to be incorporated in its FERC Gas Tariff, Volume No. 1, effective July 10, 1981.

The proposed change would decrease revenues from jurisdictional transportation services by approximately $3,660,314 annually based on actual deliveries for the twelve months ended December 31, 1980, as adjusted.

Tarpon states that the rate change is in compliance with a condition contained in its certificate order issued August 4, 1977, in Docket No. CP77-315.

Copies of the filing were served upon the Company's sole jurisdictional customer and interested State Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 81-18853 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-83-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 23, 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. CP80-83-001 a petition pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations (18 CFR 157.7(b)) to amend the order issued January 28, 1980, in the instant docket so as to authorize either an increase in Petitioner's budget-type expenditures for calendar year 1981 from $20 million to $50 million or, in the alternative, the construction of certain projects so that the cost of such projects would not be charged to petitioner's 1981 expenditures, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued January 28, 1980, in the instant docket, Petitioner was authorized to construct and operate certain natural gas supply facilities in accordance with Section 157.7(b) of the Commission's Regulations. Petitioner submits that the total expenditures for such budget-type facilities in calendar year 1981 were not to exceed $20,000,000.

Petitioner asserts that in order to attach gas supplies which it expects to acquire during 1981, it would need to construct facilities costing in excess of the $20,000,000 ceiling on budget-type facilities. Petitioner estimates the total cost of the proposed facilities to be approximately $50,000,000 which would be financed initially by funds on hand, borrowings under revolving credit arrangements or short-term financing. Petitioner, therefore, proposes a total project cost limitation of $50,000,000 or, in the alternative, authorization for projects listed in Categories I and II and/or authorization for the projects listed in Categories II and III so that these projects would not be counted toward the limit on Petitioner's 1981 budget expenditures.

Category I

[Construction completed or in progress]

Project	
From	To
1. Guernsey Field Point "A"	MP209-2+10.0.
2. G. Chenier McCall #1	MP507A-106+4.35.
3. SS 67	SV523M-2601.
4. Seclusion Field	SV13F-102.
5. Cypress Field #2	SV20M-101-3.

Category I—Continued

[Construction completed or in progress]

Project	
From	To
6. SS 158C	Sub-sea SV523M-901.
7. SS 170A	SV523M-112.
8. N. Delhi	SV20A-101.3, Tap and Meter.
9. Dixon Bay	SV526A-103, Tap and Meter.
10. SS 177	Sub-sea SV 523M-801.
11. Jay-Mar	MP203-2+5.0, Tap and Meter.
12. Chesterville	MP17C-201+2.8, Tap and Meter.
13. Splendora	SV24B-101.3, Meter Only.
14. Belle Bower (Sawmill #2)	SV705E-101, Meter Only.
15. Nebo-Hemphill	MP830-1+14.0, Tap and Meter.

Category II

[Gas purchase agreement executed or to be executed by June 1, 1981, but construction not yet initiated]

Project	
From	To
1. V156A	BWP System.
2. Magnet Withers	SV17B-581.
3. N. Caledonia	MP547B-101+0.47.
4. Lyles Field	MP823H-101+1.0.
5. EI294	CNT System.
6. Sayre Field	Natural Gas Pipe Line Company.
7. MP 311A and B	Southern Natural Gas.
8. EC 42C	EC33A.
9. Easter Field	15A-200 Line.
10. N. Raceland Field	United Gas.
11. Wilkinson Co., MS	Mid-La Gas.

Category III

[Prospects]

Project	
From	To
1. Minnie Bock Field	SV1D-102.
2. Little Lake Field	SV524A-1402.
3. Edna Field	MP507-1+4.0.
4. La Salle Field	SV11A-102.
5. Tucker Estate #1	MP34-1+5.14.
6. McKinley Creek and Hamil Fields.	SV547B-202.
7. Grand Island 30	GI32(Sub-sea).
8. Wells Field (Chism #1)	MP546-1+11.5.
9. Landry #1	MP507G-104+7.5.
10. Deer Island	Halter Island Line.
11. Eugene Island 345	SV523M-3911.
12. Ship Shoal 133	BWP System.
13. So. Caledonia Vaughn #1.	MP546-1+13.75.
14. Monticello Field Hauberg #1.	United Gas Pipeline Co.
15. Monticello Field Dickey #1.	United Gas Pipeline Co.
16. Lake Washington	SV526B-303.
17. Blind Bay	SV526A-1000, Tap and Meter.
18. Edna Field	SV507G-111.
19. Stavinoha #1	SV17C-621.
20. Vienna Field	MP14E-102+10.0.
21. Naborton Field	MLV703-1.
22. Little Lake	SV524A-1002, Meter Only.
23. Edna	MP507-1+4.0, Meter Only.

Petitioner explains that expenditures for the attachment of new supplies have increased due to an increase in domestic drilling and to an increase in the cost of construction.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18865 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-73, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

June 22, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Apendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 6, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18866 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

Appendix

Filing date	Company and Docket No.	Type filing
5/28/81	Texas Eastern Transmission Corp.—RP80-73.	Report.
6/8/81	Natural Fuel Gas Supply Corp.—RP80-135-008.	Report.
6/8/81	Transcontinental Gas Pipe Line Corp.—RP74-48.	Report.
6/8/81	Columbia Gulf Transmission Co.—RP76-94-013.	Report.
6/8/81	Columbia Gulf Transmission Co.—RP78-19-012.	Report.

[Docket No. CP81-351-000]

United Gas Pipe Line Co.; Application

June 23, 1981.

Take notice that on May 29, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-351-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap to enable Willmut Gas and Oil Company (Willmut) to provide gas service in Forrest County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a two-inch tap on its existing Baxterville-Petal 16-inch line in order to establish an additional city gate station located in Forest County, Mississippi.

Applicant states that it entered into a service agreement with Willmut dated October 18, 1979, under which Applicant presently provides up to 53,581 Mcf of natural gas per day to Willmut for resale at the Collins-Hattiesburg, Mississippi, delivery points which volumes include supply for rural customers provided through farm taps and rural service lines in the adjoining environ.

Applicant submits that by letter dated April 21, 1981, Willmut indicated that it has been having operating pressure problems on its system serving the Collins-Hattiesburg, Mississippi, service areas due to a continuous population movement in said area. It is further submitted that Willmut requested an additional tap so as to permit a load shift on its system service area which would alleviate the pressure problems allowing Willmut to provide service for all its customers as the population continues to shift.

Applicant estimates the cost of the proposed installation to be $1,260 which would be financed with available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it is 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. 81-18887 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-60-000]

Western Refining Co.; Filing of Petition for Review

June 19, 1981.

Take notice that Western Refining Company on June 16, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 6, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 6, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18884 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from Sweden to the Federal Republic of Germany of 5,000 kilograms of uranium, containing 175 kilograms of U-235 (3.5 percent enrichment) as scrap for purification. After purification, it is intended to return the material to Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SW)-58 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 23, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18946 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1868-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 15, 1981 to June 19, 1981.

REVIEW PERIODS: The 45-day review period for draft EISs' listed in this notice is calculated from June 26, 1981 and will end on August 10, 1981. The 30-day review period for final EISs' as calculated from June 26, 1981 will end on July 27, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: June 23, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

Department of Agriculture

FS: Draft—Pacific Southwest Region, Management Activities, California, Hawaii, American Samoa, Guam and the Western Pacific Territories, the review period has been extended until September 28, 1981 (EIS Order #810486)

REA: Final—Cajun Oxbow, Unit 1/Oxbow Lignite Surface Mine, Desota, Red River and Natchitoches Counties, Louisiana (EIS Order #810479)

SCS: Draft—Upper Yocona River Watershed Flood Control Project, Lafayette, Calhoun and Pontotoc Counties, Mississippi (EIS Order #810482)

EXTENSION: FS: Draft—Mill Creek Wilderness Designation, Jefferson National Forest, Giles County, Virginia—Published **Federal Register** June 5, 1981—the review period for this EIS has been extended until August 24, 1981 (EIS Order #810411)

EXTENSION: FS: Draft—Mountain Lake Wilderness Study, Jefferson National Forest, Craig and Giles Counties, Virginia and Monroe County, West Virginia—published Federal Register June 5, 1981—the review period for this EIS has been extended until August 24, 1981 (EIS Order #810412)

Army Corps of Engineers

Final—Stockton Channel Navigational Improvements, Contra Costa, Sacramento, San Joaquin and Solano Counties, California (EIS Order #810490)

Final—St. Johns County Beach Erosion Control, Florida (EIS Order #810437)

Draft Supplement—Bettendorf Flood Protection, Mississippi River, Scott County, Iowa (EIS Order #810480)

Department of Energy

BPA: Final—Alumax Aluminum Reduction Plant, Construction and Operation, Umatilla and Morrow Counties, Oregon and Benton and Franklin Counties, Washington (EIS Order #810474)

Department of Housing and Urban Development

Final—Cottonwood Housing Development, Mortgage Insurance, Douglas County, Colorado; the review period for this EIS has been extended until July 31, 1981 (EIS Order #810475)

104H: Draft—West Marion Revitalization Project, CDBG, McDowell County, North Carolina (EIS Order #810488)

104H: Final—Gilbert Lindsey Village Green, CDBG, Los Angeles County, California (EIS Order #810489)

Department of The Interior

BLM: Draft—Norton Sound OCS Oil and Gas Lease Sale #57, Alaska (EIS Order #810487)

FWS: Draft—Salt and Gila Rivers Vegetation Clearing, Maricopa County, Arizona; the review period for this EIS has been extended until September 15, 1981 (EIS Order #810485)

EXTENSION: BLM: Draft Supplement—Five Year OCS Oil and Gas Lease Sale Schedule—published in **Federal Register** June 12, 1981—the review period has been extended until August 10, 1981 (EIS Order #810446)

Department of Transportation

FHWA: Draft—U.S. 51 Construction, Maroa to Bloomington, Macon, DeWitt and McLean Counties, Illinois (EIS Order #810473)

FHWA: Draft—MD-702 Extension, Eastern Avenue to Back River Neck Road, Baltimore County, Maryland (EIS Order #810483)

FHWA: Draft—Appalachian Corridor G, Holden to Godby Heights, Logan County, West Virginia; the review period for this EIS has been extended until August 17, 1981 (EIS Order #810484)

UMTA: Draft—Daly City Station Turnback Improvement, San Mateo and San Francisco Counties, California (EIS Order #810478)

EXTENSION: FHWA: Draft—Dulles Airport Access Road, Outer Parallel Toll Roads, Loudon and Fairfax Counties, Virginia—published **Federal Register** April 24, 1981—the review period for this EIS has been extended until June 30, 1981 (EIS Order #810297)

Correction: FHWA: Draft—US 264 Bypass of Wilson, Wilson to Greenville, Wilson County, North Carolina—published Federal **Register** June 5, 1981—published with incorrect title—the correct title is U.S. 264 Bypass of Wilson, Wilson County, North Carolina (EIS Order #810405)

Environmental Protection Agency

EPA2: Draft—Upper Passaic River Basin 201 Facilities Plan, Union, Morris and Somerset Counties, New Jersey; the review period for this EIS has been extended until September 4, 1981 (EIS Order #810491)

Federal Energy Regulatory Commission

Draft—North Fork Payette River Hydroelectric Project, License, Boise, Gem and Valley Counties, Idaho (EIS Order #810477)

Final—Tyee Lake Hydroelectric Project #3015, License, Alaska (EIS Order #810481)

General Services Administration

Draft—Second International Border Station and Access Road, San Diego County, California; this EIS has been extended until August 14, 1981 (EIS Order #810476)

[FR Doc. 81-18996 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[File No. 21941-A-CD-P-1-80, CG 001653, et al.]

Airsignal International Inc., et al.; Consolidated Hearings on Stated Issues

Memorandum Opinion and Order

Adopted: June 15, 1981.

Released: June 22, 1981.

By the Common Carrier Bureau:

In the matter of Airsignal International, Inc. For construction permit for new one-way station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Venice, Florida (File No. 21941-A-CD-P-1-80); Airsignal International, Inc. For construction permits for new one-way

stations on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Punta Gorda, and Fort Meyers, Florida; [CG Docket No. 81-389; File No. 21941-B-CD-P-1-80]; Mobile Radio Telephone & Paging Service, Inc. For construction permit for new one-way station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Lehigh Acres, Florida; [CC Docket No. 81-390; File No. 21367-CD-P-1-80].

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Airsignal International, Inc. and Mobile Radio Telephone & Paging Service, Inc. The applications of Airsignal International, Inc. for stations at Punta Gorda and Fort Meyers are electrically mutually exclusive with the application of Mobile Radio Telephone & Paging, Inc. Therefore, a comparative hearing will be held to determine which applicant would best serve the public interest. We find the applicants to be otherwise qualified to construct and operate the proposed facilities.

2. The application of Airsignal International, Inc. for a station at Venice, Florida, is not electrically mutually exclusive with the application of Mobile Radio Telephone & Paging, Inc. We find that File No. 21367-CD-P-1-80 are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[1] and to determine the need for the proposed service in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

4. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. It is further ordered, That the application of Airsignal International, Inc., File No. 21941-CD-P-1-80, for a facility at Venice, Florida, is granted.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-18935 Filed 6-25-81; 8:45 am]

BILLING CODE: 6712-01-M

[1] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours (F(50, 50)) for the facilities involved in this proceeding.

[Report No. B-20]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 22, 1981.

Cut-off date: July 27, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be file with the Commission not later than the close of business on July 27, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on July 27, 1981.

BP-810126AB (new), North Las Vegas, Nevada, Juarez Communications Corporation, Req: 650 kHz, 10 kW, DA-1, U.

BP-810410AB (new), Rancho Cordova, California, Minority Communications of California, Inc., Req: 650 kHz, 5 kW, 25 kW-LS, DA-2, U.

BP-810410AC KLIX, Twin Falls, Idaho, Sawtooth Radio Corp., Has: 1310 kHz, 2.5 kW, 5 kW-LS, DA-N, U, Req: 650 kHz, 25 kW, 50 kW-LS, DA-N, U.

BP-810410AX (new), Tonopah, Nevada, Tonopah Broadcasters, Inc., Req: 650 kHz, 10 kW, 25 kW-LS, DA-N, U.

BP-810518AD (new), Selah, Washington, Robert E. Reece, Raymond V. Naught, and Donald L. Harris d.b.a. Tri-Co, Req: 1020 kHz, 500 W, 10 kW-LS, U.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18932 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-14]

FM Broadcast Applications Accepted for Filing and Notification of Cut-off Date

Released: June 23, 1981:

Cut-off date: July 31, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no appliction which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on July 31, 1981. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on July 31, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

William J. Tricarico,

Secretary, Federal Communications Commission.

Appendix

BPH-800828AH (new); Montevide, Minnesota; O & I Broadcasting; Req: 105.5 MHz; Channel No. 288A; ERP: 3kW; HAAT: 300 ft.

BPH-801003AB (new); Carthage, Texas; K-106, Inc.; Req: 98.9 MHz; Channel No. 255C; ERP: 100kW; HAAT: 620 ft.

BPH-801003AH (new); Sweet Home, Oregon; Sweet Home Stereo, Req: 107.1 MHz; Channel No. 296A; ERP: 1.78kW; HAAT: 370 ft.

BPH-801203AK KIEE; Harrisonville, Missouri; Professional Communications, Inc.; Has: 100.7 MHz; Channel No. 264C; ERP: 26 kW; HAAT: 255 ft. (Lic); Req: 100.7 MHz; Channel No. 264C; ERP: 100kW; HAAT: 664 ft.

BPH-801211AD (new); West Plains, Missouri; Dr. Ambrose T. Walker, M.D.; Req: 102.3 MHz; Channel No. 272A; ERP: 3kW; HAAT: 300 ft.

BPH-810112AE (new); Mexia, Texas; Summit Broadcasting Associates, Inc.; Req: 104.9

MHz; Channel No. 285A; ERP: 3kW; HAAT: 300 ft.
BPH-810204AB (new); Mountain Home, Arkansas; Mountain Valley Broadcasters, Inc.; Req: 105.5 MHz; Channel No. 288A; ERP: .794kW; HAAT: 585 ft.
BPH-810204AD (new); North Platte, Nebraska; Mid Plains Broadcasting, Inc.; Req: 103.5 MHz; Channel No. 278C; ERP: 100kW; HAAT: 479 ft.
BPH-810205AA (new); Mexia, Texas; Bi-Stone Radio Co., Inc.; Req: 104.9 MHz; Channel No. 285A; ERP: 3kW; HAAT: 300 ft.
BPH-810210AD (new); Mountain Home, Arkansas; Dr. Ambrose T. Walker, M.D. Req: 105.5 MHz; Channel No. 288A; ERP: 1kW; HAAT: 480 ft.
BPH-810226AB (new); Needles, California, Murphy Broadcasting Inc.; Req: 97.9 MHz; Channel No. 250B; ERP: 50kW; HAAT: −281 ft.
BPH-810302AJ (new); Leadville, Colorado, Sears Broadcasting of Colorado, Inc.; Req: 93.5 MHz; Channel No. 228A; ERP: 3kW; HAAT: 42 ft.
BPH-810309AH (new); Mission, Texas; Mission Broadcast Enterprises; Req: 105.5 MHz; Channel No. 288A; ERP: 3kW; HAAT: 300 ft.
BPH-810313AB (new); Needles, California; Colorado River Radio, Inc.; Req: 97.9 MHz; Channel No. 250B; ERP: 2.8kW; HAAT: 1,573 ft.
BPH-810313AC (new); Needles, California; Veach & Associates, a limited partnership; Req: 97.9 MHz; Channel No. 250B; ERP: 14kW; HAAT: −250 ft.
BPH-810313AD (new); Mt. Zion, Illinois; Mary Ellen Burns; Req: 99.3 MHz; Channel No. 257A; ERP: 3kW; HAAT: 300 ft. (allocated to Decatur, Illinois)
BPH-810507AE (new); Tye, Texas; Griffis Broadcasting Company; Req: 99.3 MHz; Channel No. 257A; ERP: 0.54kW; HAAT: 714.5 ft. (allocated to Abilene, Texas)
BPED-800214AF (new); Gaffney, South Carolina; Limestone College; Req: 91.1 MHz; Channel No. 216C; ERP: 98kW; HAAT: 577 ft.
BPED-810130AB (new); Kansas City, Missouri; Mid-Coast Radio Project, Inc.; Req: 90.1 MHz; Channel No. 211C; ERP: 100kW; HAAT: 527 ft.
BPED-800130AN (new); Orangeburg, South Carolina; South Carolina State College; Req: 90.3 MHz; Channel No. 212C; ERP: 100kW; HAAT: 214 ft.

[FR Doc. 81-18933 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1294]

Petitions for Reconsideration of Actions

June 23, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Clarksville, Virginia) (RM-3715)
Filed by: James E. Greeley & Peter Gutmann, Attorneys for Cape Fear Broadcasting Company on 6-5-81.
Subject: Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations. (Docket No. 21136)
Filed by: Wilhelmina Reuben Cooke for The Committee to Save KQED, The Association of Independent Video and Filmmakers, Inc., The Citizens Committee on the Media, Chicago Citizens Cable Coalition, Public Media Center & Committee to Make Public Television Public on 6-18-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18934 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. A-30]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 18, 1981.
Cut-off Date: August 6, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after August 6, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 6, 1981 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on August 6, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on August 6, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

William J. Tricarico,

Secretary, Federal Communications Commission.

BPET-810512KE (new), Lexington, Kentucky, Kentucky Authority for Educational TV, Channel 62, ERP: Vis. 537 kW; HAAT: 812.5 feet.
BPCT-810513KF (new), Jackson, Mississippi, Media South Broadcasting Corp., Channel 40, ERP: Vis. 4385 kW; HAAT: 1,070 feet.
BPCT-810527KE (new), Racine, Wisconsin, Racine Telecasting Company, Channel 49, ERP: Vis. 1600 kW; HAAT: 900 feet.
BPCT-810529KF (new), Lexington, Kentucky, FBC, Incorporated, Channel 62, ERP: Vis. 2333 kW; HAAT: 1067 feet.

[FR Doc. 81-18930 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. B-25]

TV Broadcast Applications Accepted for filing and Notification of Cut-off Date

Released: June 18, 1981.
Cut-off date: August 6, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with the applications which are accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attched appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 6, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 6, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

William J. Tricarico,

Secretary, Federal Communications Commission.

Report No. B-25

BPCT-810310KE (new), Salt Lake City, Utah, Intermountain Broadcasting, Inc. Channel 13. ERP: Vis. 102 kW; HAAT: 3876 feet.
BPCT-810511KJ (new), Decatur, Illinois, Jackson Telecasters, Inc., Channel 23. ERP: Vis. 3281 kW; HAAT: 1087.5 feet.
BPCT-810511KK (new), Salt Lake City, Utah, Salt Lake City Family Television, Inc. Channel 13. ERP: Vis. 8 kW; HAAT: 3881 feet.
BPCT-810511KL (new), Salt Lake City, Utah, Mountain West Television Company. Channel 13. ERP: Vis. 60 kW; HAAT: 3900 feet.
BPCT-810511KM (new), West Valley City, Utah (Salt Lake City allocation), West Valley City Television, Associates Limited Partnership. Channel 13. ERP: Vis. 63.1 kW; HAAT: 3705 feet.
BPCT-810511KN (new), Salt Lake City, Utah, Rocky Mountain Broadcasting Company.

Inc. Channel 13. ERP: Vis. 44.7 kW: HAAT: 2992 feet.
BPCT-810511KP (new), Salt Lake City, Utah, Salt Lake City Utah T.V., Inc. Channel 13. ERP: Vis. 87.5 kW; HAAT: 3947 feet.
BPCT-810511KQ (new), Salt Lake City, Utah, American Television of Utah, Inc. Channel 13. ERP: Vis. 56.2 kW; HAAT: 3853 feet.

[FR Doc. 81-18931 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

TV Translator Applications Ready and Available for Processing and Notification of Cut-Off Date; Erratum

June 19, 1981.

On June 4, 1981, the Commission released a Public Notice captioned *"TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date."* The Notice stated that the date for filing competing applications and petitions to deny is July 15, 1981 (Mimeo No. 001234), published in the **Federal Register** on June 17, 1981 (46 FR 31762).

The Notice is hereby corrected to read, *"TV Translator Applications Ready and Available for Processing and Notification of Cut-Off Date."* The date for filing competing applications and petitions to deny with respect to applications listed in the Notice is hereby extended to *July 31, 1981.* This action is necessary in order to assure that a full thirty (30) days expire from the date the list first appears in the Federal **Register.**

Additionally, the following applications listed on the notice released June 4, 1981, are hereby deleted:

BPTTL-801202IH (new), Anchorage, Alaska, Bobbi Suga Grimm and Communicators of America, Inc., d/b/a/ Communicators of Anchorage. Req: Channel 57, 728-743 MHz, 1000 watts.
BPTTL-810107IQ (new), Anchorage, Alaska, Summit Communications, Inc. Req: Channel 14, 470-476 MHz, 1000 watts.
BPTTL-801118IP (new), Anchorage, Alaska, Graphic Scanning Corporation. Req: Channel 55, 716-722 MHz, 1000 watts.
BPTTL-810122IY (new), Anchorage, Alaska, North American Television Network. Req: Channel 22, 518-524 MHz, 1000 watts.
BPTTL-810217MI (new), Anchorage, Alaska, H. Frank Dominquez, et al. Req: Channel 49, 680-686 MHz, 1000 watts.
BPTTL-810409KA (new), Anchorage, Alaska, Alaska Public Television, Inc. Req: Channel 38, 614-620 MHz, 100 watts.
BPTVL-810210IC (new), Fairbanks, Alaska, Mr. David Eugene Brown. Req: Channel 7, 174-180 MHz, 100 watts.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18929 Filed 6-25-81; 8:45 am]
BILLING CODE: 8712-01-M

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Uniform System of Accounts for Class A and Class B Telephone Companies; Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Cost, Customer Provided Equipment and Sale of Terminal Equipment; Order Extending Time for Filing Replies to Oppositions to Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration: extension of time for filing replies to oppositions.

SUMMARY: The People of the State of California requested and were granted permission for an extention of time to reply to American Telephone & Telegraph Company (AT&T) and General Telephone & Electronics Company (GTE), opposition to California's Petition for Reconsideration in the above docket concerning the Uniform System of Accounts for Class A and Class B Telephone Companies.

DATE: Replies to oppositions to petitions should be filed on or before June 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Sanford Margolin, Common Carrier Bureau, (202) 632-3863.

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment (46 FR 26693; 5-14-81).

Adopted: June 18, 1981.

Released: June 22, 1981.

By the Chief, Accounting and Audits Division:

1. The People of the State of California and the Public Utilities Commission of the State of California (CPUC) have filed a request for an extension of time to file a response to any opposition to the CPUC Petition for Reconsideration in the above docket, and the Petition for Clarification filed by the National Association of Regulatory Commissioners.

2. In support of its request the CPUC asserts that an extension of time is warranted because the attorney for the CPUC did not receive the opposition papers until June 18, 1981. In addition, the lengthy opposition of the American Telephone and Telegraph Company (AT&T) contains 24 pages of text and a 33 page appendix.

3. We will grant the request of the CPUC because of the delay experienced in receiving the opposition responses. We believe that the extra time requested is not unreasonable because of the legal questions involved.

4. Accordingly it is ordered, pursuant to authority delegated in §§ 0.291 and 0.91 of the Commission's Rules and Regulations, 47 CFR 0.291 and 0.91 (1979), that the request of the People of the State of California and the Public Utilities Commission of California for an extension of time is granted.

5. It is further ordered that interested parties shall file replies to oppositions to these petitions on or before June 26, 1981.

Federal Communications Commission.

Gerald P. Vaughan,

Acting Chief, Accounting and Audits Division.

[FR Doc. 81-19004 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-642-DR]

Ohio; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-642-DR), dated June 16, 1981, and related determinations.

DATED: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 16, 1981, the President declared a major disaster as follows:

The damage in certain areas of the State of Ohio resulting from severe storms, tornadoes and flooding beginning on June 13, 1981, is of

sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of any eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent. However, pursuant to Section 408(b) of Pub. L. 93–288, you are authorized to advance to the State such 25 percent share of eligible public assistance, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Leo McNamee of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Ohio to have been affected adversely by this declared major disaster.

Morrow County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718–02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81–18894 Filed 6–25–81; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

[Agreement No. T–3930–A]

Supplement Lease Between the Port Authority of New York and New Jersey and Universal Maritime Service Corporation; 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 Agreement No. T–3930–A 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. The agreement is a supplement lease between the Port Authority of New York and New Jersey (the Port Authority) and Universal Maritime Service Corporation (UMS). Under the terms of the lease, the Port Authority would add a small amount of open area to the existing premises and provide an additional container crane for UMS's operations at the Red Hook Terminal, Port of New York.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** 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. 81–18895 Filed 6–25–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL PREVAILING RATE COMMISSION

Federal Prevailing Rate Advisory Committee; Annual Report; Availability

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and Circular A–63, revised, of the Office of Management and Budget—notice is hereby given to the availability of the Federal Prevailing Rate Advisory Committee 1980 Annual Report.

The report summarizes the activities and recommendations of the Committee to the Director, Office of Personnel Management in dealing with the Federal prevailing rate systems for craft, trade, and labor employees paid from either appropriated or nonappropriated funds during calendar year 1980.

Single copies of the report will be furnished without charge. Multiple copies can be furnished at a fair and equitable fee upon written request addressed to the Chairman, Federal Prevailing Rate Advisory Committee, Office of Personnel Management, Room 1340, 1900 E Street NW., Washington, D.C. 20415.

The report may be otherwise examined and/or copies obtained at the above office and address between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday, legal holidays excluded.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee

June 18, 1981.

[FR Doc. 81–18882 Filed 6–25–81; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

Bancshares of the South, Inc.; Formation of Bank Holding Company

Bancshares of the South, Inc., Baton Rouge, Louisiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Bank of the South, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in § 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 21, 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 is dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18884 Filed 6–25–81; 8:45 am]

BILLING CODE 6210–01–M

Boatmen's Bancshares, Inc.; Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Mountain Grove National Bank, Mountain Grove, Missouri. The factors that are considered in acting on the application are set forth in § 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 21, 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 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18885 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

First Healdton Bancorporation, Inc.; Formation of Bank Holding Company

First Healdton Bancorporation, Inc., Healdton, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 per cent of the voting shares of Bank of Healdton, Healdton, Oklahoma. The factors that are considered in acting on the application are set forth in § 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 21, 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 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

FR Doc. 81-18886 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancorporation; Formation of Bank Holding Company

Southwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 percent of the voting shares of First American State Bank of Brownsdale, Brownsdale, Minnesota. The factors that are considered in acting on the application are set forth in § 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 21, 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 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18887 Filed 6-25-81; 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 section 225.4(b)(1) of the Board's Regulation Y (12 CFR 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. Comments 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 21, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities; Georgia): to continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit related insurance. These activities will be conducted from an office in Augusta, Georgia, servicing the city of Augusta and its environs. This application is for the relocation of an office within the same city.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18888 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Co.; Notice of Proposed "De Novo" Nonbank Activity

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 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 the 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 the 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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments 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 18, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (mortgage banking activities (office relocation and service area expansion); Ohio): to continue to engage through its subsidiary, Manufacturers Hanover Mortgage Corporation ("MHMC"), in originating mortgage loans. Such activities will be relocated from an office at First National Bank Building, One First National Plaza, Suite 1236, Dayton, Ohio, to an office at Financial South Office Park, 5335 Far Hills Avenue, Dayton, Ohio. The geographic area to be served will expand from Montgomery County to include, in addition, Green and Warren Counties, in Ohio.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18906 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Centennial/Valley State Bancorp Formation of Bank Holding Co.

Centennial/Valley State Bancorp, Eugene, Oregon, has applied for the Board's approval under § 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 Centennial Bank Springfield, Oregon, and of Valley State Bank, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 USC 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 18, 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 question 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 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18906 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William R. Clark, District Director, Chicago District Office, Chicago IL.

DATE: The meeting will be held from 1 p.m. to 3 p.m., Thursday, July 16, 1981.

ADDRESS: The meeting will be held at the Main Post Office Bldg., Rm. 1204, 433 W. Van Buren St., Chicago, IL 60607.

FOR FURTHER INFORMATION CONTACT: Patricia M. Kozak, Consumer Affairs Officer, Food and Drug Administration, 433 W. Van Buren St., Chicago, IL 60607, 312-353-7126.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Chicago District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 19, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18709 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Ronald M. Johnson, Chief, St. Louis Station, St. Louis, MO.

DATE: The meeting will be held from 2 p.m. to 4 p.m., Tuesday, July 14, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 808 N. Collins, Laclede's Landing, St. Louis, MO 63102.

FOR FURTHER INFORMATION CONTACT: Mary Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 N. Collins, Laclede's Landing, St. Louis, MO 63102, 314-425-5021.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's St. Louis Station, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 19, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18710 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

Sodium in Foods; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Secretary Richard S. Schweiker, Department of Health and Human Services (HHS), and Commissioner Arthur Hull Hayes, Jr., Commissioner of Food and Drugs, announce a forthcoming meeting.

DATE: The meeting will be held from 10 a.m. to 12 m., Tuesday, June 30, 1981.

ADDRESS: The meeting will be held in the HHS Building Auditorium, 330 Independence Ave., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jan Younger, Bureau of Foods (HFF-326), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1523.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss the agency's program concerning sodium in foods with interested food-related trade associations. The agency requests that attendees be limited to no more than two per trade association.

Dated: June 19, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-18708 Filed 6-22-81; 10:00 am]

BILLING CODE 4110-03-M

Miscellaneous Internal Drug Products Panel; Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a change in date of a meeting of the Miscellaneous Internal Drug Products Panel scheduled for July 10, 11, and 12, 1981. The meeting was announced in the Federal Register of June 12, 1981 (46 FR 31061). The meeting will be a telephone conference call and will be held only on July 10, 1981, Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, from 10 a.m. until approximately 5 p.m.

FOR FURTHER INFORMATION CONTACT: John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19013 Filed 6-24-81; 10:40 am]

BILLING CODE 4110-03-M

Office of Human Development Services

1981 White House Conference on Aging: Privacy Act of 1974; Report of System of Records

AGENCY: White House Conference on Aging, HDS, HHS.

ACTION: Notification of new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Data Bank on Delegates and Observers/1981 White House Conference on Aging, HHS, HDS, WHCoA, 09-80-0021. We are proposing also to include routine uses of records in the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system will permit the Conference to monitor its progress in achieving the guidelines set forth for a representative delegation for the Conference. In addition, the system of records will facilitate communication with delegates and observers regarding logistical arragements and distribution of background materials necessary for preparing for the National Meeting. We invite public comment on the routine uses on or before July 27, 1981.

DATE: We filed a report of the new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on June 16, 1981.

A request for waiver of the OMB advance notice requirement was approved June 23, 1981. The system, except for the routine uses, is effective June 23, 1981. The routine uses will become effective July 27, 1981, unless HDS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the HDS Privacy Act Coordinator, Department of Health and Human Services, Room 736E, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. We will make comments received available for public inspection in Room 734D at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Jo Harris, Director, Office of Operations, 1981 White House Conference on Aging, 330 Independence Avenue, S.W., Room 4059, Washington, D.C. 20201 (202) 245-1904.

SUPPLEMENTARY INFORMATION: We are proposing a system of records to assist the Conference leadership in making further decisions regarding the allocation of delegate and observer seats. The system is not to be utilized to pass judgment on any nominees that are presented to the Conference from individuals or groups to whom an official allocation of delegate and/or observer seat(s) has been offered.

The Privacy Act allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes which are compatible with the purposes for which we collected the information. This notice sets forth the purposes for which the information is being collected and gives the "routine uses" for disclosure. Accordingly, routine uses of this system include the distribution of names and mailing addresses of observers and delegates to groups requesting them in order for such groups to share information with the Conference participants. Telephone numbers, unless individuals have indicated their desire to the contrary, will be shared upon request with State White House Conference Coordinators who request such information to facilitate quick communication in some cases.

Groups having an interest in selected sub-groups of the delegates and observers, (such as sex, address, age, race/ethnicity, and/or rural/urban), will also be provided lists broken out according to the specified characteristics requested which are included in the system of records. Upon request, press will also be provided information which is contained in the system of records on the delegates and observers.

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's Automatic Data Processing *System Manual*, "Part 6, ADP System Security." WHCoA employees may access data elements which will be included in this system only on a "need-to-know" basis. The Privacy Act prescribes specific penalties for unauthorized disclosures and these provisions have been explained to all individuals working with the records, both manually and through the computer.

Since this system of records is being established in accordance with the requirements and principles of the Privacy Act, we anticipate no untoward effect on the privacy or other personal rights of individuals.

Dated: June 16, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09-80-0021

SYSTEM NAME:

Data Bank on Delegates & Observers/ 1981 White House Conference on Aging HHS/HDS/WHCoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4511, 330 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals officially nominated, through the allocation plan, to be observers and delegates to the 1981 White House Conference on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information forms submitted by nominator(s) including names, addresses, phone numbers, and sex; whether nominees are over or under 55 years of age, reside in urban or rural area, are representative of a minority group, have any special needs such as assistance for the handicapped, personal support services, and translation services, type of nominee such as Congressional or Gubernatorial, membership in major aging organizations, housing and transportation plans for Conference, committee preferences and assignment, and authorization to release information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–478, Comprehensive Older Americans Act Amendments of 1978, Title II, 1981 White House Conference on Aging Act.

PURPOSE(S):

To select delegates and observers for the Conference and provide them with information they will need to participate. The Conference also takes the position that names and mailing addresses of delegates and observers should be available, upon request, to the general public, as these official participants in the Conference have a public responsibility and accountability. In addition, the Conference expects that the press, special groups, and organizations will want to know which delegates are representative of particular interests such as urban/rural residency and minority status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made as follows:

1. Individuals, organizations, and the press, having an active interest in the White House Conference, will be provided with the following information on delegates/observers:

a. Address;

b. Age;

c. Race/Ethnicity;

d. Rural/Urban.

2. Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data will be maintained both in notebooks and through automatic data processing, which will include actual on line disc storage.

RETRIEVABILITY:

Data can be accessed by name of the individual, sex, address, age, race/ethnicity, and/or rural/urban.

Uses of the system within the Department will be to select delegates and observers for the Conference and provide them with information they will need to participate.

SAFEGUARDS:

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's ADP *System Manual*, "Part 6, ADP System Security." Conference employees may access data elements on a "need-to-know" basis. Only staff trained to access the terminal can do so. The software package is designed to require special inquiry for information that the individual has requested not be shared outside of the Conference.

Access to and use of these records are limited to those persons whose official duties require access. The completed forms are filed in notebooks which are locked in file cabinets.

RETENTION AND DISPOSAL:

Records will be maintained from time of entry through the National Meeting and up to close out of the Conference Office, which is expected to be in May, 1982. This will allow for the use of updated mailing lists for observers and delegates of post-Conference materials such as the final Conference Report.

Hard copy records will be destroyed following the National Meeting itself. Names and addresses of delegates and observers will be placed in the archival records, with a retention time of 11 years.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Operations, 1981 White House Conference on Aging, 330 Independence Avenue, SW., Room 4059, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and who nominated the individual to be a delegate or observer.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Notification and access requests, where appropriate, should be made at the same time by the requester.

CONTESTING RECORD PROCEDURES:

Same as notification and access procedures. Requesters should also reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Records are obtained from the official individuals or groups invited to nominate delegates or observers, or from the individuals themselves, who are chosen to be observers or delegates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-18416 Filed 6-25-81; 8:45 am]
BILLING CODE 4110-92-M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of an altered system of records, 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to alter system 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM. The categories of records in the system are being expanded to include records associated with the newly established Board for Correction of Public Health Service Commissioned Corps Records. Also a second system manager is being added, and the authorities for maintenance of the system, the record source categories, and the safeguards are being expanded to accommodate the proposed subsystem. PHS invites interested persons to submit comments on the proposed alterations, and on the existing routine uses as applied to the proposed new subsystem, on or before July 27, 1981.

DATES: PHS has sent a Report of Altered System of Records to Congress and to the Office of Management and Budget (OMB) on June 18, 1981. PHS has requested that OMB grant a waiver of the usual requirement that a revision to a system of records not be put into effect

until 60 days after the report is sent OMB and Congress. If this waiver is granted, PHS will publish a notice to that effect.

ADDRESS: Comments should be addressed to the following official: Chairman, Board for Correction of Public Health Service, Commissioned Corps Records, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Comments received will be available for review at the above address from 8:30 a.m. until 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dominick Onorato, Director, Office of Organization and Management Systems/OM/PHS, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–2084.

SUPPLEMENTARY INFORMATION: System 09–37–0005 is being altered to include records pertaining to the newly established Board for Correction of Public Health Service Commissioned Corps Records. The records to be created will be utilized in processing actions taken on applications for correction of other Commissioned Corps personnel records, or to arrive at a full and equitable resolution of matters brought before the Board.

This system of records was established to cover PHS Commissioned Corps Awards Board proceedings. The alteration undertaken is solely for the inclusion of records necessary to the operation of the newly established Board for Correction of Public Health Service Commissioned Corps Records. The alteration of the existing system in lieu of the establishment of a new system of records was determined to be the preferred course of action, since both Boards are compatible and related; i.e., changes in the database of one can impact on the database of the other, and duplication of some record materials from Awards Board records may be avoided if the existing system of records is expanded to accommodate the proposed subsystem.

The proposed subsystem will be managed independently from the Commissioned Corps Operations Division to ensure that decisions of the Board for Correction are in interest of justice and are not a simple concurrence of prior decisions made.

Records will be stored in a metal filing cabinet located in an inner office which is occupied continuously during working hours, and locked before and after working hours. Access to these records is limited to the Board Examiners, support staff, the Commissioned Personnel Operations Division, and the Director, Office of Management, PHS. Individuals requesting access will be closely screened. The Parklawn Building, where the records are stored, also has a guard force on duty and entry into the building before or after normal working hours is controlled.

The system notice was last published in the **Federal Register** on December 22, 1980, Vol. 45, No. 247, page 84524. It has been revised to reflect the proposed alterations and is republished in its entirety below.

Dated: June 19, 1981.

Jack N. Markowitz,

Acting Director, Office of Management.

09–37–0005

SYSTEM NAME:

PHS Commissioned Corps Board Proceedings, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

Board for Correction of Public Health, Service Commissioned Corps, Records/OM/OASH, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers and applicants to the Commissioned Corp of the Public Health Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissioned Officers Awards Board files consisting of nominations, citations and related documents. Records of board proceedings relating to appointment, promotion, separation reduction in grade, retirement, and special pay (Variable Incentive and Continuation Pay) and supportive material. Also, Board for Correction of Public Health Service Commissioned Corps Records files, consisting of applications; case briefs; findings, conclusions, recommendations; and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Act Section 201 et seq. (42 U.S.C. 202 et seq.); 5 U.S.C. 4501. For Board for Correction, the authorities are 10 U.S.C. 1552; 42 U.S.C. 213 a(a)(12); and Executive Order 9397, dated November 22, 1943.

PURPOSE(S):

Used by HHS employees who process or participate in Awards Board actions which recommend or decide on appropriate actions in the categories listed, and in the preparation of the Commissioned Officer and Promotion Seniority Roster. With regard to the Board for Correction, records are used to review and act on claims of errors or injustices in personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claims, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal file cabinets in locked room.

RETRIEVABILITY:

Alphabetical files by names of persons.

SAFEGUARDS:

Building guard force. In addition, records of the Board for Correction will be stored in a metal filing cabinet located in an inner office which is occupied continuously during working hours, and locked before and after working hours. Access to these records is limited to the Board Examiners, support staff, Commissioned Personnel Operations Division staff who demonstrate a need-to-know, and the Director, Office of Management, PHS, who has been delegated authority for

approval or disapproval of all actions of this Board.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the OASH records control schedule. The records control schedule may be obtained by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Commissioned Personnel Operations Division (See System location above). Also, Chairman, Board for Correction of Public Health Service Commissioned Corps Records, at the address indicated under System location above.

NOTIFICATION PROCEDURE:

Write to the responsible System Manager to determine if a record exists.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under notification procedures above, reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records, including efficiency and progress reports, from references, and from supervisors. In addition, Examiners may present findings and recommendations to the Board for Correction of Public Health Service Commissioned Corps Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93–579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the Individual named in the record, and provisions regarding agency rules in that portion of this system that relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the U.S. Public Health Service Commissioned Corps. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating sheets.
d. Rating schedules, including crediting plans.
e. Transmutation tables.
f. Test booklets.
g. Test item files.

[FR Doc. 81-18912 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Texas; Availability of Final Environmental Impact Statement for Proposed Camp Swift Lignite Leasing, Bastrop County, Texas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a final environmental impact statement (EIS) for the proposed competitive leasing of Federal lignite reserves at the Camp Swift Military Reservation, in Bastrop County, Texas.

ADDRESSES: Single copies of the final EIS may be obtained from the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, or the Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW, Washington, D.C. 20240.

Review copies of the EIS are also on file at the locations specified in the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT: Carol MacDonald, New Mexico State Office (922), Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988–6214.

SUPPLEMENTARY INFORMATION: The EIS analyzes the site-specific and cumulative environmental, social, and economic impacts that would result from the leasing and development of lignite reserves at the 11,740-acre Camp Swift Military Reservation, in Bastrop County, Texas. The EIS addresses three leasing alternatives: Proposed Action (leasing of approximately 6,348 acres), Larger Area Alternative (leasing of approximately 6,444 acres), and No Action Alternative (no leasing).

Copies of the draft EIS were sent to approximately 600 Federal, State, and local government agencies, nongovernmental organizations, and private citizens for their review and comment. Public heairngs were held in Bastrop, Austin, and San Antonio, Texas. All substantive comments on the adequacy of the draft EIS received during the public review process have been addressed in the revised Consultation and Coordination section of the final EIS.

Copies of the Camp Swift Final EIS, along with copies of the Technical Reports Volume (back-up material), are on file and available for public inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, Room 5623, Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240
Roswell District Office, Bureau of Land Management, Featherstone Farm Bldg., Roswell, New Mexico 88201
New Mexico State Office, Bureau of Land Management, Public Information Office, Post Office and Federal Bldg., Santa Fe, New Mexico 87501
General Library, University of Texas at Austin, Austin, Texas 78712
Bastrop Public Library, 1008 Water Street, Bastrop, Texas 78602
Smithville Public Library, Main at 6th Street, Smithville, Texas 78957
John Peace Library, University of Texas at San Antonio, San Antonio, Texas 78284
Elgin Public Library, 114 Depot Street, Elgin, Texas 78621
Railroad Commission of Texas, 1124 S. IH 35, Austin, Texas 78704

Dated: June 23, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81-18938 Filed 6-25-81; 8:45 am]

BILLING CODE 4310-84-M

Texas; Availability Unsuitability Assessment Report

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management, in accordance with Federal regulation 43 CFR 3461, has prepared a coal unsuitability assessment report on the proposed leasing of Federal lignite reserves at Camp Swift Military Reservation, Bastrop County, Texas. The report evaluates areas of Camp Swift which may be unsuitable for surface mining. The report contains maps showing (1) areas to which one or more unsuitability criteria apply, (2) areas identified as unsuitable for mining after application of exceptions, and (3) areas identified as suitable for mining after application of exceptions. The Unsuitability Assessment Report has been published as Appendix 1 of the Proposed Camp Swift Lignite Leasing Final Environment Impact Statement (FEIS).

DATE: Written comments on the Unsuitability Assessment Report will be accepted on or before August 3, 1981.

ADDRESS: Single copies of the FEIS are available from State Director (920), New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Interested parties may submit comments on the Unsuitability Assessment Report to the same address.

FOR FURTHER INFORMATION CONTACT: Carol MacDonald, New Mexico State Office (922), Bureau of Land Management, P.O. Box 1449, Sante Fe, New Mexico 87501, telephone (505) 988–6214.

Dated: June 23, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81–18937 Filed 6–25–81; 8:45 am]

BILLING CODE 4310–84–M

Utah Lease Sale Schedule for Federal Coal in the Uinta-Southwestern Utah Federal Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of Regional Lease Sale Schedule.

SUMMARY: In accordance with 43 CFR 3420.7–1 and in compliance with 40 CFR 1505.2, this notice contains the Secretary of the Interior's decision for a regional lease sale schedule, as announced on June 12, 1981, for Federal coal lease tracts in the Uinta-Southwestern Utah Federal Coal Production Region.

DATES: The first sale is scheduled for July 30, 1981, with a second sale to be held in February 1982.

ADDRESS: The lease sales will be held at the Bureau of Land Management's Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Project Manager, Utah State Office, Bureau of Land Management, address as above, (801) 524–5326.

SUPPLEMENTARY INFORMATION: This notice, as required by 43 CFR 3420.7–1 and 40 CFR 1505.2, is to inform the public that the Secretary of the Interior has selected 10 tracts located in the Uinta-Southwestern Utah Federal Coal Production Region and has announced the schedule for the competitive sale of those tracts. The legal descriptions for the tracts to be offered for sale are listed in the appendix to this notice. (The legal description for the North Horn Mountain tract is subject to change following completion of the Geological Survey drilling program.)

The first sale will be on July 30, 1981, with the second sale to be held in February 1982.

The 10 tracts for sale in 1981 and 1982 have been scheduled as follows:

First Sale—July 30, 1981

Tucker Canyon (small business tract)
Gordon Creek
Miller Creek
Cottonwood
Meetinghouse Canyon

Second Sale—February 1982

Emery North
Emery Central
Emery South

The Rilda Canyon and North Horn Mountain tracts are also to be offered for competitive sale if certain conditions are met. Additional drilling on the North Horn Mountain tract must be completed and the involved agencies must concur on final tract delineation. A hydrology study on the Rilda Canyon tract must be completed and the U.S. Forest Service must concur with leasing this tract before it can be offered. If these tasks are completed in sufficient time, both tracts may be offered at the February 1982 sale; if not, the tracts will be offered as soon as possible after completion of the study and the drilling.

In addition to the lease sale decision, the Secretary rejected an exchange proposed by the Utah Power and Light Company that involved the North Horn Mountain, Cottonwood, and Meetinghouse Canyon tracts. An evaluation by the Geological Survey found no equitable economic value associated with the exchange proposal. By rejecting the exchange proposal, the Secretary made these three tracts available for competitive sale.

Eleven tracts, along with the exchange proposal, were analyzed in the regional lease sale environmental impact statement (EIS). The 10 tracts being offered for sale contain an estimated 555 million tons of estimated Federal in-place reserves that could add an average of 6.3 million tons of coal to the Nation's annual production level.

The Secretarial Issue Document that includes the Secretary's decision and discusses the alternatives for leasing and the national policies considered in reaching the decision is available upon request from the BLM State Director, at the above address.

Dated: June 18, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

Legal Description of Federal Coal in the Miller Creek Tract

T. 13 S., R. 7 E., SLM, Utah,
Sec. 3, Lots 9, 10, N½SW¼;
Sec. 9, NE¼, S½NW¼, E½SW¼, E½SE¼;
Sec. 10, All;
Sec. 15, All;
Sec. 16, E½E½.

Containing 1,999.06 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Gordon Creek Tract

T. 13 S., R. 7 E., SLM, Utah,
Sec. 1, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, All;
Sec. 3, Lots 1, 2, 5–8, SW¼NE¼, NW¼SE¼;
Sec. 11, All;
Sec. 12, W½W½;
Sec. 13, S½S½NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, All;
Sec. 23, All;
Sec. 24, N½N½, SW¼NW¼, NW¼SW¼.
T. 13 S., R. 8 E., SLM, Utah,
Sec. 19, Lots 1, 2, SE¼NW¼.

Containing 4,283.89 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Cottonwood Tract

T. 17 S., R. 7 E., SLM, Utah,
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, Lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, LotE½;
Sec. 32, All;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼.
T. 18 S., R. 7 E., SLM, Utah,

Sec. 4, Lots 2–4;
Sec. 5, Lots 1–4, S½NW¼.

Containing 3,347.31 acres in Emery County, Utah.

Legal Description of Federal Coal in the Meetinghouse Canyon Tract

R. 16 S., R. 7 E., SLM, Utah,
Sec. 34, S½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 17 S., R. 7 E., SLM, Utah,
Sec. 3, Lots 1–8, 10–12, SW¼, SW¼SE¼;
Sec. 4, Lots 1, 8, 9, E½SE¼.

Containing 1,063.38 acres in Emery County, Utah.

Legal Description of Federal Coal in the Tucker Canyon Tract

T. 12 S., R. 7 E., SLM, Utah,
Sec. 30, Lots 1, 2, S½NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼.

Containing 161.40 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Rilda Canyon Tract

T. 16 S., R. 7 E., SLM, Utah,
Sec. 32, All.

Containing 640.00 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery North Tract

T. 22 S., R. 6 E., SLM, Utah,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼, S½;
Sec. 13, E½, N½NW¼, SW¼NW¼, N½SE¼NW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 15, NE¼NE¼;
Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 23, NE¼NW¼.

Containing 2,161.00 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery Central Tract

T. 22 S., R. 6 E., SLM, Utah,
Sec. 34, S½;
Sec. 35, All;
T. 23 S., R. 6 E, SLM, Utah.
Sec. 3, All;
Sec. 4, Lot 1, SE¼NE¼, E½SE¼;
Sec. 10, All;
Sec. 11, W½E½, W½;
Sec. 15, NW¼NE¼, NE¼NW¼.

Containing 2,967.65 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery South Tract

T. 24 S., R. 6 E., SLM, Utah,
Sec. 4, Lots 4–7, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 5, Lots 1, 2, 7, 8, S½NE¼, N½SE¼.

Containing 748.49 acres in Emery County, Utah.

Legal Description of Federal Coal in the North Horn Mountain Tract (Preliminary)

T. 18 S., R. 6 E., SLM, Utah,
Sec. 3, SW¼SW¼;
Sec. 4, S½S½;
Sec. 5, SE¼SE¼;
Sec. 8, E½E½;
Sec. 9, All;
Sec. 10, W½W½, SE¼SW¼, S½SE¼, S½NE¼SE¼;
Sec. 11, S½S½, S½N½SW¼, NW¼SE¼;
Sec. 12, SW¼SW¼, SE¼SE¼;
Sec. 13, E½NE¼, SE¼NW¼NE¼, E½SW¼NE¼, W½W½, SE¼SW¼, SE¼;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, E½E½;
Sec. 21, N½NW¼, E½;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 18 S., R. 7 E., SLM,
Sec. 7, Lot 4, SE¼SW¼, S½SE¼;
Sec. 17, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 21, Lot 4, SW¼NW¼, SW¼;
Sec. 28, W½;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, SW¼NE¼, W½SE¼, W½.
T. 19 S., R. 6 E., SLM,
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, E½.
T. 19 S., R. 7 E., SLM,
Sec. 4, W½;
Sec. 5, E½NE¼, W½E½, W½;
Sec. 6, N½NW¼, SW¼NW¼, W½SW¼.

Containing 20,219.48 acres in Emery County, Utah.

[FR Doc. 81-19938 Filed 6-25-81; 8:45 am]
BILLING CODE 4310-84-M

Outer Continental Shelf Oil and Gas Lease Sale; Extension of Comment Period on Draft Environmental Impact Statement for OCS Sale No. 68, Offshore Southern California

The availability of the Draft Environmental Impact Statement (DEIS) regarding a proposed 1982 oil and gas lease sale on the Outer Continental Shelf (OCS) offshore southern California (OCS Sale No. 68) was announced by **Federal Register** notice on May 29, 1981. In that notice, it was announced that comments on the DEIS should be submitted on or before August 7, 1981.

The purpose of this notice is to announce that the comment period has been extended to August 14, 1981. Please submit comments on the DEIS to the Office of the Manager, Pacific Outer Continental Shelf Office, 1340 West Sixth Street, Room 200, Los Angeles, California 90017, on or before August 14, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

June 22, 1981.

[FR Doc. 81-18869 Filed 6-25-81; 8:45 am]
BILLING CODE 4310-84-M

[AA-41916]

Alaska Native Claims Selection

On February 4, 1981, Cook Inlet Region, Inc., filed selection application AA-41916 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 in Homer, 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. By notice dated May 20, 1980, the lands and improvements within selection AA-41916 were placed in the pool of properties for selection by Cook Inlet Region, Inc., subject to valid existing rights.

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 Sec. 20, T. 6 S., R. 13 W., Seward Meridian, 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:

From the ¼ corner common to Sections 19 and 20, T. 6 S., R. 13 W., Seward Meridian, in village of Homer, Alaska, go East 238.5 feet to a 2-inch iron pipe and the point of beginning; thence North 834 feet to a 2" iron pipe; thence East 600 feet; thence South 30 feet; thence East 234 feet; thence South 804 feet to a 2"

iron pipe; thence West 834 feet to the point of beginning.

Containing approximately 15.63 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 the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any including but not limited to those created by any lease (including a lease issued under Sec. 6(g) 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, permittee, 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; and

3. The following third-party interest, if valid, created and identified by the Federal Aviation Administration, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Permit No. DOT-FA77AL-8540 issued to the State of Alaska, Department of Education, Alaska Public Broadcasting Commission and Kachemak Bay Broadcasting, Inc., for use of the land and facilities associated with the FAA's decommissioned Nondirectional Beacon (NDB) system at Homer, Alaska.

Section 12(b)(6) of 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 $670,345. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 1,340.69 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 1,340.69 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 Times*.

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, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. 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 27, 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 party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-18822 Filed 6-25-81; 8:45 am]

BILLING CODE 4310-84-M

[W-0317252]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81-16973, on page 30576, in the issue of Tuesday, June 9, 1981, in the middle column, the second paragraph, the second line, correct "1,344.9" to "1,334.9".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: June 23, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.8-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. June 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp.

Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

June 22, 1981

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 22, 1981 ..... 132.1¢

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent: fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.3	3.1	6.8	[3]2.9
Percent surcharge allowed	18.5	3.1	6.8	[4]2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The precentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-18609 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 56F)]

Baltimore and Ohio Railroad Co.; Abandonment Between Norton and County Road 53, in Randolph County, W. Va.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 22, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company of the following line of railroad known as Norton Branch, from railroad milepost 0.00 at or near Norton, to milepost 1.68, at the end of the line near County Road 53, a total distance of 1.68 miles, in Randolph County, W. Va., subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that B&O shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from June , 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way.

A certificate of public convenience and necessity permitting abandonment was issued to the Baltimore and Ohio Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18944 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524 (b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Alter Company, 2333 Rockingham Road, Davenport, IA 52808.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Builders Lime & Cement Company, 104 Western, Davenport, IA 52801
Azalea Fleet, Inc., 9600 River Road, Waggaman, LA 70031
Alter Export Sales Corporation, 2333 Rockingham Road, Davenport, IA 52808
Alter Metal Company, 2333 Rockingham Road, Davenport, IA 52808
Alter Minnesota, Inc., 680 Barge Channel Access Road, St. Paul, MN 55107
Builders Sand & Gravel Company, 104 Western, Davenport, IA 52801
Alter Trading Company, Inc., 2333 Rockingham Road, Davenport, IA 52808
Alter Barge Line, Inc., 2333 Rockingham Road, Davenport, IA 52808
Alter Council Bluffs, Inc., 2603–9th Avenue, Council Bluffs, IA 51502
Louisiana Scrap Metal Company, 3666 France Road, New Orleans, LA 70128

3. In addition to the above, the owners of the Alter Company, Bernard Goldstein, together with members of his immediate family, also own Alter Trucking and Terminal Corporation and Alter Trucking and Terminal Corporation will also participate in compensated intercorporate hauling operations with the Alter Company and the above-named companies. The address of Alter Trucking and Terminal Corporation is 2333 Rockingham Road, Davenport, IA 52808. The following companies are wholly-owned subsidiaries of Alter Trucking and Terminal Corporation who will also participate in compensated intercorporate hauling operations with the Alter Company and the above-named companies:

AGS Chartering Company, 2333 Rockingham Road, Davenport, IA 52808
Rock Island River Terminal Corporation, 2333 Rockingham Road, Davenport, IA 52808

1. The parent corporation is: James River Corporation, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217

2. The wholly-owned subsidiaries which will participate in the operations are as follows:

Riverside Transportation, Inc., (Formerly Riverside Trucking, Co.), 1900 East Belt Boulevard, Richmond, Virginia 21224
James River Paper Company, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217
James River-Curtis, Adams Division, 115 Howland Avenue, Adams, Massachusetts 01220
James River-Rochester, Inc., Rochester Division, 340 Mill Street, Rochester, Michigan 48663
Riegel Products Corporation, Frenchtown Road, Milford, New Jersey 08848
Curtis Paper Division, Paper Mill Road, Newark, Delaware Mill, Newark, Delaware 19711
Curtis Paper Division, Ypsilanti, Michigan Mill, 100 North Huron, Ypsilanti, Michigan 48197

James River-Fitchburg, Inc., Old Princeton Road, Fitchburg, Massachusetts 01220
*James River-Massachusetts, Inc., 701 Westminster Street, Fitchburg, Massachusetts 01420
*James River-Graphics, Inc., 28 Gaylord Street, South Hadley, Massachusetts 01075
James River-Otis, Inc., P.O. Box 10, Jay, Maine 04239
James River-KVP, Inc., Island Avenue, Parchment, Michigan 49008
James River-Patapar, Inc., 7900 N. Radcliff St., P.O. Box 230, Bristol, Pennsylvania 19007
*James River Board and Carton Company, 243 East Paterson Street, Kalamazoo, Michigan 49007
James River-Berlin/Gorham, Inc., 650 Main Street, Berlin, New Hampshire 03570
James River-New Hampshire Electric, Inc., 650 Main Street, Berlin, New Hampshire 03570
Paterson Services Company, 243 East Paterson Street, Kalamazoo, Michigan 47007
Industrial Leaseholds, Inc., 243 East Paterson Street, Kalamazoo, Michigan 47007
James River-Gilco, Inc., 28740 Glenwood, Perrysberg, Ohio 43551
Minerva Wax Paper Co., 310 Grant Blvd., Minerva, Ohio 44657

The above subsidiaries indicated by an asterick (*) each have truck fleets of their own, therefore compensated intercorporate hauling operations will be performed by and between the subsidiaries of James River Corporation.

1. Parent Corporation and address of principal office: Lexington Quarry Company, Inc., Catnip Hill Pike, Nicholasville, KY 40356.

2. Wholly-owned Subsidiary which will participate in the operation, and State of Incorporation: Universal Haulers, Inc., Catnip Hill Pike, Nicholasville, KY 40356, incorporated in the Commonwealth of Kentucky.

1. Parent Corporation and Address of Principal Office: Valley Industries, Inc.—a New Jersey corporation, 900 Walnut Street, St. Louis, MO 63102.

2. Wholly-owned subsidiaries which will participate in the operations, and the States of Incorporation:

Available Pipe & Tube Company, 305 East 152nd Street, Harvey, IL 60426, an Illinois corporation
Butler Larkin Company, South Brooklyn Avenue, Wellsville, NY 14895, a New York corporation
Dredge Masters International, Number One Dredge Park, Hendersonville, TN 37075, a Tennessee corporation
Valley International, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation
Valley Steel Products Company, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation
Valley Steel Products Company, Redevelopment Corporation, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-18941 Filed 6-25-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". (For status calls, please contact 202-275-7326.)

Vol. No. OPY-4-210

Decided: June 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 35807 (Sub-116), filed June 5, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant), (404) 256-0540. Transporting *coin, currency, securities, and other valuables,* between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of St. Louis, its branches and other banks and banking institutions.

MC 42537 (Sub-68), filed June 5, 1981. Applicant: CASSENS TRANSPORT COMPANY, P.O. Box 427, Edwardsville, IL 62025. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *transportation equipment,* between points in the U.S.

MC 145317 (Sub-15), filed June 9, 1981. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Rd., San Antonio, TX 78217. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476-6391. Transporting *commodities in bulk,* between points in the U.S.

MC 147547 (Sub-17), filed June 8, 1981. Applicant: R&D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618

United American Bank Bldg., Nashville, TN 37219, (615) 255–6576. Transporting *general commodities* (except classes A and B explosives), between the facilities of 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 156437, filed June 9, 1981. Applicant: RUSH MOTOR TRANSIT, 350 S. Lake Ave., #200, Pasadena, CA 91101. Representative: Milton McKay (same address as applicant), (213) 793–0625. Transporting *petroleum and petroleum products*, (1) between points in Los Angeles, Riverside, San Bernardino, Ventura, Orange, San Diego, and Kern Counties, CA, and (2) between points in Alameda, Contra Costa, San Francisco, and Sacramento Counties, CA, on the one hand, and, on the other, points in Yuma, Maricopa, Coconino, and Pima Counties, AZ, Bernalillo County, NM, Clark and Washoe Counties, NV, Salt Lake County, UT, and Pioneer County, OR.

Vol. No. OPY–4–208

Decided: June 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 30657 (Sub-30), filed June 8, 1981. Applicant: DIXIE HAULING COMPANY, a corporation, 540 Englewood Ave. SE., Atlanta, GA 30315. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pulp, paper, paper products, plastic products, and containers and related products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 30657 (Sub-31), filed June 5, 1981. Applicant: DIXIE HAULING COMPANY, 540 Englewood Ave. SE., Atlanta, GA 30315. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway., Atlanta, GA 30345, (404) 321–1765. Transporting *iron and steel articles*, between those points in the U.S. in and east of WI, IL, MO, AR, and TX.

MC 30867 (Sub-221), filed March 16, 1981, previously published in the **Federal Register** issue of April 2, 1981, at page 2000 as MC 30867 Sub-215. Applicant: CENTRAL FREIGHT LINES, INC., 5601 W. Waco Dr., Waco, TX 76703. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Over *regular routes*, transporting *general commodities* over five described routes between Texarkana, AR, and Atlanta, Linden, Naples, and New Boston, TX and between Corsica and Tyler, TX. Condition: To the extent this grant of authority authorizes the transportation of classes A and B explosives, it is limited in point of time to a period of 5 years from the date of issuance.

Note.—The republication is to reflect the fact that applicant seeks to transport classes A and B explosives.

MC 30867 (Sub-222), filed March 16, 1981, and previously notices in the **Federal Register** issue of April 16, 1981 at pages 22283 to 22289 inclusive as MC 30867 (Sub-216). Applicant: CENTRAL FREIGHT LINES, INC., 5601 W. Waco Dr., Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Over *regular routes*, transporting *general commodities* over 248 described routes extending generally between Wichita Falls, Fort Worth, Dallas, Beaumont, Port Arthur, Houston, Galveston, Corpus Christi, Brownsville, Laredo, San Antonio, Austin, and Brownwood, TX. Condition: To the extent this grant of authority authorizes the transportation of classes A and B explosives, it is limited in point of time to a period of 5 years from the date of issuance.

Note.—This republication is to reflect the fact that applicant seeks to transport classes A and B explosives and to correct the following factual errors: (14) between Hearne and Milano, TX, over U.S. Hwy 190. (27) between Liberty and Anahuac, TX, over Farm Rd. 563, serving all intermediate points and serving the off-route points of the facilities of Texas Gulf Sulphur Company, Tennessee Gas Transmission Company and Stanolind Oil Company. (29) service off-route points of Humble Oil & Refining Company and Smith Dryer Company and Koppers Company in connection with existing regular route between Nederland, TX and Port Arthur, TX. (61) between Bryan and San Augustine, TX, over TX Hwy 21. (65) between Jacksonville and Carthage, TX, over U.S. Hwy 79, serving Henderson as an intermediate point. (74) between junction TX Hwy 103 and TX Hwy 147 and San Augustine, TX, and over TX Hwy 147. (101) between Bryan and Crockett, TX, over TX Hwy 21 to Crockett, serving the intermediate point of Madisonville, TX only. (118) between Rusk and Mount Enterprise, TX, over U.S. Hwy 84. (130) serving routes (110) through (130) as alternate routes for operating convenience only. (143) between Livingston and Woodville, TX, over U.S. Hwy 190, serving the intermediate point of the Alabama and Coushatta Indian Reservation. (149) between Hearne and Buffalo, TX, over U.S. Hwy 79, serving Buffalo for the purpose of joinder only. (159) between Quitman and Winnsboro, TX, from Quitmen over, Farm Rd. 2088 to Perryville, then over Farm Rd. 852 to Winnsboro, serving the plantsite and warehouse facilities of Kendon of Dallas, Kendon Industries, Bronzecraft and United Marketing Associates at or near Perryville via Farm Rd. 852 and unnumbered county road. (185) between Crockett and Latex, TX, over TX Hwy 19. (166) (1)(b) points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on TX Hwy 285, Port Mansfield and intermediate points on TX Hwy 186 between Port Mansfield and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and TX Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281). (199) between Victoria and Kenedy, TX from Victoria over U.S. Hwy 87 to Cuero, TX, then over TX Hwy 72 to Kenedy, TX. (202) between Victoria and Port Lavaca, TX, over U.S. Hwy 87. (206) between Victoria and Giddings, TX, over U.S. Hwy 77. (242) between Seguin and junction TX Hwy 123 and U.S. Hwy 181, over TX Hwy 123, serving the intermediate point of Nixon, TX. (247) between Linden and Bivins, TX from Linden, TX over Farm Rd. 1841 to Bivens, serving all intermediate points in connection with carrier's otherwise authorized regular route authority except as restricted.

MC 72997 (Sub-28), filed June 8, 1981. Applicant: LIBERTY TRUCKING CO., a corporation, 5000 W. Pershing Rd., Chicago, IL 60650. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL and WI, on the one hand, and, on the other, points in MO, IN, IA, MI, OH, and KY.

MC 118537 (Sub-28), filed June 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252–4334. Transporting *malt beverages*, between points in Shelby County, TN, on the one hand, and, on the other, points in IA and SD.

MC 128837 (Sub-38), filed June 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *lumber and wood products*, and (2) *plastic products*, between points in the U.S.

MC 128927 (Sub-8), filed June 8, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54600. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *malt beverages*, between points in La Crosse County, WI, and Ramsey County, MN, on the one hand, and, on the other, points in Will County, IL.

MC 143807 (Sub-4), filed June 8, 1981. Applicant: EARL GASS AND ALVIN

WALLACE, d.b.a. G & W RIGGING AND ERECTION CO., Rt. 13, Box 14A Greenville, TN 37743. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between those points in TN on and east of U.S. Hwy 27, on the one hand, and, on the other, points in the U.S.

MC 145997 (Sub-39), filed June 9, 1981. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *food and related products*, between the facilities of Vernon Calhoun Packing Company, at points in Anderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 146637 (Sub-8), filed June 5, 1981. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006, (202) 296-2550. Transporting *food and related products*, between points in the U.S.

MC 151707 (Sub-11), filed June 8, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl., Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant), (215) 985-6853. Transporting *electrical equipment and parts*, between points in the U.S., under continuing contract(s) with General Electric Company of Cleveland, OH.

MC 152187 (Sub-3), filed June 8, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E, Tacoma, WA 98424. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421, (206) 922-5822. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, and (3) *waste paper*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 154347 filed June 4, 1981. Applicant: R. J. HALFMAN, 2401 Winnebago Dr., Fond du Lac, WI 54935. Representative: James R. Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Wright Brothers Paper Box Co., Inc., of Fond du Lac, WI.

MC 154667 (Sub-1), filed June 8, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228-2239. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Heublein, Inc., of Harford, CT.

MC 156007 (Sub-1), filed June 4, 1981. Applicant: P. I. B. TRUCKING, INC., 26 Locust St., Danvers, MA 01923. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696-7610. Transporting (1) *lumber*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC, (2) *wood and metal products*, between points in AR, CT, IL, IN, MA, MD, ME, MO, NH, NY, OH, PA, RI, SC, TN, and VT, and (3) *chemicals and related products*, between points in A., GA, ME, NC, and VA.

MC 156387, filed June 9, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, R.R. #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting *such commodities* as are dealt in by meat packinghouses, between points in Crawford County, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE and WI.

MC 156397, filed June 4, 1981. Applicant: SENTRY LEASING, INC., P.O. Box 540, Hyde Park, NY 12538. Representative: Michael R. Warner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting (1) *batteries*, (2) *metal and metal products* and (3) *aluminum and aluminum products*, between points in CT, RI, MA, ME, VT, NH, NY, NJ, PA, OH, DE and MD.

Volume No. OPY-4-211

Decided: June 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 153896, filed June 8, 1981. Applicant: LONNIE POWELL, d.b.a. PACIFIC TANK LINES, 325 W. Olympic Blvd., Montebellow, CA 90640. Representative: Lowell Powell (same address as applicant), (213) 726-1251. Transporting *chemicals and related products*, between points in CA, on the one hand, and, on the other, points in AZ, ID, NV, OR, UT, and WA.

MC 76266 (Sub-149), filed June 8, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 332-4819. Transporting *pulp, paper and related products*, between the facilities of Orchid Paper Products Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY-5-86

Decided: June 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 52298 (Sub-2), filed April 29, 1981. Applicant: C. W. SPARKS, d.b.a. KARST'S STAGE, 511 North Wallace, Bozeman, MT 59715. Representative: Richard Vollmer (same address as applicant), (406) 586-2343. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Lewis and Clark Counties, MT, and extending to points in the U.S.

MC 120639 (Sub-2), filed April 17, 1981. Applicant: RHODY TRANSPORATION, INC., 71 Derry St., Providence, RI 02908. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (401) 273-8210. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NH, and RI. Condition: The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity, and is conditioned upon prior or coincidental cancellation, at applicant's written request, of certificate of registration in MC 120639 Sub 1 issued December 6, 1963.

MC 121598 (Sub-20), filed June 4, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Avenue, Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210, (615) 242-5552. Over *regular* routes transporting, *general commodities* (except classes A and B explosives), between Nashville, TN and Tupelo, MS, (a) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Tupelo and return over the same routes, serving those points in MS on U.S. Hwy 45 as intermediate points, (b) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, and return over the same routes, serving no intermediate points, and (c) from Nashville over Interstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Tupelo, and return over the same routes, serving those points in MS on U.S. Hwy 45, and serving in routes (a), (b) and (c) above all intermediate points.

Note.—Applicant intends to tack this authority with its presently held authority in MC-121598 and subs thereunder.

MC 123279 (Sub-9), filed June 2, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Talmadge Rd., Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box

1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of bricks, between the facilities of The Belden Brick Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136828 (Sub-43), filed June 1, 1981. Applicant: COOKE TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, 205–942–9116. Transporting *building and construction materials and construction equipment*, between points in Jefferson and Shelby Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 138219 (Sub-3), filed June 3, 1981. Applicant: U.S. INDUSTRIES, INC., P.O. Box 760, Lenoir, NC 28645. Representative: J. W. Bradshaw (same address as applicant), (704) 728–3231. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of furniture, between points in Shasta County, CA, Marion and Jackson Counties, OR, and Clark County, WA, on the one hand, and, on the other, points in AL, AR, IN, LA, MO, OK, NC, TN, TX, WV, and VA.

MC 142559 (Sub-170), filed June 1, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. *Such commodities* as are used or dealt in by chain grocery and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 143059 (Sub-179), filed May 19, 1981. Published initially in the **Federal Register** on June 2, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, 12th and Main St., Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th Street NW., Washington, DC 20004, 202–628–4600. Transporting *machinery, equipment, materials and supplies* such as is used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe, and pipe fittings and accessories, between points in the U.S.

Note.—This application is republished to show the exact broader commodity description rather than the limited mercer commodities.

MC 143209 (Sub-19), filed May 18, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024, 713–688–6110. Transportiing (1) *clay, concrete, glass or stone products*, and (2) *rubber and plastic products*, between points in Palo Pinto County, TX, on the one hand, and, on the other, points in NM, OK, CO, KS, AR, LA, MO, MS, and TN.

MC 144709 (Sub-12), filed May 7, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080, 201–757–3478. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with NL Chemicals/NL Industries, Inc., of Hightstown, NJ.

MC 144969 (Sub-35), filed June 1, 1981. Applicant: WHEATON CARTAGE COMPANY, a corporation, 3rd & G Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400, ext. 2414. Transporting *ores and minerals, coal and coal products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery*, and *printed matter*, between points in Chester County, PA, Steuben County, NY, Mason County, WV, Guernsey County, OH, Mineral and Esmeraldo Counties, NV, Cleveland County, NC, Scott County, VA, Humphreys County, TN, and Lee County, IA, on the one hand, and, on the other, points in the U.S.

MC 146699 (Sub-5), filed May 27, 1981. Applicant: DESOTA TRAIL, INC., 282 E. Main St., Franklin, NC 28734. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262–7855. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of conveyor belts, between points in the U.S., under continuing contract(s) with Georgia Duck & Cordage Mill, of Scottdale, GA.

MC 147118 (Sub-3), filed June 3, 1981. Applicant: TRACY TRANSPORT, INC., 348 West 162nd St., South Holland, IL 60473. Representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, between points in IL, IN, MI, WI, and OH.

MC 147148 (Sub-4), filed May 29, 1981. Applicant: GOLDEN TRIANGLE TRANSPORTATION, INC., Highway 82 East, P.O. Box 2043, Columbus, MS 39701. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *such commodities* as are dealt in, or used by, distributors of glass, between points in the U.S. under continuing contract(s) with Amworth Industries Corp of West Palm Beach, FL.

MC 147468 (Sub-1), filed May 13, 1981. Applicant: HAROLD W. SPIVEY, d.b.a. SPIVEY TRUCK LINES, P.O. Box 3146, East Dublin, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting (1) *coil steel*, between points in Butler County, OH, on the one hand, and, on the other, points in Laurens County, GA, and (2) *metal products*, between points in Laurens County, GA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and NH.

MC 150509 (Sub-11), filed June 4, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Johnson & Johnson, Inc., of New Brunswick, NJ.

MC 150939 (Sub-17), filed June 4, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with DeSoto, Inc., of Des Plaines, IL.

MC 151438 (Sub-2), filed June 4, 1981. Applicant: MID AMERICA TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael H. Briley, P.O. Box 2088, Toledo, OH 43603, 419–255–8220. Transporting *metal products* between points in the U.S., under continuing contract(s) with Form-Tech Steel, Inc., of Temperance, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 151788 (Sub-7), filed June 4, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934

Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *hides* between points in Goshen County, WY, and Dickinson County, KS, on the one hand, and, on the other, points in the U.S.

MC 152439 (Sub-2), filed June 4, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 700 South Des Plaines St., Chicago, IL 60607. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 153189, filed June 1, 1981. Applicant: T–90 TRUCKS, INC., P.O. Box 7917, Louisville, KY 40207. Representative: Paul Lynch, Sr., 209 So. 5th St., Suite 400, Louisville, KY 40217, 502–637–3370. Transporting (1) *Metal products*, and (2) *machinery*, between points in Clark County, IN and Jefferson County, KY, on the one hand, and, on the other, points in the U.S.

MC 153938 (Sub-4), filed June 4, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, 801–531–1777. Transporting *petroleum and petroleum products* between points in UT, WY, and CO.

MC 154959, filed May 29, 1981. Applicant: ROCKY AND RENO TRUCKING, INC., RR 6, Box 314, Lot 34, Rapid City, SD 57701. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 341–5174. Transporting *beer*, between points in Pennington County, SD, on the one hand, and, on the other, Milwaukee, WI, St. Paul, MN, and St. Louis, MO.

MC 155928, filed May 12, 1981. Applicant: WAYNE GLEGHORN TRUCKING, INC., 3236 Slaton Hwy, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting (1) *textile mill products* and (2) *metal products* between the facilities of Buffalo Bag Company at points in Lubbock and Harris Counties, TX, on the one hand, and, on the other, points in GA, SC, AL, and FL, (3) *animal feed ingredients*, between points in KS, NE, MO, AZ, CO, OK, and NM, on the one hand, and, on the other, points in TX, OK, and NM, and (4) *such commodities* as are dealt in or used by grocery and food business houses, between points in Lubbock County, TX, on the one hand, and, on the other, points in CA, AZ, IL, ME, MO, OK, OR, CO, and AR.

MC 156229, filed May 28, 1981. Applicant: COLLVER MILLER COMPANY, 650 Adair Ave., Zanesville, OH 43701. Representative: Jack D. Brown, P.O. Box 6166, Hilton Head Island, SC 29938, (803) 842–6000. To engage in operations, in interstate or foreign commerce as a *broker*, at Zanesville, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in charter or special operations, between points in OH, on the one hand, and, on the other, points in SC.

MC 156319, filed June 4, 1981. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. State Rt. 97, Tiffin, OH 44883. Representative: Richard H. Branden, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, 614–889–2531. Transporting *fertilizer* between points in OH and IN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18942 Filed 6–25–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–67]

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 30 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 107912 (Sub-35) (republication), filed December 30, 1980, published in the **Federal Register** issue of January 28, 1981, and republished this issue. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, P.O. Box 181028, Memphis, TN 38118. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. A Decision of the Commission, *Review Board No. 3*, decided May 1, 1981, served May 19, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oxford and Tremont, MS, from Oxford over Mississippi Hwy 6 to Tupelo, MS, then from Tupelo over U.S. Hwy 78 to Tremont, MS, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden applicant's scope of authority.

[FR Doc. 81–18943 Filed 6–25–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 108]

Motor Carrier; Permanent Authority Decisions; Restriction Removals Decision

Decided: June 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 39073 (Sub-11)X, filed June 10, 1981. Applicant: BUDRECK TRUCK LINES, INC., 9330 South Constance Avenue, Chicago, IL 60617. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5, 6, 7, 9F, and 10F certificates to (1) broaden the commodity descriptions from (a) commodities which are directly produced, processed, compounded and distributed by persons engaged in the slaughtering of animals and the packing and sale of meats and also of advertising matter furnished by such persons for use in the sale of such commodities as are handled by them to "food and related products, printed matter, and miscellaneous products of manufacturing" in the lead; (b) canned foods, flour, frozen foods, and fruit juices to "food and related products" in the lead and Sub-Nos. 5 and 9F; (c) glycerine, soap, toilet articles and toilet preparations to "chemicals and related products" in the lead and Sub-No. 3; (d) meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses and foodstuffs to "food and related products and chemicals and related products" in Sub-Nos. 6, 7, and 10F; and (e) glass or plastic bottles to "rubber and plastic products and clay, concrete, glass or stone products" in Sub-No. 9F; (2) eliminate the facilities limitation in Sub-Nos. 6, 7, 9F, and 10F; (3) expand city-wide to county-wide authority; from Calumet City, Blue Island, and Melrose Park, IL, to Cook County, IL, in the lead and Sub-No. 9F; Rochelle, IL, to Ogle County, IL, in Sub-No. 6; Logansport, IN, to Cass County, IN in Sub-No. 7; and Rockville to Parke County, IN, in Sub-No. 10F; (4) expand one-way to radial authority between specified points in 8 named States; and (5) remove the "originating at and destined to" restrictions in Sub-Nos. 6 and 7; exceptions against hides and commodities in bulk in Sub-Nos. 6, 7 and 10F; and the "in mechanically refrigerated equipment" in Sub-No. 10F.

MC 47336 (Sub-14)X, filed June 3, 1981. Applicant: ECLIPSE MOTOR LINES, INC., P.O. Box 507, Bridgeport, OH 43912. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 10, 12 and 13 certificates to: (1) broaden the commodity descriptions to "general commodities (except Classes A and B explosives)", from general commodities (with exceptions) in the lead and Sub-Nos. 4 and 5; to "chemicals and related products" from chemicals in the lead; to "metal products" from iron and steel articles, non-ferrous metals, metal ingots, steel, tin plate, black plate, terne plate, steel pipe, steel roofing, steel sheets and steel strip in the lead and Sub-Nos. 10, 12 and 13; to "waste or scrap materials not identified by industry producting" from scrap in the lead; and to "machinery" from refrigerators, freezers and coolers in Sub-No. 7; (2) authorize service at all intermediate points in connection with regular-route operations between Washington, PA and Wellsburg, WV in the lead; (3) broaden city to county-wide authority; Painesville to Lake County, OH in the lead; Pittsburgh to Allegheny County, PA in the lead; Follansbee to Brooke County, WV in the lead; Harrisburg to Dauphin County, PA in the lead; Butler to Butler County, PA in the lead; Erie to Erie County, PA in the lead; Sharon to Mercer County, PA in the lead; New Castle to Lawrence County, PA in the lead; Beallsville to Washington County, PA in the lead; Avonmore to Westmoreland County, PA in the lead; Chambersburg to Franklin County, PA in the lead; Buffalo to Erie County, NY in the lead; Jamestown to Chautauqua County, NY in the lead; Toronto to Jefferson County, OH in the lead; Rochester to Monroe County, NY in the lead; Mabscott to Raleigh County, WV in the lead; Wheeling to Ohio County, WV in the lead and Sub-Nos. 7 and 12; points in WV, OH and PA within 45 miles of Wheeling, WV to Brooke, Hancock, Marshall and Wetzel Counties, WV, Belmont, Carroll, Guernsey, Harrison, Jefferson, Monroe and Noble Counties, OH and Allegheny, Greene and Washington Counties, PA in the lead; Connersville to Fayette County, IN in Sub-No. 7; Steubenville to Jefferson County, OH in Sub-Nos. 10 and 12; Weirton to Hancock County, WV in Sub-No. 10; Cambridge to Dorchester County, MD in Sub-No. 10; Benwood to Marshall County, WV in Sub-No. 12; Yorkville to Jefferson County, OH in Sub-No. 12; Martins Ferry to Belmont County, OH in Sub-No. 12; Beech Bottom to Brooke County, WV in Sub-No. 12; and Bridgeport to Belmont County, OH in Sub-No. 13; (4) authorize radial authority to replace existing one-way service between counties, cities and states named in (3) above in the lead and Sub-Nos. 7, 10, 12 and 13; (5) broaden off-route descriptions in connection with regular route operations, to county-wide authority from Aliquippa, Ambridge, Apollo, Baden, Beaver, Beaver Falls, Burgettstown, Ellwood City, New Castle, Freedom, Midland, Monaca, New Brighton, New Kensington, Rochester, Vandergrift and Zelienople, PA, Moundsville, New Cumberland, Newell and Chester, WV, and Dillonvale, Salineville, Smithfield and East Palestine, OH, and points and places on OH Hwy 7 between East Liverpool, OH and Bellaire, OH to Armstrong, Beaver, Butler, Lawrence, Washington and Westmoreland Counties, PA, Hancock and Marshall Counties, WV, and Belmont, Columbiana and Jefferson Counties, OH in the lead; and (6) remove the restriction against service in truckload lots only for various off-route points named in (5) above (except Aliquippa, Ambridge and Burgettstown, PA) in the lead.

MC 56082 (Sub-81)X, filed May 19, 1981. Applicant: DAVIS AND RANDALL, INC., P.O. Box 390, Fredonia, NY 14063. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in MC-56082 and Sub-Nos. 1, 10, 13, 14, 16, 18, 19, 20, 21, 24, 25, 28, 29, 31, 33, 34, 36, 38, 41, 42, 43, 45, 46, 53, 55, 58, 60, 61, 62, 67, 71, 73, 77, 78, and 79 certificates to (1) broaden commodity descriptions (a) from malt beverages, frozen fruits, frozen berries, and frozen vegetables, and prerserved and canned foodstuffs, to "food and related products" in its lead and Sub-Nos. 1, 10, 13, 14, 16, 18, 19, 20, 21, 24, 25, 28, 29, 31, 34, 36, 38, 41, 42, 43, 45, 53, 55, 58, 60, 63, 71, 73, and 79; (b) from oil to "petroleum, natural gas and their products" in its lead; (c) from veneer and plywood to "lumber and wood products" in Sub-No. 33; from particle board to "building materials" in Sub-No. 46; from castings and radiator components to "metal products and machinery" in Sub-No. 78; from materials, supplies and equipment and in the manufacture, sale and distribution of malt beverages, and empty malt beverage containers to "such commodities as are used in the manufacture, sale and distribution of food and related products" in Sub-No. 67; (2) expand one-way authorities to two-way authorities; (3) broaden city to county authority (a) from Cleveland to Cuyahoga County, OH in Sub Nos. 1, 10, 18 and 20; (b) from Pittsburgh to Allegheny County, PA, from Jamestown and Utica, NY, to Oneida and Chautauqua Counties, NY, in Sub-No. 13; (c) from Oceans, Hornell and Jamestown, NY, to Cattaraugus, Steuben and Chautauqua Counties, NY in Sub-No. 14; (d) from points in Tioga County,

PA, west to U.S. Hwy 15 to points in Tioga County, PA in Sub-No. 20; (e) from Dunkirk, NY to Chautauqua County, NY, in Sub-No. 28; (f) from Jamestown, NY, to Chautauqua County, NY, in Sub-No. 33; (g) from Hornell, NY, to Steuben County, NY, in Sub-No. 36; (h) from Cumberland, MD, to Allegany County, MD, in Sub-Nos. 38 and 41; (i) from Hoboken, NJ, to Hudson County, NJ, in Sub-No. 42; (j) from Syracuse, NY to Onondaga County, NY in Sub-No. 43; (k) from East Hartford to Hartford County, CT, and from Boyertown, PA, to Berks County, PA, in Sub-No. 45; (l) from Town of Carroll, Chautauqua County, NY, to Chautauqua County, NY in Sub-No. 46; (m) from Norristown, PA to Montgomery County, PA, in Sub-No. 58; (n) from South Bend, IN, to St. Joseph County, IN, and from Wilmington, DE, to New Castle County, DE, in Sub-No. 60; from South Volney, NY, to Oswego County, NY, in Sub-No. 67; (o) from Coleman, Eden, Gillett, New Richmond, Oakfield, Poynette and Waunakee, WI, to Marinette, Fond du Lac, Oconto, St. Croix, Columbia and Dane Counties, WI, in Sub-No. 73; (p) from the facilities of a named company at Dunkirk, NY, to Chautauqua County, NY, in Sub-No. 77; (q) from Dunkirk, NY, to Chautauqua County, NY, and from Zanesville, OH, to Muskingum County, OH, in Sub-No. 78; and (r) from Rochester, NY, to Monroe County, NY in Sub-No. 79; (4) expand from specified ports of entry on the United States-Canadian boundary line in NY and MI to all ports of entry in NY and MI in Sub-No. 25; (5) remove in bulk or in tank trailers exceptions in Sub-Nos. 53, 58, and 67 and, except frozen commodities in Sub-No. 77; and (6) authorize all intermediate point service at all points along its regular routes in its lead.

MC 75406 (Sub-54)X, filed May 4, 1981, previously noticed in the FR of June 2, 1981, published as corrected this issue. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, MO 63102. Applicant seeks to remove restrictions from the lead and Sub-Nos. 10, 12, 17, 18, 19, 24, 26, 27, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46, 49F and 51F certificates to (1) broaden its commodity description from general commodities with exceptions to "general commodities" in the lead and Sub-Nos. 17, 18, 26, 27, 29 and 31; from general commodities with exceptions to "general commodities except Classes A and B explosives" in its Sub-Nos. 10, 12, 19, 24, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46 and 49F; from "agricultural insecticides and agricultural fungicides and tree and weed killing compounds (except commodities in bulk)" to "chemicals and related products" in Sub-No. 51F; (2) authorize service at all intermediate points in connection with regular route operations in AR, IL, MO, and MS in its lead and Sub-Nos. 12 (part 1), 26, 29, 33, 39, 40, 43 and 49F; (3) authorize round trip authority in lieu of one way authority on its regular route in its Sub-No. 39 certificate; and (4) remove "for purpose of joinder only" restriction in Sub-No. 29. The purpose of this republication is to provide notice of authorizing service at intermediate points in MS, which was inadvertently omitted in part (2).

MC 82063 (Sub-124)X, filed April 24, 1981, previously noticed in the FR of May 20, 1981, republished as corrected in this issue. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 39, 47, 52, 54, 59, 62, 82, 87, 94, 98, 106, 108, 111, 115, 116, 117, 118, and 120 certificates to (A) broaden the commodity description: to "chemicals and related products" from printing ink and liquid chemicals, in bulk, in Sub-Nos. 39, 94, 111, and 117; and to "commodities in bulk" from hydroflusilicic acid, chemicals (with some exceptions), phosphoric acid, liquid chemicals (with various exceptions), calcium bromide, petroleum oils and petrochemicals, cleaning and washing compounds, and bromine, all in bulk, in Sub-Nos. 47, 52, 54, 59, 62, 82, 87, 98, 106, 108, 115, 116, 118, and 120; (B) remove exceptions excluding service in AK, HI, and IA in Sub-Nos. 52 and 82, and AK and HI in Sub-Nos. 87, 94, 106, 111, 117, and 120; (C) delete restriction against service originating at a certain pipeline terminal near West Memphis, AR in Sub-No. 59, and delete "originating at and destined to" restrictions in Sub-Nos. 82 and 94; (D) expand plantsites and towns to city or county-wide authority, and change one-way service to radial service between: Sub-No. 39, Kansas City, KS-Kansas City, MO, commercial zone (North Kansas City, MO), and, points in 12 States; Sub-No. 47, St. James Parish, LA (Uncle Sam, LA), and, points in four States; Sub-No. 52, Muscatine County, IA and Rock Island County, IL (facilities near Muscatine, IA), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commercial zone); Sub-No. 54 (a) Muscatine and Scott Counties, IA and Rock Island County, IL (Montpelier, IA), and, points in eight States and IL (except the East St. Louis, IL commercial zone), and (b) Sequoyah and Muskogee Counties, OK (Gore, OK), and points in three States; Sub-No. 59, Shelby, Fayette and Tipton Counties, TN, St. Francis, Lee and Crittenden Counties, AR, and DeSoto, Marshall and Tunica Counties, MS (Memphis, TN), and, described parts of the U.S., and points in six States; Sub-No. 62 (sheet 2), Davidson, Rutherford, Robertson, Cheatham, Williamson, Wilson and Sumner Counties, TN (Nashville, TN), and, points in a MS county and an AL county; Sub-No. 82, Johnson County, IA (facilities at Iowa City, IA), and, points in the U.S.; Sub-No. 87, Pettis County, MO (Sedalia, MO), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commerical zone); Sub-No. 94, Brazoria County, TX (facilities in Brazoria County), and, points in the U.S.; Sub-No. 98, Harrison County, MS (facilities near Gulfport, MS), and, points in two States; Sub-No. 106, Haywood County, TN (Brownsville, TN), and, points in the U.S.; Sub-No. 108, Harris, Brazoria, Galveston, Chambers, Liberty, San Jacinto, Fort Bend, Montgomery and Waller Counties, TX (facilities near Chocolate Bayou, Texas City, and Houston, TX), and, those points in the U.S. in and east of five States; Sub-No. 111, Calcasieu Parish, LA (facilities at Lake Charles, LA), and Jefferson, Orange, Hardin and Harris Counties, TX (Beaumont and LaPorte, TX), and, points in the U.S.; Sub-No. 115, Adams County, MS (Natchez, MS), and, points in nine States; Sub-No. 116, Hamilton County, OH (facilities at Ivorydale, OH), and Cook, Lake, DuPage, Will and Kane Counties, IL and Lake and Porter Counties, IN (Chicago, IL), and Lee County, IA and Hancock IL (Fort Madison, IA); Sub-No. 117, Liberty (facility in Liberty County, TX), and, points in the U.S.; Sub-No. 118, Columbia County, AR (facilities near Magnolia, AR), and, those points in the U.S. east of Hwy 85; and Sub-No. 120, Orange and Victoria Counties, TX and Calcasieu and Cameron Parishes, LA (facilities near Orange and Victoria, TX). The purpose of this republication is to give notice of territorial expansions which were omitted in the initial publication.

MC 88368 (Sub-52)X, filed June 12, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: James F. Flint, 406 World Center Building, 918—16th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 27G and 31 certificates to (1) broaden

the commodity descriptions from household goods to "household goods and furniture and fixtures" in Sub-No. 27G; empty household goods containers to "containers" in Sub-No. 31; and (2) remove the exception of service to AK and HI in both Sub-Nos.

MC 106707 (Sub-26)X, filed May 26, 1981. Applicant: ADAMS TRUCKING, INC., 1711 W. Second Street, Webster City, IA. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 11, 12, 17, 19F, 20F, 21, 22F, 23F and 24F certificates to (A) broaden the commodity descriptions to (1) in the lead certificate, regular route portion, "wagons and machinery" from wagons and agricultural implements and parts thereof, on sheet no. 2, (2) in the lead certificate, irregular route portion, (a) "food and related products" from seed corn, on sheet no. 2, (b) "machinery, and textile mill products" from farm implements and machinery and parts thereof, twine and rope, on sheet no. 2, (c) "livestock, farm products and machinery" from livestock, farm products, and farm machinery and parts thereof, on sheet no. 3, (d) "machinery" from farm machinery, on sheet no. 4, (e) "food and related products" from feed, on sheet no. 4, (f) "machinery, building materials, and textile mill products" from farm machinery, roofing and building materials and binder twine, on sheet no. 5, (g) "building materials" from roofing and building materials, on sheet no. 5, (h) "metal products" from iron and steel articles and fencing materials, on sheet no. 5, (i) "machinery" from tractors (except truck-tractors) agricultural implements and machinery and attachments for and equipment designed for use with the articles described above when moving in mixed loads with the articles described above, on sheet no. 5, (3) "machinery" from agricultural implements and machinery, in Sub-No. 6, (4) "machinery, such merchandise as is dealt in by lawn and leisure garden stores and textile mill products" from (a) tractors (except truck tractors) and agricultural machinery and implements in mixed loads with attachments for commodities described above, (b) such merchandise as is dealt in by lawn and garden stores (except chemicals in bulk) and twine and attachments for (a) above, (c) such merchandise as is dealt in by lawn and garden stores (except chemicals in bulk) and twine in mixed loads with the commodities described in (a) above, in Sub-No. 8, (5) "such commodities as are dealt in, or used by, machinery, and lawn and leisure products manufacturers and dealers" from such commodities as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products manufacturers and dealers (except commodities in bulk), in Sub-No. 11, (6) "machinery, metal products, and building materials" from grain and feed handling equipment and storage bins, steel building, feed mixing mills, grain dryers and parts and accessories, and materials and supplies for the above-named commodities, in Sub-No. 12, (7) "metal products" from iron and steel articles, in Sub-No. 17, (8) "clay, concrete, glass or stone products" from glass and glass products, in Sub-No. 19F, (9) "machinery" from stationary on mobile refuse compactors, trash receiving containers and carts and parts and accessories, materials and supplies used in the manufacturing of the commodities named above, in Sub-No. 20F, (10) "such commodities as are dealt in by machinery manufacturers and dealers" from such commodities as are dealt in by agricultural equipment manufacturers and dealers (except commodities in bulk), in Sub-No. 21, (11) "forest products and lumber and wood products" from lumber, lumber products, wood products and forest products, in Sub-No. 22F, (12) "metal products" from iron and steel articles, in Sub-No. 23F, and, (13) "such commodities as are used in the manufacture and distribution of machinery" from such commodities as are used in the manufacture and distribution of agricultural and industrial equipment, in Sub-No. 24F; (B) eliminate the originating at and/or destined to named points, in the lead sheet no. 6, and Sub-Nos. 6, 8, 11, 12, 17, 20F, 22F and 23F; (C) eliminate the facilities restriction, in the lead sheet no. 5, and Sub-Nos. 11, 19F, 21 and 22F, (D) eliminate the AL and HI restriction, in Sub-No. 12, (E) authorize county-wide authority to replace existing city-wide service (1) in the lead, regular-route portion, Kossuth County, IA, for Algona, IA, on sheet no. 1, (2) Clay County, IA, for Spencer, IA, on sheet no. 2, (3) in the lead, irregular route portion, Kossuth County, IA, for Algona, IA, on sheet no. 2, (4)(a) LaSalle, Henry, Whiteside, and Fulton Counties, IL, for Streator, Kewanee, Rock Falls, and Canton, IL; Faribault, Martin, and Steele Counties, MN for Blue Earth, Delavan, Fairmont, Huntley, Kiester, Minnesota Lake, Northrop, Sherburn, Triumph, Truman, Welcome, Wells and Winnebago, MN, at bottom of sheet 2 and top of sheet 3, (b) Cerro Gordo, Kossuth Counties, IA, and Faribault County, MN, for Mason City and Algona, IA, and Blue Earth, MN, on sheet no. 3, (c) Faribault County, MN for Winnebago, MN, on sheets nos. 3 and 4, (d) Hamilton and Wright Counties, IA for Webster City and Eagle Grove, IA, on sheet no. 4, (e) Hardin, Franklin, Webster, Wright, Humbolt, Boone, Story and Hamilton Counties, IA, for points within 20 miles of Webster City, IA, on sheet no. 4, (f) Faribault, Martin, Blue Earth, Watonnan, and Waseca Counties, MN, for points within 25 miles of Winnebago, MN, on sheet no. 4 (g) Hamilton County, IA for Webster City, IA, on sheet no. 5, (h) Webster, Pocahontas and Hamilton Counties, IA for Fort Dodge, Pocahontas and Webster City, IA, on sheet no. 5, (i) Whiteside County, IL for Sterling, IL, on sheet no. 5, (j) Fulton County, IL for Canton, IL Sub-Nos. 6 and 11, (k) Wells, and Montgomery Counties, IN, Hamilton County, IA, Hall and Buffalo Counties, NE for Bluffton and Crawfordsville, IN, Webster City, IA, Grand Island and Elm Creek, NE; Washington County, MS, York County, NE, Wells and Montgomery Counties, IN, Hamilton County, IA, and Hall and Buffalo Counties, NE, for Greenville, MS, York, NE, Bluffton and Crawfordsville, IN, Webster City, IA, and Grand Island and Elm Creek, NE; and York County, NE, for York, NE, in Sub-No. 12, (l) Jackson County, MI, for Jackson, MI, in Sub-No. 20F, and, (m) Fulton County, IL, for Canton, IL in Sub-No. 21; and (F) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S., in the lead and Sub-Nos. 6, 8, 12, 17, 19F, 20F, 22F and 23F.

MC 108119 (Sub-285)X, filed June 8, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Terminal Drive, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to remove restrictions in its Sub-Nos. 40, 43, 63, 74, 78F, 79F, 88F, 93F, 100F, 107F, 109F, 141F, 143F, 182F, 187F, 191F, 221F, 223F, 232F, 233F, 242F, 259F, 263F, and 265F certificates to (1) eliminate all exceptions in its general commodities authorities except "classes A and B explosives" in Sub-Nos. 40 and 43 (Sheet No. 1); (2) eliminate the restrictions "in containers or in trailers" and "having an immediately prior or subsequent movement by water, or by water-rail or by air" in Sub-No. 40; (3) eliminate the restrictions against service at intermediate points and against the transportation of traffic originating at or destined to Vancouver, WA, on described regular route between Vancouver, WA, and Portland, OR, in Sub-No. 43 (Sheet No. 2); (4) broaden the commodity descriptions from wooden

skids, heavy-timbers, wood piling, lumber and wood construction poles, pre-cut buildings, knocked down, pre-cut log buildings, knocked down, and pre-cut log buildings to "lumber and wood products, and building materials" in Sub-Nos. 43 (Sheet No. 3), 63, 74, 78F, 79F, and 93F; from bentonite clay and fiberglass products to "clay, concrete, glass, or stone products" in Sub-Nos. 88F, 191F, and 223F; from lignite coal to "coal" on Sub-No. 88F; from dry hydro-desulphurization catalyst and drilling mud additives to "chemicals and related products" in Sub-Nos. 141F and 223F; from self-propelled vehicles, trailers, mobile home axles and rims, bridge erection boats, electronic maintenance vans, aircraft, aircraft engines, and aerospace craft, materials and equipment used in the maintenance, servicing, operation, and manufacture of aircraft and aerospace craft, and parts, to "transportation equipment" in Sub-Nos. 143F, 182F, 232F, and 242F; from buildings and building components to "buildings and building materials" in Sub-No. 143F; from belt conveyor material handling equipment, topograhic support systems, and pumping assemblies to "machinery and metal products" in Sub-Nos. 182F and 232F; from mounted tires, plastic pipe and fittings, and hose line outfits to "rubber and plastic products" in Sub-Nos. 182F and 187F; from fabricated iron and steel articles and iron and steel articles to "metal products" in Sub-No. 182F; from pipeline equipment and materials and supplies used in the installation and repair of pipeline equipment to "Mercer commodities" in Sub-No. 221F; from knocked down steel buildings and parts to "metal products and building materials" in Sub-No. 259F; from pipe and pipe fittings (except iron and steel pipe) to "rubber and plastic products, and clay, concrete, glass, or stone products" in Sub-No. 263F; and from air or tension support structures to "miscellaneous products of manufacturing" in Sub-No. 265F; (5) remove the bulk restrictions in Sub-Nos. 100F, 141F, 223F and 242F; (6) remove the facilities limitations in Sub-Nos. 74, 88F, 93F, 107F, 143F, 182F, 187F, 191F, 223F, 259F, and 265F, and replace authority to serve named points to county-wide authority, Rogers County, OK, for Claremore, OK, in Sub-Nos. 63 and 79F; Calhoun and Liberty Counties, FL, for Blountstown, FL, in Sub-No. 74; Surry County, NC, for Elkin, NC, and Henderson and Buncombe Counties, NC, for Fletcher, NC, in Sub-No. 78F; Apache County, AZ, for McNary, AZ, in Sub-No. 93F; Seminole County, OK, for Seminole, OK, in Sub-No. 100F; Benewah County, ID, for Jaype, St. Maries, and Santa, ID, Nez Perce County, ID, for Lewiston and Spalding, ID, Kootenai County, ID, for Post Falls and Coeur d'Alene, ID, and Lewis County, ID, for Kamiah, ID, in Sub-No. 107F; Harris County, TX, for Pasadena, TX, in Sub-No. 141F; Riverside County, CA, for Riverside, CA, and Buncombe County, NC, for Asheville, NC, in Sub-No. 143F; Marion County, AL, for Winfield, AL, Grayson County, TX, for Sherman, TX, Catawba County, NC, for Newton, NC, and Magoffin County, KY, for Saylersville, KY, in Sub-No. 182F; Los Angeles, Orange, and Kern Counties, CA, for Sun Valley, Santa Ana, and Bakersfield, CA, respectively, and Cuyahoga County, OH, for Cleveland, OH, and DeKalb County, GA, for Stone Mountain, GA, in Sub-No. 187F; Salt Lake County, UT, for Salt Lake City, UT, in Sub-No. 191F; Butte and Custer Counties, SD, for Belle Fourche and Custer, SD, respectively, and Weston and Big Horn Counties, WY, for Upton and Lovell, WY, respectively, in Sub-No. 223F; Lyon County, NV, for Carson City, NV, in Sub-No. 259F; Merced County, CA, for Gustine, CA in Sub-No. 263F; and San Mateo County, CA, for Redwood City, CA, in Sub-No. 265F; (7) remove originating at restrictions in Sub-Nos. 187F, 191F, 233F, 263F, and 265F, and originating at or destined to restrictions in Sub-Nos. 97F, 107F, 143F, and 182F; (8) remove AK and HI exceptions in Sub-Nos. 40, 97F, 141F, 143F, 182F, 187F, 191F, 221F, 223F, 232F, 233F, 259F, 263F, and 265F, the HI exception in Sub-No. 242F, the AK, AZ, and HI exception in Sub-No. 93F, the AK, HI, and OK exceptions in Sub-No. 79F, the AK, HI, and WY exceptions in Sub-No. 88F, the FL exception in Sub-No. 74F, and the NC exception in Sub-No. 78F; and (9) authorize radial operations in place of one-way authority in Sub-Nos. 63, 74, 78F, 79F, 88F, 93F, 100F, 107F, 109F, 141F, 187F, 191F, 221F, 223F, 233F, and 265F between various combinations of the above counties and points in the U.S.

MC 112801 (Sub-260)X, filed May 27, 1981. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Applicant seeks removal of restrictions in its Sub-Nos. 26, 27 91, 96, 129, 137, 142, 147, 153, 163, 167, 170, 172, 183, 184, 185, 187, 189, 197F, 198F, 199F, 200F, 203F, 205F, 206F, 207F, 213F, 214F, 215F, 217F, 218F, 226F, 229F, 243F, 244F, 246F, 247F, 252F, and 256F certificates, and Sub-Nos. E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-23, E-24, E-25, E-26, E-27, E-28, E-29, and E-30 letters notices. It seeks to expand its commodity description, as follows: to "chemicals and related products" from liquid fertilizers, solutions and ingredients in Sub-Nos. 26 and 96, from anhydrous ammonia, urea, nitric and sulphuric acids in Sub-No. 27, from cleaning compounds in Sub-No. 147, from aqua ammonia, and hydrofluosilicic and muriatic acids in Sub-No. 170, from liquid chemicals (except liquefied natural gas) in Sub-No. 189, from liquid chemicals in Sub-Nos. 206, 215, 243, and 252, from acids and chemicals in Sub-No. 214, from chemicals in Sub-Nos. 226 and 246, and hydrochloric acid in Sub-No. 229; to "chemicals and related products, and rubber and plastic products" from acids, chemicals, and plastics in Sub-No. 153, and from dry plastics in Sub-No. 199; to "food and related products" from edible vegetable oils in Sub-Nos. 91, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-23 and E-24, from soybean solubles in Sub-Nos. 129 and 137, from oleomargarine, shortening, salad, cooking and vegetable oils, and animal fats in Sub-No. 172, from molasses, liquid feed supplements in Sub-No. 197, from vegetable oils in Sub-Nos. 198 and 213, from soybean oil in Sub-No. 200, from corn syrup, blends of corn syrup and sugar in Sub-Nos. 203 and 244, from sugar in Sub-No. 247, from fruit juice, concentrate, and wine in Sub-No. 256; to "petroleum, natural gas and their products" from liquefied petroleum gas in Sub-No. 218; to "food and related products, chemicals and related products, clay, concrete, glass or stone products, and ores and minerals" from soybean products and limestone in Sub-No. 167; to "chemicals and related products, and forest products" from chemicals, detergents, floor finishes, emulsions, liquid cleaners, and latex in Sub-No. 187; to "chemicals and related products, and petroleum, natural gas, and their products" from recycled, spent or waste liquid chemicals and petroleum products in Sub-No. 163, from liquid chemicals and petroleum products in Sub-No. 205, from blended wax, wax products and materials and supplies used in their manufacture in Sub-No. 207, from rolling processing fluids, wire drawing compounds, lubricating oils, and materials, equipment and supplies used in their manufacture and distribution in Sub-No. 217; to "food and related products, and chemicals and related products" from corn products (except corn oil) in Sub-No. 142, from corn products and blends containing corn products in Sub-No. 183, from corn, cane and beet products in Sub-No. 184, from sugar and corn products in Sub-No.

185, and from edible and inedible oil (except petroleum or oils with petroleum base) in Sub-Nos. E-9, E-10, E-25, E-26, E-27, E-28, E-29 and E-30; and delete commodity and vehicle restrictions, "in bulk" and "in tank or hopper-type vehicles" in all certificates. Applicant also seeks to expand its territorial authority by (A) changing one-way service to radial service; (B) removing the "originating at, and destined to" restrictions in Sub-Nos. 137, 142, 153, 163, 167, 183, 205, and 244; (C) removing exceptions excluding service in AK and HI in Sub-Nos. 183, 185, 213, and 226, in AL, AK and HI in Sub-No. 184, in WI, AK and HI in Sub-No. 207, and in OH, AK and HI in Sub-No. 217; (D) expanding plantsites and municipalities to county-wide authority: Sub-No. 26, Hamilton and Marion Counties, IN (Carmel, IN); Sub-No. 27, Marion County, MO (plantsite at South River, MO); Sub-Nos. 91, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-23 and E-24, Lancaster County, NE (facilities near Lincoln, NE); Sub-No. 96, Hardin, Union and Logan Counties, OH (plantsites at Kenton and Mt. Victory, OH); Sub-Nos. 129 and 137, Jasper, Benton and White Counties, IN (plantsite, Remington, IN); Sub-No. 142, Montgomery, Greene and Miami Counties, OH (Dayton, OH); Sub-No. 147, Jefferson and Dodge Counties, WI (Watertown, WI); Sub-No. 153, Posey County, IN and Henderson County, KY (facilities near Mt. Vernon, IN); Sub-No. 163, Lake County, IN (Griffith, IN); Sub-No. 167, Cass County, IN (facilities near Logansport, IN); Sub-No. 170, La Porte County, IN (Kingsbury, IN); Sub-Nos. 172, 229, E-25, E-26, E-27, E-28, E-29 and E-30, Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO (facilities near St. Louis, MO); Sub-No. 183, Tippecanoe County, IN (facilities near Lafayette, IN); Sub-No. 184, Morgan, Lawrence and Limestone Counties, AL (facilities at Decatur, AL); Sub-No. 185, Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clay and Platte Counties, MO (Kansas City, KS-Kansas City, MO commercial zone); Sub-No. 187, Waukesha County, WI (Merton, WI); Sub-No. 189 Kenosha County, WI (facilities at Bristol, WI); Sub-No. 197, Shelby, Fayette and Tipton Counties, TN, Crittenden County, AR, and DeSota, Tunica and Marshall Counties, MS (Memphis, TN); Sub-No. 198, Clinton County, IN (Frankfort, IN); Sub-No. 199, Marion, Johnson, Morgan, Hendricks, Boone, Hamilton, Hancock and Shelby Counties, IN (Indianapolis, IN); Sub-No. 200, Shelby County, OH (facilities near Sidney, OH); Sub-Nos. 203 and 229, Hamilton, Butler, Clermont and Warren Counties, OH and Boone, Kenton and Campbell Counties, KY (Cincinnati, OH); Sub-No. 203, St. Louis, MO and St. Louis, St. Charles, and Jefferson Counties, MO (St. Louis, MO); Sub-No. 205, Wayne County, MI (facilities in Wayne County, MI); Sub-Nos. 206 and 215, Bay, Saginaw and Midland Counties, MI (Bay City and Midland, MI); Sub-No. 207, Winnebago County, WI (Oshkosh, WI); Sub-No. 213, Blue Earth, Nicolett and LeSueur Counties, MN (Mankato, MN); Sub-No. 214, Muskegon County, MI (Montague, MI); Sub-No. 217, Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH (facilities near Columbus, OH); Sub-No. 218, Lake County, IN and Cook County, IL (East Chicago, IN); Sub-No. 226, Kalamazoo, Van Buren, Allegan and Barry Counties, MI (Kalamazoo, MI); Sub-No. 243, Jefferson County, IN and Trimble and Carroll Counties, KY (Madison, IN); Columbiana and Jefferson Counties, OH, Handcock County, WV, and Beaver County, PA (East Liverpool, OH); Sub-No. 244, Allen County, IN (facilities at Fort Wayne, IN); Sub-No. 246, New Castle County, DE (Atlas Point, DE); Sub-No. 247, Carver and Scott Counties, MN (Chaska, MN); and Sub-No. 252, Allen County, IN (facilities near New Haven, IN); and (E) remove the restriction against tacking in Sub-No. 27

Note.—Applicants authority to tack will be governed by 49 CFR 1042.10(b).

MC 113325 (Sub-167)X, filed June 1, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Representative: T. M. Tahan (same as applicant). Applicant seeks removal of restrictions in its lead, and Sub-Nos. 4, 6, 8, 10, 11, 14, 15, 16, 18, 21, 24, 25, 26, 28, 33, 43, 46, 47, 50, 51, 54, 56, 58, 59, 61, 64, 65, 66, 69, 72, 74, 77, 90, 99, 108, 113, 115, 116, 117, 119, 121, 124, 126, 128, 129, 130, 131, 134, 135, 136, 137, 142, 145, 147, 149, 150, 152, 154, 155, 157, and 161 certificates. It seeks to (A) remove all restrictions in the general commodities authority in the lead certificate, "except classes A and B explosives," and broaden its other commodity descriptions: to "commodities in bulk" in Sub-Nos. 4, 8, 10, 18, 26, 28, 43, 50, 58, 61, 117, 130, 131, 134, 136, 137, 145, 149, 154, 161, 6, 11, 16, 46, 150, 56, 14, 113, 15, 54, 77, 116, 65, 121, 72, 119, 135, 99, 115, 129, 124, 142, 145, 147, and 152 from all bulk commodities, in bags, tank, hopper-type or shipper-owned vehicles, such as: Liquid or dry acids and chemicals, resins, lime and limestone products, trichlorosilane, ethylene, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acids, fertilizer materials, animal and poultry feed ingredients, sodium and diammonium phosphates, fertilizer, alum, sodium aluminate and rosin, edible animal fats and oils, soda ash, and agricultural pesticides; to "yeast, yeast blends, and yeast derivatives" in Sub-No. 21 from liquid yeast; to "anhydrous ammonia, fertilizer and fertilizer ingredients" in Sub-No. 33 from anhydrous ammonia, fertilizer solution, and dry fertilizer; to "such commodities as are dealt in or used by the printing industry" in Sub-No. 51 from liquid printers ink; to "food and related products" in Sub-Nos. 90 and 157 from liquid sugars and blends, and sweeteners; to "food and related products, and farm products" in Sub-No. 108 from corn syrup, starch, dextrin, steepwater, corn oil and corn flour; to "fertilizers, and fertilizer ingredients" in Sub-No. 126 from dry fertilizer; and, to "oxides" in Sub-No. 155 from magnesium oxide; in Sub-Nos. 24 and 25, remove "in bulk" to allow "yeast, yeast blends, and yeast derivatives"; and delete exceptions of varied commodities from the commodity description in Sub-Nos. 28, 43, 50, 58, 99, and 137; (B) change one-way service to radial service in all certificates; (C) remove exceptions of "AK and HI" in Sub-Nos. 24, 25, 108, 117, 137, 152, 157, 161, and 163, and remove the exception of "Kingsport, TN, AK and HI" in Sub-No. 50; (D) remove restrictions limiting service to that originating at and destined to the named origins and destinations in Sub-Nos. 28, 43, 50, 61, 64, 108, 116, 117, 119, 121, 124, 126, and 134; (E) remove restrictions against transportation of specific commodities from, to, and between points in the described territory in Sub-Nos. 8, 10, 18, 28, and 117; (F) remove exceptions of "Kingsport, TN" on service to TN in Sub-No. 10, of "Lapel, IN" on service to IN in Sub-No. 11, of "Springfield, MA" on service to MA in Sub-No. 61, and of "area from Memphis, TN and points in its commercial zone" on service from Memphis, TN in Sub-No. 121; and (G) broaden the plantsites and municipalities to city-wide or county-wide authority, as follows: Sub-Nos. 6 and 46, Ste. Genevieve County, MO (Mosher, MO); Sub-Nos. 14, 113, and 131, St. Charles County, MO (plantsite near St. Peters, MO), and Tyler County, WV (Sistersville, WV); Sub-No. 15, Galveston County, TX (plantsite at Texas City, TX), and St. Louis County, MO (plantsite at Greve Coeur, MO); Sub-No. 21, Knox County, IL (Galesburg, IL); Sub-No. 24, St. Clair County, IL (Belleville, IL); Sub-No. 25, St. Francis

County, MO (Bonne Terre, MO); Sub-No. 28, Madison County, IL (Tri City Regional Port District, Madison County, IL); Sub-No. 43, Union County, AR (plantsites near El Dorado, AR), Richmond County, GA (Augusta, GA), Hampden and Middlesex Counties, MA (Springfield and Everett, MA), Muscatine County, IA (Muscatine, IA), St. Charles Parish, LA (Luling, LA), Wayne County, MI (Trenton, MI), Gloucester and Hudson Counties, NJ (Bridgeport and Kearny, NJ), Hamilton County, OH (Addyston, OH), Maury County, TN (Columbia, TN), Brazoria and Galveston Counties, TX (Alvin and Texas City, TX), Kanawha County, WV (Nitro, WV), and St. Louis, MO-East St. Louis, IL commercial zone (plantsite in same); Sub-No. 47, Webster County, IA (cooperative association near Fort Dodge, IA); Sub-No. 54, Marion County, MO (plantsite at South River, MO); Sub-No. 58, St. Charles Parish, LA (plantsite near Taft, LA); Sub-No. 59, Peoria County, IL (plantsite near Peoria, IL), and Lee County, IA (plantsite near Burlington, IA); Sub-Nos. 64 and 137, Muscatine County, IA (plantsite near Muscatine, IA); Sub-No. 65, Muscatine County, IA (plantsite near Montpelier, IA); Sub-No. 66, Union County, IA (plantsite near Creston, IA); Sub-No. 69, Will County, IL (plantsite at Joliet, IL); Sub-No. 72, Orange County, CA (Long Beach, CA); Sub-No. 74, Hancock County, IA (plantsite near Garner, IA); Sub-No. 77, Phillips County, AR (plant in Phillips County, AR); Sub-No. 90, Jefferson County, KY (Louisville, KY); Sub-No. 99, Hancock County, IL (plantsite near Niota, IL); Sub-No. 108, Tippecanoe County, IN (Lafayette, IN); Sub-No. 115, Union County, AR (plantsite at El Dorado, AR), Will County, IL (Elwood and Joliet, IL), Marshall and Kanawha Counties, WV (Natrium and South Charleston, WV); Sub-No. 116, Morgan County, IL (plant near Meredosia, IL); Sub-No. 117, St. Charles Parish, LA (plantsite near Luling, LA); Sub-No. 119, Bureau, McLean and Cook Counties, IL (Depue, Colfax, and Riverdale, IL), and Polk County, IA (Des Moines, IA); Sub-No. 121, Dubuque County, IA (Dubuque, IA), Shelby, Fayette and Tipton Counties, TN, Crittenden County, AR, DeSoto, Tunica and Marshall Counties, MS (Memphis, TN), and Sarpy, Douglas and Washington Counties, NE, and Mills and Pottawattamie Counties, IA (Omaha, NE); Sub-No. 124, Berkshire County, MA (plantsite in Adams, MA); Sub-No. 126, Union County, AR (plantsite at El Dorado, AR); Sub-No. 128, Marion County, MO (plantsite near Palmyra, MO); Sub-No. 129, Jefferson County, MO (Herculaneum, MO); Sub-No. 130, Douglas County, IL (plantsite at Tuscola, IL); Sub-No. 134, Calhoun County, AL (plantsite near Anniston, AL); Sub-No. 135, Greene County, MO (Springfield, MO); Sub-No. 136, Middlesex and Hampden Counties, MA (plantsites at Everett and Springfield, MA), Gloucester and Hudson Counties, NJ (Bridgeport and Kearney, NJ), and Wyandotte, Johnson and Leavenworth Counties, KS, and Cass, Jackson, Clay and Platte Counties, MO (Kansas City, KS); Sub-No. 145, Mississippi County, AR (Blytheville, AR), Bureau and La Salle Counties, IL (Depue and Marseilles, IL), Genesee, Kent, Macomb, St. Clair and Wayne Counties, MI (Flint, Grand Rapids, Mt. Clemens, Port Huron, and Warren, MI), and Pike County, MO (Louisiana, MO); Sub-No. 147, Douglas County, KS (plantsite at Lawrence, KS); Sub-No. 149, Wayne County, MI (facilities at Trenton, MI); Sub-No. 150, Greene County, MO (plantsite near Sequoita, MO), and Union County, NJ (Bayway, NJ); Sub-No. 152, Woodford County, IL (facilities near El Paso, IL); Sub-No. 154, Limestone County, AL (Decatur, AL); Sub-No. 155, Manister County, MI (Manistee, MI); Sub-No. 161, Harris, Brazoria, Galveston, Fort Bend, Montgomery, Chambers and Waller Counties, TX (facilities near Chocolate Bayou, Texas City, and Houston, TX); and Sub-Nos. 10, 18, 21, 26, 50, 51, 72, 130, 142 and 157, change to read "St. Louis, MO-East St. Louis, IL commercial zone" from (plantsites, St. Louis, MO). Applicant also seeks removal of restrictions against tacking or joining in Sub-Nos. 54, 99, and 115. NOTE: Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 115496 (Sub-137)X, filed May 26, 1981. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 6, 11,13, 16, 17, 19, 21, 27, 28, 29F, 31, 35, 37, 39, 40, 41, 42, 43, 45, 48, 51, 52, 54, 56, 57, 59, 60, 62, 63, 64, 65, 67, 70, 72, 73, 74, 76, 77, 80, 81F, 83, 85, 87, 88F, 89, 92F, 93F, 95, 96F, 97F, 98F, 99, 100F, 105F, 106F, 107F, 108F, 109F, 111F, 112F, 114F, 115F, 117F, 118F, 123F, 124F, 125F, 127F, 129F, 130F, 131F, 132F, 134F, to I(A) change the commodity description from (1) lumber in Sub-Nos. 6, 16, 19, 21, 27, 31, 37, 39, 41, 42, 52, 56, 64, 85, and 87, lumber (except plywood and veneer) in Sub-No. 13, and hardwood flooring in Sub-No. 81 to "lumber and wood products"; (2) composition wood and wood products in Sub-No. 11, particleboard in Sub-Nos. 17, 43, and 109, plywood, composition board, paneling in Sub-Nos. 45, 57, 65 and 107, composition board in Sub-Nos. 77 and 95F, gypsum board, paneling accessories and related materials in Sub-No. 67, lumber, fiberboard, or composition board in Sub-Nos. 100F, 112F and 115F, sheathing, siding and particleboard in Sub-No. 117, prefabricated buildings in Sub-No. 99, building wall, insulation board, molding hardboard, and particleboard in Sub-No. 108 to "lumber, wood products and construction materials"; (3) roofing and building materials in Sub-Nos. 60 and 72, roofing and roofing materials in Sub-Nos. 62, 124, and 130, construction materials in Sub-No. 118F, building materials in Sub-Nos. 89, 92F, 123, 125 and 127, asphalt, building and roofing materials in Sub-No. 129 to "construction materials"; (4) pipe, castings, valves and related materials in Sub-No. 63, cast iron pipe, fittings, and related materials in Sub-No. 93, wire and wire mesh in Sub-No. 105, aluminum articles in Sub-No. 132 to "metal products"; (5) plastic, plastic articles in Sub-No. 73, plastic pipe, fittings, and materials and supplies in Sub-Nos. 76, 80, 83, 97, 106 and 134, plastic pipe in Sub-No. 29F, expanded urethane panels and plastic materials in Sub-No. 114 to "rubber and plastic products"; (6) polyvinyl chloride pipe and fittings in Sub-No. 74 to "chemical products"; (7) iron and steel wire, rods, and bars in Sub-No. 96, to "iron and steel articles"; (8) iron, steel, zinc, lead articles or products thereof in Sub-No. 70 to "iron and steel, ores and minerals"; (9) waste paper or paper scrap in Sub-Nos. 35 and 131, paper and paper products in Sub-No. 48, newsprint paper and waste newspapers in Sub-No. 111 to "pulp, paper and related products"; (10) air conditioners, air coolers, heaters, furnaces and heating equipment in Sub-No. 51 to "machinery"; (11) prestressed concrete and concrete building members in Sub-No. 88 and finished gypsum board in Sub-No. 28 to "clay, concrete, glass or stone products"; (12) materials and parts used in the manufacture of motor homes, mobile homes and lumber in Sub-No. 40 to "transportation equipment and lumber and wood products"; (13) malt beverages in Sub-No. 54 to "food and related products"; I (B) remove restrictions against bulk commodities in Sub-Nos. 40, 51, 60, 62, 70, 72, 73, 76, 83, 89, 92F, 111F, 118F, 123F, 127F, 129F; I (C) remove service restrictions which preclude the transportation of specified commodities within specified territories in Sub-Nos. 87F, 115F, and 117F; I (D) eliminate the facilities restrictions in Sub-Nos. 11, 13, 17, 19, 21, 27, 28, 31, 35, 37, 39, 40, 41, 42,

43, 45, 51, 52, 54, 56, 57, 59, 62, 63, 64, 65, 67, 70, 73, 74, 80, 81F, 83, 85F, 88, 89, 92, 93F, 97F, 98F, 99F, 100F, 105, 106F, 107F, 108F, 109F, 112, 117F, 118F, 123F, 124F, 125F, 129F, 131F, 132F; I (E) eliminate restrictions limiting service to transportation "originating at or destined to" points in the involved States in Sub-Nos. 11, 13, 42, 43, 45, 62, 63, 65, 70, 72, 73 and 115F; I (F) expand the territorial description from named city or plantsite locations to county-wide authority: from Adel, GA to Cook County, GA in Sub-No. 11, from Union City and Toomsboro, GA to Fulton and Wilkinson Counties, GA in Sub-No. 13, from the facilities of Edmundson-Griffin to Bleckley County, GA in Sub-No. 16; from Thomson, GA to McDuffie County, GA in Sub-No. 17; from facilities of International Paper Company to Putnam County, GA, and Georgetown County, SC in Sub-Nos. 19 and 21; from Blackshear and Dudley, GA to Pierce and Laurens Counties, GA, in Sub-Nos. 27 and 56 and from Maxville, FL to Duval County, FL, in Sub-No. 56; from Plains, GA to Sumter County, GA, in Sub-No. 28; from Thomasville, GA to Thomas County, GA, in Sub-No. 29; from facilities of Conwall, Inc. to Richmond and Wilkes Counties, GA, in Sub-No. 31; from Savannah, Cedar Springs and St. Marys, GA to Chatham, Early and Camden Counties, GA, in Sub-No. 35; from Folkston, Higgston and Meldrim, GA to Charlton, Montgomery and Effingham Counties, GA, in Sub-No. 37; from Greenville, GA to Meriwether County, GA, in Sub-No. 39; from Conway, SC and Rieglewood, NC, to Horry County, SC; and Columbus, County, NC, in Sub-No. 41; from Albertville, AL, to Marshall County, AL, in Sub-No. 42; from Clayton, AL, to Barbour County, AL, in Sub-No. 43; from Waycross, GA, to Ware County, GA, in Sub-No. 45; from St. Mary's, GA, to Camden County, GA, in Sub-No. 48; from Milledgeville, GA to Baldwin County, GA, in Sub-No. 51; from Hazelhurst and Statesboro, GA, to Jeff Davis and Bulloch Counties, GA, in Sub-No. 52; from facilities of Pabst Brewing to Houston County, GA, in Sub-No. 54; from facilities of Day Companies, Inc. to Randolph County, GA, in Sub-No. 57; from Darlington, SC, to Darlington County, SC, in Sub-No. 59; from Franklin OH, to Warren County, OH, in Sub-No. 60; from Meridian, MS to Lauderdale County; MS, in Sub-No. 62; from Holt, AL, to Tuscaloosa County, AL, in Sub-No. 63; from Jacksonville, FL, to Duval County, FL, in Sub-Nos. 64 and 67; from Orangeburg and Charleston, SC, to Orangeburg and Charleston Counties, SC, in Sub-No. 65; from Blue Island and Joliet, IL, to Cook and Will Counties, IL, and from Centerville, IA, to Appanoose County, IA, in Sub-No. 70, from Tuscaloosa, AL, to Tuscaloosa County, AL, in Sub-No. 72; from Anderson, SC, to Anderson County, SC, and Vestal, NY, to Broome County, NY, in Sub-No. 73; from Colfax, NC, to Guilford County, NC, in Sub-No. 74; from Monticello, GA, to Jasper County, GA, in Sub-No. 77; from Riviera Beach, FL, to Palm Beach County, FL, in Sub-No. 80; from Buckhannon, WV, to Upshur County, WV, in Sub-No. 83; from Waynesboro, GA, to Burke County, GA, in Sub-No. 85; from Jonesboro, GA, to Henry County, GA, in Sub-No. 88; from Macon, GA, to Bibb County, GA, in Sub-Nos. 89 and 131F; from Charleston Heights, SC to Charleston County, SC, in Sub-No. 92; from North Birmingham and Bessemer, AL, to Jefferson County, AL, and Mobile, AL to Mobile County, AL, in Sub-No. 93; from Blountstown, FL, to Liberty County, FL in Sub-No. 95F; from Georgetown, SC, to Georgetown County, SC, in Sub-No. 96; from Charlotte and Bakers, NC, to Union and Mecklenburg Counties, NC, in Sub-No. 97; from Canfield, Mingo Junction, Martins Ferry, Steubenville and Yorkville, OH to Mahoning, Jefferson and Belmont Counties, OH, and from Beechbottom, Benwood, Follansbee and Wheeling, WV to Wheeling, Brooke, Marshall and Ohio Counties, WV, from Allenport and Monessen, PA, to Washington and Westmoreland Counties, PA, in Sub-No. 98; from Fletcher, NC to Henderson County, NC, in Sub-No. 99; from Walterboro and Holly Hill, SC, to Colleton and Orangeburg Counties, SC, in Sub-No. 100F; from Mt. Airy, NC, to Surry County, NC, in Sub-No. 105; from Birmingham, AL to Jefferson County, AL, in Sub-No. 106; from Jasper, FL, to Hamilton County, FL, in Sub-No. 108; from Ashtabula, OH, to Ashtabula County, OH, in Sub-No. 112; from Diboll and Pineland, TX, to Angelina and Sabine Counties, TX, and from Monroeville, AL, to Monroe County, AL, in Sub-No. 117; from Elizabethtown, KY, and Lockland, OH, to Harlin County, KY, and Hamilton County, OH, in Sub-No. 118; from facilities of Certain Teed facilities to Granville County, NC, in Sub-No. 123; from Savannah, GA, to Chatham County, GA, in Sub-Nos. 124 and 129; from Hampton, GA, to Henry County, GA, in Sub-No. 125; from Frederick, MD, to Frederick County, MD, in Sub-No. 127F; from Peachtree City, GA, to Fayette County, GA, in Sub-No. 130F; from the facilities of Alumax of South Carolina, Inc. to Berkley County, SC, in Sub-No. 132; I (G) replace one-way authority with radial authority between various combinations of points throughout the U.S. in Sub-Nos. 6, 11, 13, 16, 17, 19, 21, 27, 28, 29F, 31, 35, 37, 39, 40, 41, 42, 43, 45, 48, 51, 52, 54F, 56, 57, 59, 60, 62, 63, 64, 65, 67, 70, 72, 73, 74, 76, 77, 81F, 83F, 85F, 87, 88F, 89F, 92F, 95, 96F, 97F, 98F, 99F, 100F, 105F, 106F, 107F, 108F, 109F, 111F, 112F, 114F, 115F, 117F, 118F, 124F, 129F, 130F, 131F; I (H) eliminate the exception to AK and HI in the territorial descriptions which appear in Sub-Nos. 51, 72, 73 and 132; I (I) remove restrictions against the transportation of traffic having a subsequent movement by water in Sub-No. 93F; I (J) eliminate various exceptions to commodity descriptions, such as "except size and weight commodities," "except pig iron and scrap metals, in dump vehicles" wherever they appear in each certificate.

MC 116279 (Sub-6)X, filed June 8, 1981. Applicant: BLACK TRANSFER, INC., 206 West Main Street, Appalachia, VA 24216. Representative: John Edward Black (same as above). Applicant seeks to remove restrictions from its lead permit to: (1) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers and (2) broaden the commodity description in part 2 from toilet preparations, cosmetics, waxes and polishes, brushes and household specialty items to "materials, equipment, and supplies distributed by Stanley Home Products, Inc."

MC 117384 (Sub-11)X, filed June 8, 1981. Applicant: DAVIDSON BROTHERS (a partnership), R. D. Route 3, Bellefonte, PA 16823. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5F, 6F, 7F, 8F, 9F, and Sub-No. 10 certificates to: (1) broaden commodity descriptions, from limestone to "ores and minerals" in Lead and Sub-No. 2; from limestone products to "clay, concrete, glass or stone products" in Lead, and Sub-Nos. 2, and 8F; from coal, in bulk, to "ores and minerals" in Sub-No. 4; from zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet, and metallic cadmium (spelled "cadium" erroneously in certificate) to "metal products, ores and minerals, and chemicals and related products," in Sub-No. 5F; from roofing, roofing materials, and materials used in their manufacture (except in bulk) to "building materials" in Sub-No. 6F; from electrical equipment, iron and steel articles, machinery, machine parts, and tools, to "metal products, and machinery" in Sub-No. 7F; from metal

and metal products to "metal products" in Sub-No. 9F; and from ferro alloys, desulphurizer compounds, and iron and steel purifiers to "metal products, and chemicals and related products" in Sub-No. 10; (2) expand city and partial-county authorities to count-wide authorities, from Bellefonte, PA, and points within 10 miles thereof, to Centre County, PA, in Lead certificate; from points in Centre County south of Interstate Highway 80, to Centre County, PA, in Sub-No. 2; from facilities in Josephtown (Joseph Town), to Beaver County, PA, in Sub-No. 5F; from facilities at Spring Township, Centre County, to Centre County, PA, in Sub-No. 7F; and from facilities in Centre County, to Centre County, PA, in Sub-No. 9F; (3) remove "facilities" limitations and replace with origins in Beaver County, PA, in Sub-No. 5F and with Centre County, PA, in Sub-Nos. 7f and 9F; and remove originating-at/destined-to restriction in Sub-No. 8F; (4) change one-way to radial authorities between various points and areas in the Lead and Sub-Nos. 2 and 4; and (5) remove equipment restrictions against "in bulk" when to Michigan in Sub-No. 2, requiring "in bulk" in Sub-No. 4, and "except in bulk" in Sub-No. 6F, and against service to AK and HI in Sub-No. 7F and 9F.

MC 118202 (Sub-176)X, filed June 4, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 166X certificate to eliminate the restriction prohibiting service between Ottumwa, IA, Jeffersonville, IN, Alliance, Salem and Monroe, OH, Nevada and Neosha MO, Ferguson KY and Shamokin, PA, to authorize the radial transportation of specified commodities between points in MN, SD, and WI, and, points in the U.S.

MC 119660 (Sub-4)X, filed June 2, 1981. Applicant: ALASKA AGGREGATE CORPORATION, d.b.a. PACIFIC WESTERN LINES, 660 Ocean Dock Road, Anchorage, AK 99501. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. Applicant seeks to remove restriction in its Sub-No. I certificate to (A) broaden the commodity description from general commodities (with the usual exceptions), to "general commodities, except classes A and B explosives and household goods", and (B) broaden the territorial description from between points in Anchorage, AK, and between Anchorage, AK, on the one hand, and on the other, points on and within 25 miles of (1) Alaska Highway 1 between and including Homer and Tok, AK, (2) Alaska Highway 2 between and including Tok, and Tofty, AK, (3) Alaska Highway 4 between and including Valdez and Buffalo Center, AK, (4) Alaska Highway 6 between and including Fairbanks and Circle, AK, and (5) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 (northwest of Moose Pass) and Seward, AK, to "between points in the Second, Third and Forth Judicial Districts of Alaska.

MC 119944 (Sub-15)X, filed April 21, 1981, published in the **Federal Register** of May 21, 1981, republished as follows: Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Bridgewater, NJ 08807. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 1, 6, 10, 11, 13, and 14 certificates and Sub-No. E–1 gateway elimination notice to (A) broaden the commodity descriptions to: lead certificate, "building materials, lumber and wood products, clay, concrete, glass or stone products, pulp, paper and related products, metal products, and textile mill products" from roofing and building materials, "petroleum, natural gas and their products" from oils and solvents, "rubber and plastic products" from rubber, and "chemicals and related products" from glycerine, soap, paints, acids, disinfectants, insecticides, and aluminum sulphate; Sub-No. 1, "clay, concrete, glass or stone products" from brick (except fire brick); Sub-No. 4, "chemicals and related products" from polyethylene, ploypropylene and silica gel catalyst; Sub-No. 6, "ores and minerals, and clay, concrete, glass or stone products" from talc; Sub-No. 10, "rubber and plastic products" from dry plastic; Sub-Nos. 11 and E–1, "clay, concrete, glass or stone products" from brick, crushed stone, and gravel, and "ores and minerals" from sand, and remove the exclusion of lumber from building materials; Sub-No. 13, "chemicals and related products" from dry adipic acid; and Sub-No. 14, "rubber and plastic products" from plastic pipe, ducts, and tubes, "metal products" from related fittings and attachments, and "chemicals and related products" from materials and supplies used in their installation; and remove the "in bulk" and vehicle and container restrictions in the lead, and Sub-Nos. 4, 6, 10, 11, 13, and E–1; (B) delete the restrictions to shipments having a prior movement by rail and water in Sub-Nos. 4, 10, and 13; (C) substitute raidial authority in lieu of existing one-way authority; and (D) broaden the territorial descriptions from plantsites and towns to city-or county-wide authority, as follows: lead certificate, Morris County, NJ (Boonton, NJ), New Castle County, DE (Claymont, DE), Delaware County, PA (Marcus Hook, PA), and Westchester County, NY (Pleasantville, NY), and Fairfax, Prince William, Loudoun, and Arlington Counties, VA (points in Virginia within 15 miles of DC); Sub-No. 1, Middlesex County, NJ (plantsite at Sayreville, NJ); Sub-Nos. 4 and 10, Newark, NJ (Port Newark, NJ), Elizabeth, NJ (Port Elizabeth, NJ), and Somerset County, NJ (Bridgewater Township, NJ); Sub-No. 6, Windsor County, VT (West Windsor, VT); Sub-No. 11, New Jersey and points in NY on and south of Sullivan, Ulster and Dutchess Counties, NY (Cliffwood, NJ, and points in NJ and NY within 100 miles of Cliffwood); Sub-No. 13, Somerset County, NJ (Somerville, NJ), and Kent County, MD (Chestertown, MD); Sub-No. 14, Northampton County, PA (Nazareth, PA); and Sub-No. E–1 (a) Warren County, NJ (Points in Warren County on and south of Interstate Hwy 80 within 100 miles of Cliffwood, NJ), (b) Fairfax, Prince William, Loudoun, and Arlington Counties, VA (points in Virginia within 15 miles of DC); and (c) points in and south of Sullivan, Ulster and Dutchess Counties, NY (points in NY within 100 miles of Cliffwood, NJ), Morris County, NJ (points in Morris County on and south of NJ Hwy 24), and Monmouth and Mercer Counties, NJ (points in Monmouth and Mercer Counties within 100 miles of Cliffwood, NJ). The purpose of this republication is to expand the milage radii in the lead, Sub-Nos. 11 and E–1 certificates to counties.

MC 124692 (Sub-369)X, filed June 4, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 262 certificate to broaden the commodity description from (1) commodities, the transportation of which because of size or weight require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (2) general commodities (except motor vehicles and motor vehicle cabs and bodies, and except classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of

which, because of size or weight require the use of special equipment (otherwise authorized), when the mixed load moves on a single bill of lading from a single consigner, restricted in the commodity description in (2) above the operations shall not be severable, by sale or otherwise, from carrier's authority to transport commodities the transportation of which because of size or weight, requires the use of special equipment, (3) self-propelled vehicles, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service) and related machinery, tools, parts, and supplies moving in connection therewith, and (4) iron and steel articles, as described in Appendix V to the report of the Commission in Ex Parte 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 to "general commodities (except classes A and B explosives)" in its radial authority between OR and WA, and, MT and UT.

MC 125519 (Sub-6)X, filed May 29, 1981. Applicant: RALPH MOYLE, INC., P.O. Box 248, Mattawan, MI 49071. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 3, 4 and 5, certificates to (1) broaden the commodity description from (a) butter, eggs, fruit, vegetables, feeds, fertilizer and creamery supplies to "food and related products, chemicals and related products and farm products" in Sub-No. 1, and (b) from wine in Sub-Nos. 2 and 3, from foodstuffs (except in bulk) in Sub-No. 4 and from preserved and pickled vegetables (in packages) in Sub-No. 5 to "food and related products" (2) allow service to all intermediate points in connection with its regular route between Chicago, IL, and Decatur, MI, in Sub-No. 1 (3) change territorial description from points within 25 miles of Decatur, MI, to points in Allegan, Berrien, Cass, Kalamazoo, St. Joseph and Van Buren Counties, MI in Sub-No. 1, (4) remove restriction to pick-up and delivery only in Sub-No. 1, (5) change city to county-wide authority from Paw Paw, MI to Van Buren County, MI in Sub-No. 2 (6) remove plantsite limitation (a) in Sub-Nos. 3 and 4 and replace Paw Paw, MI, with Van Buren County, MI, and (b) in Sub-No. 5 and replace Kalamazoo, MI with Kalamazoo County, MI, (7) remove the "originating at and/or destined to" restriction in Sub-Nos. 2, 3, 4, and 5 (8) remove the "in bulk" restriction in Sub-Nos. 2, 3 and 4, (9) remove the restriction against the transportation of specified commodities from named IL and IN points, and points in their commercial zones in Sub-No. 2, and (10) change one-way to two-way authority between (a) Decatur, MI, and Chicago, IL in Sub-No. 1, (b) Van Buren County, MI, and 3 States in Sub-No. 2, (c) Van Buren County, MI, and, points in 8 States in Sub-No. 3, (d) Van Buren County, MI, and, 4 States in Sub-No. 4, and (e) Kalamazoo County, MI, and, 4 States in Sub-No. 5.

MC 128462 (Sub-10)X, filed June 16, 1981. Applicant: PRAIRIE REFRIGERATED EXPRESS, INC., P.O. Box 36, Long Prairie, MN 56347. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, and 8F permits to (1) broaden the commodity description to (a) "food and related products" from frozen meats, and meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, in Sub-No. 3, and (b) "clay, concrete, glass or stone products", from agricultural limestone, in Sub-No. 6 and refractory cement, in packages, in Sub-No. 8F; (2) broaden its territorial descriptions to between points in the U.S. under a continuing contract(s) with named shippers; and (3) remove "except hides, frozen food and commodities in bulk" and "in vehicles equipped with mechanical refrigeration" restrictions in Sub-No. 3.

MC 133805 (Sub-65)X, filed June 12, 1981. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Applicant seeks to remove restrictions in its Sub-No. 64 certificate to broaden the commodity description from chemicals to "chemicals and related products".

MC 138635 (Sub-131X), filed June 10, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. Applicant seeks to remove restrictions (1) in Certificate No. MC–138635 (Sub-No. 96F) to: (a) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" and (b) remove the restriction limiting transportation to traffic moving on bills of lading of freight forwarders; and (2) in Permit No. MC–136464 (Sub-No. 23) to: (a) broaden the commodity description from textiles, and textile products, furniture, lamps and lamp shades to "textile mill products, furniture and fixtures, machinery, metal products, rubber and plastic products and clay, concrete, glass or stone products", and (b) expand the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 141148 (Sub-2)X, filed June 5, 1981. Applicant: WILLIAM E. PHILLIPS, d.b.a. PHILLIPS TRUCKING COMPANY, Box 511, Hebron, MD 21830. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) change the commodity description from wood chips to "lumber and wood products"; (2) delete the "in bulk" restriction from the commodity authority; (3) remove facilities limitations; (4) authorize radial service between specified points in MD, and, points in NJ and PA; and (5) expand Sharptown, MD, to Dorchester County, MD.

MC 141889 (Sub-13)X, filed June 8, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 5F, 7F, 8F, and 9F certificates to: (1) broaden the commodity description in Sub-No. 1F, from paper and paper products to "pulp, paper, and related products"; in Sub-No. 7F, from foodstuffs to "food and related products"; in Sub-No. 8F, from pre-built fireplaces to "metal products and clay, concrete, glass or stone products"; in Sub-No. 9F, from paper, paper products, plastic film, foil, cellulose products, and lignin pitch to "pulp, paper, and related products and rubber and plastic products"; (2) replace facilities limitations and/or specific point authority with county-wide authority as follows: (a) in Sub-No. 1F Outagamie County for Appleton and Combined Locks, WI; (b) in Sub-No. 7F Dunn, Wood, Eau Claire, and Barron Counties for Menomonie, Vesper, Cameron, Wisconsin Rapids, and Eau Clair, WI; (c) in Sub-No. 8F Portage and Wood Counties for Stevens Point and Wisconsin Rapids, WI; and (d) in Sub-No. 9F Winnebago and Marathon Counties for Neenah, Menasha, Rothschild, and Wausau, WI; (3) eliminate the "except commodities in bulk" restrictions in Sub-Nos. 5F and 9F; (4) eliminate the "originating at and destined to" restrictions in Sub-Nos. 7F and 9F; and (5) replace existing one-way authority with radial authority between

the above named counties and several western states.

MC 143032 (Sub-40)X, filed June 1, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5F, 6F, 7F, 16, 17F, 18F, 19F, 21, 25F, 28, 29F, 31, and 33 certificates to (1) broaden commodity descriptions: (a) to "coal and coal products, and petroleum and petroleum products" from heating briquets and petroleum coke in Sub-Nos. 2 and 3, and from snowmobile oil in Sub-No. 6; (b) to "metal products" from baghouse fume and steel grinding balls in Sub-No. 5, and from iron and steel articles in Sub-Nos. 19, 25, 28, and 29; (c) to "transportation equipment, and textile mill products" from snowmobiles, motorcycles, parts and accessories, and snowmobile clothing in Sub-No. 6; (d) to "wood products" from hardboard and accessories in Sub-No. 7; (e) to "building materials, stone products, and metal products" from roofing granules, crushed stone, and granulated slag; (f) to "lumber and wood products, and building materials" from lumber, lumber products, wood products, and building materials in Sub-No. 18; (g) to "stone products" from crushed stone in Sub-No. 21; (h) to "lumber and wood products, and forest products" from lumber, lumber products, wood products and forest products in Sub-No. 31; and (i) to "concrete products, ores and minerals, and chemicals" from lime and salt in Sub-No. 33; and remove exceptions of "commodities in bulk" and "in tank vehicles" in Sub-Nos. 6, 7, 18, and 21; (2) change one-way authority to radial authority in all certificates; (3) remove exclusions against service to AK and HI in Sub-Nos. 3, 5, 6, and 28; (4) remove restrictions limiting service to that originating at and destined to specified origins and destinations in Sub-Nos. 7, 28, and 31; and (5) expand the designated plantsites and municipalities to city-wide or county-wide authority, as follows: Sub-Nos. 2, 5, 6, 7, 18, and 19, St. Louis, Cook, Carlton and Pine Counties, MN and Douglas County, WI (facilities, Duluth, MN); Sub-Nos. 2, 3, and 7, Douglas County, WI (facilities, Superior, WI); Sub-No. 5, Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN (facilities, St. Paul, MN); Sub-No. 17, Marathon County, WI (Wausau, WI), Scott, Carver and Hennepin Counties, MN (Shakopee, MN), Cook County, IL (Chicago Heights, IL), Lake County, IN (Gibson, IN); Sub-No. 21, Marinette County, WI (facilities near Pembine, WI), Warren County, OH (Franklin, OH), and Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN (Minneapolis, MN); Sub-No. 25, Whiteside County, IL (Sterling and Rock Falls, IL); Sub-No. 28, Washington County, MN (Newport, MN); Sub-No. 29, Lake County, IN (facilities near Gary, IN), and Chicago, IL (South Chicago, Joliet and Waukegan, IL); and Sub-No. 31, Minnesota (for facilities in Minnesota).

MC 144676 (Sub-9)X, filed June 2, 1981. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its No. MC-143616 (Sub-No. 18F) permit to (A) broaden the commodity description to "chemicals and related products, and pulp, paper and related products" from ink and ink ingredients, pulp wallpaper, and chemicals (except in bulk); and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 145610 (Sub-9)X, filed June 2, 1981. Applicant: TRUCK AIR OF GEORGIA, INC., 576 Lake Mirror Road, College Park, GA 30349. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. Applicant seeks to modify Sub-No. 4F Certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden the territorial scope by replacing Hartsfield International Airport at Atlanta, GA with Atlanta, GA; replacing Birmingham Municipal Airport at Birmingham, AL with Jefferson County, AL; replacing Huntsville-Madison County Airport at Huntsville, AL with Madison and Limestone Counties, AL; replacing John F. Kennedy International Airport at Jamaica, NY and LaGuardia Airport at New York, NY with New York, NY; replacing Newark International Airport at Newark, NJ with Newark, NJ; replacing Logan International Airport at Boston, MA with Boston, MA; replacing O'Hare International Airport at Chicago, IL with Chicago, IL; replacing Lambert International Airport at St. Louis, MO with St. Louis, MO; replacing Kansas City International Airport at Kansas City, KS with Kansas City, MO-KS; replacing Dayton International Airport at Vandalia, OH with Montgomery County, OH; replacing New Orleans International Airport at New Orleans, LA with New Orleans, LA; replacing Knoxville Municipal Airport at Knoxville, TN with Knox County, TN; replacing Lovell Field Airport at Chattanooga, TN with Hamilton County, TN; replacing Nashville Metropolitan Airport at Nashville, TN with Davidson County, TN; replacing Memphis International Airport at Memphis, TN with Shelby County, TN; and replacing Tri-Cities Airport at Bristol, Kingsport, and Johnson City, TN with Bristol, Kingsport, and Johnson City, TN; and (3) remove the restriction limiting transportation to that having a prior or subsequent movement by air.

MC 146403 (Sub-5)X, filed June 2, 1981. Applicant: ROGER LOVE, d.b.a., ROGER LOVE TRUCKING, Route 3, East Grand Forks, ND 58721. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from coal to "coal and coal products," and, (2) authorize county-wide and radial authority to replace existing city-wide and one-way authority between St. Louis County, MN and Douglas County, WI, (for Duluth, MN), and points in ND.

MC 147978 (Sub-6)X, filed June 2, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its No. MC-133097 (Sub-No. 16) permit to (A) broaden the commodity description to "such commodities as are dealt in or used by manufacturers of motor vehicles" from truck parts; and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-18945 Filed 6-25-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; 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, preliminary, 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 effectiveness notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

(For status calls, please contact 202–275–7326.)

Volume No. OPI–180

Decided: June 18, 1981.

MC 45910 (Sub-4), filed June 10, 1981. Applicant: ROBERT C. HILTZ, INC., Cape Ann Industrial Park, Gloucester, MA 01930. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods*, between points in MA, on the one hand, and, on the other, points in CT, DE, FL, GA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 59241 (Sub-14), filed June 8, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005 (202) 783–7900. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, CT, NY, NJ, OH, DE, MD, VA, PA, RI, and DC.

MC 75840 (Sub-165), filed June 10, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, MO, OK, and TX.

MC 82841 (Sub-318), filed June 8, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant) (1–402) 339–3003. Transporting *metal products* between St. Joseph, MO, on the one hand, and, on the other, points in MT, WY, UT, CO, ND, SD, NE, KS, OK, MO, IA, MN, and Rock County, WI.

MC 91951 (Sub-12), filed June 9, 1981. Applicant: HENRY F. OWENS, INC., 130 Fawcett St., Cambridge, MA 02138. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108 (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 108631 (Sub-23), filed June 8, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting *machinery and metal products*, between New York, NY, and points in Delaware and Lehigh Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 118270 (Sub-14), filed June 10, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 W. Rampo St., Mahwah, NJ 07430. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *such commodities* as are dealt in by wholesale and retail grocery stores, between points in Erie, Niagara Wyoming, Genesee, Steuben, and Allegheny Counties, NY, on the one hand, and, on the other, New York, NY, points in NJ, and those in Sullivan, Orange, Rockland, West Chester, Suffolk and Nassau Counties, NY.

MC 124170 (Sub-171), filed June 9, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521 (312) 629–2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 133350 (Sub-6), filed June 9, 1981. Applicant: AQUA GULF CORPORATION, 63–69 Hook Road, Bayonne, NJ 07002. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Darien, CT.

MC 134730 (Sub-30), filed June 8, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant) (414) 258–9996. Transporting *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Miller-Bradford and Risberg, Inc., of Milwaukee, WI.

MC 134890 (Sub-13), filed June 9, 1981. Applicant: MARION TRANSFER, INC., 3011 North 30th St., Milwaukee, WI 53210. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *chemicals and related products*, and *hazardous materials*, between points in IL and WI, on the one hand, and, on the other, points in IL, IN, MA, NH, NJ, NY, OH, PA, and VA. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 138000 (Sub-93), filed June 10, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *rubber and plastic articles*, between points in the U.S., under continuing contract(s) with Rubbermaid Commercial Products, Inc., of Winchester, VA, Rubbermaid Incorporated, Home Products Division, of Wooster, OH, and Rubbermaid Applied Products, of Statesville, NC.

MC 145011 (Sub-15), filed June 8, 1981. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting (1) *chemicals and related products*, (2) *food and related products*, (3) *lumber and wood products*, (4) *machinery*, (5) *pulp, paper and related products*, and (6) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Interbake Foods, Inc., of Richmond, VA.

MC 145571 (Sub-2), filed June 8, 1981. Applicant: RALPH AARON, JAMES BARTHOLOMEW, AND AUBREY WILLIS, d.b.a. ABW TRUCKING COMPANY, P.O. Box 190, Collierville, TN 38017. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clyde Owen Sand & Gravel, Inc., of Collierville, TN.

MC 146440 (Sub-10), filed June 4, 1981. Applicant: BOSTON CONTRACT CARRIER, INC., 34 Market St., Everett, MA 02149. Representative: Alan Bernson (same address as applicant), (617) 389–5207. Transporting (1) *lumber and wood products*, (2) *chipboard*, (3) *clay, concrete, glass or stone products*, (4) *building materials*, and (5) *appliances*, between points in VT, on the one hand, and, on the other, points in the U.S.

MC 147900 (Sub-6), filed June 9, 1981. Applicant: COLLINS WHOLESALE SUPPLY, INC., d.b.a. COLLINS FREIGHT SERVICE, 4073 Hooker Road, Roseburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228–5275. Transporting *building materials*, between points in OR, WA, CA, NV, UT, and ID.

MC 151511 (Sub-4), filed June 10, 1981. Applicant: TOM O'CONNOR d.b.a. KERRY MOTOR SERVICE, 4433 South Halsted St., Chicago, IL 60609. Representative: Tom O'Connor (same address as applicant) (312) 538–0700. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, Omaha, NE, and St. Louis, MO, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 152640, filed June 10, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 North DuPont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 296–3555. Transporting (1) *lumber and wood products* and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with John Thomas Batts, Inc. of Zeeland, MI.

MC 152671 (Sub-4), filed June 9, 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 *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Becton, Dickinson & Co., of Rutherford, NJ, ICI Americas, Inc., of Wilmington, DE, Pacific Resins & Chemicals, Inc., of Tacoma, WA, and Oil-Dri Corp. of Americas and its subsidiary Oil-Dri West, Inc., both of Chicago, IL.

MC 153601 (Sub-1), filed June 10, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113 (612) 633–2661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pioneer Rim and Wheel Co., of Minneapolis, MN, Sewell Gear Manufacturing Company, of St. Paul, MN, White Farm Equipment, subsidiary of TIC Investment Corp., of Oak Brook, IL, and Fairway Foods, Inc., of Northfield, MN.

MC 154690, filed June 8, 1981. Applicant: NEAL FERTILIZER, INC., R.R. #1, Box 148, Dexter, IA 50070. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309 (515) 244–2329. Transporting *roofing and roofing materials*, between Kansas City, MO, on the one hand, and, on the other, points in Madison, Clarke, Union, Story, Polk, Jasper, Dallas, and Warren Counties, IA.

MC 154791, filed June 8, 1981. Applicant: JUDSON E. GRIGGS, d.b.a. JUDSON D. GRIGGS HAULING, 1053 Bethel Road, Boothwyn, PA 19061. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113 (215) 365–5141. Transporting *chemicals and related products*, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and OH.

MC 156051, filed June 10, 1981. Applicant: CUMBERLAND TRANSPORT, INC., P.O. Box 492, Kingsland, GA 31548. Representative: John J. Ossick, Jr., P.O. Box 1087, Kingsland, GA 31548 (912) 729–5864. Transporting (1) *commodities in bulk* and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Union Carbide Agricultural Products Company, Inc. of New York, NY.

MC 156440, filed June 11, 1981. Applicant: PETRA TRANSPORTATION CORPORATION, 4608 South Garnett, Suite 400, Tulsa, OK 74145. Representative: Jack R. Anderson, 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103 (918) 583–9000. Transporting *Mercer commodities*, between points in KS, LA, OK, and TX.

Volume No. OPI–182

Decided: June 19, 1981.

MC 65781 (Sub-9), filed June 9, 1981. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave. South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation of Minneapolis, MN.

MC 156350, filed June 10, 1981. Applicant: LOU'S DELIVERY SERVICE, INC., 190 W. Old Higgins Road, Des Plaines, IL 60018. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603 (312) 236–9375. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL and Milwaukee, WI, (a) from Chicago over U.S. Hwy 41 to junction IL Hwy 173, then over IL Hwy 173 to junction WI Hwy 32, then over WI Hwy 32 to Milwaukee, and return over the same route; and (b) over Interstate Hwy 94, serving all intermediate points in (1) (a) and (b) above.

Volume No. OPY–2–109

Decided: June 19, 1981.

MC 39963 (Sub-63), filed June 5, 1981. Applicant: JOSEPH P. ELMS, d.b.a. ARVADA TRANSFER, 18683 Weld County Rd. #15, Johnstown, CO 80534. Representative: Robert R. Redmon, 4701 Sangamore Rd., Bethesda, MD 20016, 301–320–5500. Transporting *general commodities* (except classes A and B

explosives), between points in Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, El Paso, Jefferson, Larimer, Logan, Morgan, Pueblo, and Weld Counties, CO, and Albany, Carbon, and Laramie Counties, WY.

MC 83243 (Sub-4), filed June 3, 1981. Applicant: MORGAN STORAGE AND VAN COMPANY, 2141 S. Foster Ave., Wheeling, IL 60090. Representative: Steven M. Rogers, One N. Northwest Hwy., Park Ridge, IL 60068 (312) 825–5581. As a *broker*, in arranging for the transportation of *general commodities, including household goods*, between points in the U.S.

MC 87103 (Sub-93), filed June 10, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter Keal (same address as applicant) 216–325–2521. Transporting *metal products*, between points in Armstrong, Westmoreland, Allegheny and Chester Counties, PA, Henry County, IN, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 89153 (Sub-8), filed June 10, 1981. Applicant: GAYLE T. McGARRY, d.b.a. EAGLE TRANSFER & STORAGE CO., P.O. Box F, Lewiston, ID 83501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502 (701) 258–8550. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of nonalcoholic beverages, between points in the U.S., on the one hand, and, on the other, points in ID, MT, WA, and OR.

MC 107012 (Sub-725), filed June 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *food and related products*, between points in Fond du Lac County, WI, on the one hand, and, on the other, points in the U.S.

MC 109763 (Sub-13), filed May 28, 1981. Applicant: WOLF'S BUS LINES, INC., P.O. Box 235, York Springs, PA 17372. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108, 717–232–6701. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Cumberland County, PA, and extending to points in the U.S. (including AK but excluding HI).

MC 113362 (Sub-418), filed June 8, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507–433–3427. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hardwood, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 113362 (Sub-419), filed June 11, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, (507) 433–3427. Transporting *general commodities* (except classes A and B explosives) between the facilities of Bowater Southern Paper Company at those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 134002 (Sub-35), filed June 11, 1981. Applicant: ZIPCO TRUCKING, INC., P.O. Box 715, West Bend, WI 53095. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting (1) *machinery*, (2) *transportation equipment*, and (3) *such commodities* as are dealt in by wholesale and retail automotive supply, plumbing and heating supply and discount stores, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 134612 (Sub-6), filed June 10, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Boyle-Midway, a Division of American Home Products Corporation, of Chicago, IL.

MC 140273 (Sub-33F), filed June 9, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *pulp, paper and related products*, between points in Morrison County, MN, on the one hand, and, on the other, points in the U.S.

MC 143762 (Sub-3F), filed June 8, 1981. Applicant: RIGGS & ALLEN TRANSPORTATION, INC., P.O. Box 182, Sacramento, CA 95691. Representative: Steve Allen (same address as applicant). Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, (3) *metal products*, and (4) *building materials*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Samoa, CA.

MC 143993 (Sub-9), filed June 1, 1981. Applicant: BLACK HILLS TRUCKING, INC., 106 River Cross Rd., Casper, WY 82601. Representative: Manuel A. Lojo (same address as applicant) 307–266–0319. Transporting *Mercer commodities*, between points in NM, NV, UT, CO, and WY.

MC 144622 (Sub-208F), filed June 8, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282–8344. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Campbell Soup Company and its divisions and subsidiaries, of Camden, NJ.

MC 144622 (Sub-209F), filed June 8, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282–8344. Transporting *chemicals and related products*, between points in Midland and Wayne Counties, MI, St. Louis County, MO, Wake County, NC, and Union County, NJ, on the one hand, and, on the other, points in Los Angeles County, CA, Duval County, FL, Fulton County, GA, Cook County, IL, Cuyahoga County, OH, Dallas County, TX, and King County, WA.

MC 146402 (Sub-34), filed June 11, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) (901) 423–2408. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Halstead Industries, Inc., of Zelienople, PA.

MC 147712 (Sub-28F), filed June 8, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with West Coast Plywood, Inc., of Azusa, CA.

MC 151422 (Sub-5), filed June 9, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Cameron Haukedahl (same address as applicant) 218–439–6186. Transporting (1) *metal products* and (2) *machinery*, between points in IL, IN, IA, KY, MI, MN, MO, MT, NE, NY, NC, OH, SD, SC, WI, VA and ND. 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 2, Room 2379.

MC 155322, filed June 8, 1981. Applicant: HANDY ROYALTY, dba ROYALTY TRUCKING, 2311 Starling Rd., Bethel, OH 45106. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230 (513) 231–4831. Transporting *metal products* and *transportation equipment* between points in OH and KY.

MC 155472, filed June 8, 1981. Applicant: TAYLOR TRUCKING COMPANY, 17180 Dix Highway, Wyandotte, MI 48192. 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 the U.S., under a continuing contract(s) with Hickman, Williams & Company, of Cincinnati, OH.

MC 156452, filed June 10, 1981. Applicant: BIRNIE BUS SERVICE INC., 7944 Upper West Thomas St., Rome, NY 13440. Representative: Timothy Brian O'Shea, 107 West Liberty St., Rome, NY 13440 (315) 336–4500. Transporting *passengers and their baggage*, in the same vehicle with pasengers, in round-trip charter and special operations, beginning and ending at points in Herkimer, Oneida, Madison, Lewis, and Onondaga Counties, NY, and extending to points in the U.S.

[FR Doc. 81-18909 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OPI-160]

Motor Carrier; Permanent Authority Decisions; Decision-Notice; Correction

This is to correct the notice of June 3, 1981 which published the incorrect rules governing the applications. This is to indicate the correct rules as fitness rules in lieu of non-fitness rules as previously published.

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 155130 (Sub-2), filed April 24, 1981. Applicant: B & D TRANSPORT, INC., 11621 Kanis Rd., Little Rock, AR 72211. Representative: Larry Brown (same address as applicant) (501) 225–3688. Transporting *general commodities* between Holly Springs, Fuquay-Varina and Stokesdale, NC, Radcliffee, Aurora, Ellsworth and Lawn Hill, IA, Henry, and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillett and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edina, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

[FR Doc. 81-18908 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29409]

Wolfeboro Railroad Associates; Applications to Acquire and Operate a Railroad Line, and to Issue Securities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts (1) the acquisition and operation of a rail line by Wolfeboro Railroad Associates (Associates) from the requirements of prior Commission approval under 49 U.S.C. 10901 and (2) the issuance of securities and assumption of obligations by Associates from the requirements of prior Commission approval under 49 U.S.C. 11301.

DATE: Effective on June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Background

Wolfeboro Railroad Associates (Associates) filed a petition under 49 U.S.C. 10505 to exempt: (1) its acquisition and operation of a 12-mile line of railroad, formerly known as Wolfeboro Rail Road Co., Inc. (Wolfeboro) from the requirements of obtaining our prior approval under 49 U.S.C. 10901; and its issuance of securities and assumption of obligations from the requirements of 49 U.S.C. 11301. Notice of the petition was published at 45 FR 77187 on November 21, 1980, requesting comments on the proposed exemption. No comments have been filed.

The Transactions

Wolfeboro owns a 12-mile rail line between Wolfeboro and Sanbornville, in Carroll County, NH. We authorized abandonment of the line in Docket No. AB-208F, *Wolfeboro Rail Road Co., Inc.—Entire Line Abandonment Near Sanbornville at Wolfeboro, In Carroll County, NH* (not printed), decided September 24, 1979. No steps have been taken to effect abandonment.

Associates is a limited partnership, with 2 general partners (WMC, Inc. and Wolfeboro Railroad Management Corp.) and 20 individual limited partners. It was organized for the purpose of acquiring, rehabilitating and operating the Wolfeboro line. In November, 1979, Associates purchased all of Wolfeboro's stock, acquired certain related land, and assumed certain liabilities for total consideration of $200,000. Associates later leased all of Wolfeboro's real estate and operating equipment in order to resume operations. Associates also issued partnership shares to the 22 partners for total consideration of $660,000. No public offering of securities was involved. These transactions were entered into upon the advice of counsel that Commission approval was not necessary. After discovering that our approval was necessary, Associates filed this petition.

Associates believes the transactions qualify for exemption. The line has only one connection, with Boston and Maine Corporation at Sanbornville. The railroad's main business will be tourism, with some local freight and passenger service anticipated. Petitioners believes Wolfeboro's tour operations will stimulate the local economy and benefit the surrounding communities, but that the limited nature and volume of service will not significantly affect national or regional transportation. The partnership essentially will step into Wolfeboro's shoes.

The Statute

The acquisition and operation by a noncarrier of a railroad requires our approval under 49 U.S.C. 10201.[1] To obtain approval, an application must be filed in compliance with procedures set forth at 49 CFR Part 1120 (1979). The issuance of securities by a carrier requires our approval under 49 U.S.C. 11301.

This petition was filed on July 3, 1980, before enactment of the Staggers Rail Act of 1980 (Pub. L. 96-488, § 213, 94 Stat. 1895, October 14, 1980) amended 49 U.S.C. 10505. As a general rule, administrative agencies must apply the law in effect at the time of decision in pending cases. See *Ziffrin Inc.* v. *United States*, 318 U.S. 73 (1943); and *Potomac Electric Power Co.* v. *United States*, 584 F. 2d 1058, 1066-1067 (D.C. Cir. 1978). Therefore, we will apply the law as amended by the 1980 Act.

Section 10505, as amended, authorizes the Commission to exempt a transaction when (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a, and (2) the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusion

A detailed review of Associates'—proposal is not necessary to carry out the Rail Transportation Policy. Rather, these exemptions would promote the policies of minimizing regulation and reducing regulatory barriers to entry into the rail industry. See 49 U.S.C. 10101a (2) and (7).

The transactions are limited in scope because (1) they involve a small railroad and local operations over a very short segment of track, and (2) the securities will be in the hands of the partners only, and are not for public offering, and involve only a small amount of money.

Having found the transactions to be of limited scope, we need not determine whether regulation is necessary to protect shippers from abuse of market power. However, the exemptions should benefit shippers in the area since it will provide them with rail service they otherwise might not have.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of its employees. 49 U.S.C. 10505(g)(2). Since Wolfeboro has no employees, protective conditions are not needed and will not be imposed.

Prior Criteria. In addition to meeting the criteria of section 10505, as amended by the Staggers Act, this proposal also meets the criteria of former section 10505. We have already indicated that these transactions are of limited scope. Furthermore, our review is not necessary to further the National Transportation Policy of 49 U.S.C. 10101. Because of the transactions' limited scope, the lack of any opposition to the proposal, and the resources required to prepare and review formal applications under 49 U.S.C. 10901 and 11301, our detailed scrutiny of the transactions would be an unreasonable burden on petitioner, and would serve little or no useful public purpose.

This decision does not significantly affect either the quality of the human environment or energy consumption.

It is ordered:

1. Pursuant to 49 U.S.C. 10505, we exempt: (a) the acquisition and operation by Associates of the 12-mile line of railroad between Wolfeboro and Sanbornville in Carroll County, NH, from the requirements of 49 U.S.C. 10901; and (b) the issuance by Associates of a maximum of $660,000 in securities from the requirements of 49 U.S.C. 11301.

2. Associates shall, within 60 days of the effective date of this decision, furnish the Commission with 3 copies of a sworn statement showing all journal entries required to record the transaction.

3. This decision will be effective for one year. The petitioner must consummate the transactions during that time to take advantage of this exemption.

4. This decision shall be effective on the date of publication in the **Federal Register.**

Decided: June 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18911 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[1] *Prairie Trunk Railway—Acquisition and Operation*, 348 ICC 832, 850-851 (1977).

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the thirty-ninth meeting of the Joint

Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on July 14 and 15, 1981.

The purpose of the meeting is to act on recommendations from the Work Group on Alternate Models on Organizing Research and consider research priorities, review the Collaborative Research Support Program, science and technology in AID, and implications of the General Accounting Office report on JRC.

The meeting will convene from 1:00 p.m. to 4:00 p.m. on July 14, and 8:30 a.m. to 3:00 p.m. on July 15. The meeting will be held in Room 1207, New State Department Building, 22nd and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. James Nielson, BIFAD Support Staff is the designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7935.

Dated: June 22, 1981.

James Nielson,

AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 81-18994 Filed 6-25-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed on November 5, 1979, the Commission on December 21, 1979, published a notice of institution of an investigation (44 FR 75738), pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, of alleged unfair methods of competition and unfair acts in the unauthorized importation and sale of certain food slicers and components thereof.

On June 15, 1981 the Commission unanimously determined that there was no violation of section 337 in investigation No. 337-TA-76 in the importation or sale of certain food slicers and components thereof.

Copies of the Commission's determination and order and all other public documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: June 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18983 Filed 6-25-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Publication of Office of Juvenile Justice and Delinquency Prevention Funding Policy for the Balance of Fiscal Year 1981

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Publication of Office of Juvenile Justice and Delinquency Prevention Funding Policy for the balance of fiscal year 1981.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in carrying out the continuation policy set out at 46 FR 7109 (January 22, 1981), and planning for the possible implementation of the Administration's proposed phaseout of programs funded under Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 in Fiscal Year 1982, will utilize remaining unobligated Fiscal Year 1981 categorical grant funds primarily to fulfill binding Fiscal Year 1981 grant continuation commitments. The Office will fund no new categorical programs or projects for the balance of this fiscal year unless they are determined by the Administrator to be priorities consistent with the Administration's future plans or constitute, in the Administrator's judgment, an exceptional circumstance. The Catalog of Federal Domestic Assistance reference for Special Emphasis and Technical Assistance programs is 16.541, and for the National Institute for Juvenile Justice and Delinquency Prevention is 16.542.

This annoucement does not require a Regulatory Impact Analysis under § 3d of Executive Order 12291, or a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 354.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention; Telephone: 202/724-7751.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention was established by Title II of the Juvenile Justice and Delinquency Prevention Act of 1974. The Title II grant program consists of formula grants to the States and categorical grants made directly by the Office. The Administration's budget proposal for Fiscal Year 1982 provides no additional funds for new or continuation grants or other Title II program activities administered by the Office of Juvenile Justice and Delinquency Prevention. No continuations of the Office's categorical grant programs and projects, which would otherwise be eligible for continuation consideration in Fiscal Year 1982 or 1983, can be anticipated from direct Federal fund sources.

The Office published a proposed regulation in the **Federal Register** for public comment on May 12, 1981 (46 FR 26403). This proposal stated that it was the intention of the Office to fulfill the public interest and to act in a manner consistent with the Administration's proposed Fiscal Year 1982 budget with those Title II funds that remain available for the balance of Fiscal Year 1981. Of primary concern to the Office is the need to assure responsible financial accountability and administration of Fiscal Years 1979-1981 funds which will continue to be available for obligation or expenditure by recipients in Fiscal Years 1982-83. Even without new appropriations for categorical programs on or after October 1, 1981, the Office will avoid premature grant termination actions (except for cause) and will attempt to make the best possible use of available funds by honoring commitments, completing currently funded project activities, and targeting remaining funds in narrow priority funding areas. It is not in the best interest of the Federal government to begin or continue projects which cannot

be completed with currently available funds or to begin new cycles of other currently funded service, training, or other project activity. To expedite this policy, the general funding plan will be to forego funding of new activities and to complete or bring to a useable stage as many ongoing activities as possible. This plan will be carried out as specified in this policy except to the extent that formal rescissions or deferrals of current spending authority are approved by Congress.

Response to Public Comment

The Office received six telephone calls for information on the continuation policy and four comments.

Comment No. 1—The first comment requested the rationale for the restriction on no cost extensions. The proposal was viewed by this commentator as an attempt to recapture program funds. The rationale for the extension policy was not to attempt to recapture program funds. The rationale, as stated, was based upon the possibility that the Office would have no personnel to administer grant extensions. Exceptions are provided for in the extension policy and, to the extent that the Office has staff available, they will continue to process and administer justified extensions. However, the policy that a grantee has no right to a "no cost extension" will remain in effect.

Comment No 2—One commentator questioned the legality and the premise of the proposed policy as follows: "Assuming merely *arguendo* that such an approach to the agency's funding policy is legally permissible (*but see, e.g., Local 2677 v. Phillips*, 358 F.Supp. 60 [D.D.C. 1973]), the premises of the proposed policy have been invalidated by the actions taken this week by the Senate Judiciary Committee and the House Education and Labor Committee in respectively recommending Fiscal Year 1982 appropriations for OJJDP of $44.00,000 and $86,500,000."

Because the operative Fiscal Year 1981 policy provides for the obligation and expenditure of all (100%) available funds, it cannot be said to constitute an illegal impoundment. The premises of the proposed policy have not been invalidated by any preliminary actions of the standing committees of the House or Senate. Neither Appropriation Committee has as yet taken action on the Administration's proposal.

Comment No. 3—One commentator pointed out that it did not make sense to continue the previously published continuation policy in effect when the Administration's position and the Budget Committee's actions to date did not provide for a continuation of the program. In addition, it has become clear that should a continuation of the program be enacted the total amount of funds available or the nature of the program could be subject to broad changes. We agree. Consequently, the continuation policy set forth at 46 FR 7109 (January 22, 1981) will no longer be useful and is canceled by this regulation.

Comment No. 4—One commentator requested an explanation of the balances of available funds affected by this policy. Special Emphasis funds and Research and Training program funds are governed by this policy.

The National Institute for Juvenile Justice and Delinquency Prevention has a remaining balance of $2,603,000. These funds have all been allocated, but not obligated. The allocations have been made in accord with this regulation. Funds will be used to complete six ongoing evaluations of existing juvenile justice programs and nine other research projects relating to such items as high risk behavior, minority research, sexual exploitation of children, school discipline, problems of secure care, etc. The Special Emphasis program has an existing balance of $6,910,000. However, a rescission of $2,931,000 was approved by the House Appropriations Committee (Cong. Rec. H 2593, June 3, 1981). The rescission will be derived from either Part B formula grant funds if a number of States do not qualify for such funds by August 1, 1981, or from the Special Emphasis fund category. The allocations which are anticipated (but may be reduced because of the rescission) include $870,000 to restitution programs, $3,617,000 to Part II of the violent offender program, $600,000 for Alternative Education, $880,000 to information and standards programs and a survey of facilities, $192,000 to an anti-shoplifting program, and the balance to projects relating to services for the children of Atlanta, serious and violent offender programs and projects, and other Administration priorities. These allocations may change within the context of this regulation depending upon the resolution of administrative appeals and the source of funds for the rescission action.

Policy

Continuation Grants—This policy of the Office of Juvenile Justice and Delinquency Prevention on continuation funding, announced at 46 FR 7109 (January 22, 1981) is canceled. The allocations of funds for the balance of Fiscal Year 1981 are based primarily on OJJDP's interest in completing recent major successful programs and facilitating the orderly phaseout of the OJJDP program consistent with the Administration's budget proposal, now pending before the Congress. The proposed selection of programs for continuation reflects criterion 6 of the canceled policy, "Circumstances indicate that continued funding would be in the best interests of the government." OJJDP will consider the adoption of a revised general continuation policy, with a focus on which particular projects should be continued within an eligible program, if appropriations for such functions are provided for Fiscal Year 1982.

The categorical grant programs of the Office generally provide for a fixed term of activity under the "project period" system of award. Under this system, grant activities are approved for a fixed "project period" constituting the entire activity of the grant and are funded by separate awards under shorter "budget periods." The major Special Emphasis program slated for refunding of an additional budget period within an existing project period in Fiscal Year 1981 is the Restitution program. The final budget period for Restitution projects will be funded to the maximum extent funds have been allocated and are available for these commitments.

Miscellaneous Special Emphasis grant projects awarded outside of or prior to the adoption of the project period system will not be considered for continuation funding unless there is a written commitment incorporated in the grant award to provide continuation funding beyond the current expiration date of the grant, or if the project meets the criteria set forth below for funding of new grant applications. This restriction is necessary because project period continuations have a higher funding priority under established agency policy and adequate Fiscal Year 1981 continuation funds are not available to be set aside for the refunding of all projects which were not awarded under the project period system.

Research and training programs of the National Institute for Juvenile Justice and Delinquency Prevention have undergone review to determine those activities which are currently due for refunding and can be completed or brought to a useful stage with the remaining Fiscal Year 1981 funds available. No new activities will be started except as required by law or in accordance with competitive research grant programs announced in prior fiscal years. No training projects that have met their current objectives or completed their project period will be considered for refunding except those which provide direct training of juvenile justice system personnel or law related

education. Long range research or training efforts with no reasonable expectation of successful implementation without multi-year funding will not be refunded. These restrictions on eligibility for refunding of Institute categorical grants are necessary for the reasons set forth above.

"No Cost" Extensions—No categorical grantee has a right to a "no cost" extension beyond the initial scheduled termination date of a grant. With the expected phaseout of Office staff and available support activities, it is the policy of the Office that "no cost" extensions will not normally be granted. However, for good cause, the Office will consider "no cost" extensions on a case-by-case basis. Good cause will include the potential for cost assumption by other fund sources or the completion of activities so that cost assumption can be given consideration by State budget offices, State legislatures, or other potential continuation fund sources.

New Grant Applications—The Office does not anticipate the award of new categorical grants for the balance of this fiscal year. No program announcements for new grants are being issued. Exceptions will only be considered where the Administrator determines that there is a public safety emergency, a pre-existing legal commitment, or where significant program models or activities near completion should be completed. Grant or contract activities which are consistent with the Administration's budget proposal or which otherwise constitute a high priority of the Administration will also be considered for funding as a partial exception. Examples include programs relating to juvenile victims of crime, serious or violent criminal activity, and programs that were previously started and require completion or refinement so that the Administration can make decisions which may affect future activity in these areas. Activities requiring reprogrammed funds to phaseout State, Office of Juvenile Justice and Delinquency Prevention, and Department of Justice responsibilities in the Title II formula grant program may also require funding and will be considered to the extent funds can be made available.

Dated: June 23, 1981.

W. Modzeleski,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-18893 Filed 6-25-81; 8:45 am]

BILLING CODE: 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commerical or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 17th day of June 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending June 20, 1981

Name of applicant and location of enterprise	Principal product or activity
LeGardeur International, Inc., Belle Chasse, Louisiana.	Marine structure design and construction.

[FR Doc. 81-18736 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-116-C]

Thomas & Miller Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Thomas and Miller Coal Company, P.O. Box 268, Whitwell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 17-1 Mine located in Marion County, Tennessee. 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 lighting devices be installed on the mine's electric face equipment.

2. The coal seam varies in height from pencil thickness to 36 inches.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. Installataion of the prescribed lighting system would cause an abrupt change in light intensity, causing the

equipment operator and nearby miners to be temporarily blinded;

b. Glare results from these lights, impairing the miners' vision.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comment

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 27, 1981. Copies of the petition are available for inspection at that address.

Dated: June 18, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-18661 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9220]

C. J. Bachner & Sons, Inc., Gloversville, N.Y., Certification Regarding Eligibility To apply for Worker Adjustment Assistanace

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 7, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at C. J. Bachner & Sons, Incorporated, Gloversville, New York. The Workers produce ladies' gloves.

U.S. imports of dress gloves and mittens increased relative to domestic production in 1979 compared to 1978. U.S. imports of sport gloves increased both absolutely and relative to domestic production in 1979 compared to 1978. The ratio of imported dress gloves and mittens to domestically produced dress gloves and mittens was 682.9 percent in 1979.

A survey was conducted by the Department of Labor of major coustomers of C.J. Bachner and Sons, Incorporated. Most of the responding customers indicated purchases of imported gloves. Several surveyed customers decreased purchases from C.J. Bachner and increased purchases of imported gloves in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' gloves produced at C.J. Bachner & Sons Incorporated, Gloversville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of the firm. In accordance with the provisions of the Act, I make the following certification:

All workers of C.J. Bachner & Sons, Incorporated, Gloversville, New York who became totally or partially separated from employment on or after June 20, 1979 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of June 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-18649 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8963]

GRM Industries, Inc., Grand Rapids, Mich.; Notice of Negative Determination Regarding Application for Reconsideration

By an application dated April 20, 1981, a worker requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing automobile components at GRM Industries, Inc., Grand Rapids, Michigan. The determination was published in the Federal Register on March 20, 1981 (46 FR 17929).

Pursuant to 20 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

A worker claimed in his application for reconsideration that GRM Idustries, Inc., of Grand Rapids, Michigan lost about two-thirds of its rear window slide assemblies for pick-up trucks to a domestic competitor's production in Canada. Further, he noted that workers for certain General Motors-owned parts plants have been certified as eligible for trade adjustment assistance.

The Department's review revealed that the worker petition did not meet the increased import criterion of the Trade Act of 1974 for ashtray and ashtray parts, dashboards, brake discs, instrument panels, hood hinges, fuel filler assemblies, glove boxes and inner body stampings U.S. imports of brake discs decreased absolutely in model year 1980 compared with model year 1979. U.S. imports of the remaining products are negligible. Also, the worker petition did not meet the "contributed importantly" test for rear window assemblies. The Department's survey showed that major customers of GRM either did not import rear window assemblies or that imports decreased. One customer who showed an increase in imports of vent windows accounted for only an insignificant share of GRM vent window sales.

The Department's investigation does not support the worker's claim that GRM lost two-thirds of its rear window slide assemblies to imports from a domestic competitor's plant in Canada. The Department found that the rear window assemblies made in Canada by the domestic competitor were only for the Canadian market and were installed on trucks in a nearby Canadian truck assembly plant. None of the rear window assemblies were imported into the United States. If, therefore, GRM lost sales because of this domestic competitor, they would have been export sales and would not provide a basis for certification of GRM workers.

As noted in the original denial, the Department cannot base a certification of employees of an independent parts-producing plant on increased imports of final articles, e.g., automobiles, which may incorporate parts similar to parts produced by the petitioning workers. In the case of workers who produce parts and who are also employees of a firm which produces automobiles, e.g., General Motors, however, the Department is able to consider GM as the worker's firm under Section 222(3) of the Act and can base a certification on increased imports of automobiles like or directly competitive with, automobiles produced by General Motors.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 17th day of June 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-18948 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,762]

I.R.C. Fibers Co., Painesville, Ohio; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 24, 1980 in response to a worker petition received on November 18, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at I.R.C. Fibers Company, Painesville, Ohio.

A negative determination applicable to the petitioning group of workers was issued on November 28, 1980 (TA-W-10,401). The negative determination was based on the fact that U.S. imports of tire cord are negligible. No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 17th day of June 1981.

Marvin Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-18950 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-2405]

Proposed Exemption for Certain Transactions Involving the Citizens Bank Employees' Stock Bonus Plan Located in Bloomsbury, N.J.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale on March 22, 1978, of two mortgages by the Citizens Bank Employees' Stock Bonus Plan (the Plan) to Citizens Bank, N.A. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the trustees of the Plan, the Employer, and the American National Bank and Trust Company of New Jersey (American), with the which the Employer merged on March 6, 1981.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 21, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective March 22, 1978.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2405. 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: Mrs. Miriam Freund of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan, which will terminate as part of the merger of the Employer with American, covered 48 participants as of January 30, 1981. The Plan became effective January 1, 1978, superseding a profit sharing plan for employees of the Employer. All assets under the profit sharing plan became part of the Plan. Each participant's benefit in the profit sharing plan was transferred to the Plan. Under section 4.01 of the Plan, each participant was given an opportunity to elect irrevocably in writing to convert the then current value of his account into Employer stock or to have the account invested in the same manner as under the profit sharing plan.

2. At the time of the conversion of the profit sharing plan into the Plan, the profit sharing trust owned as investments two mortgages:

(a) Mortgage made April 2, 1976, on behalf of Thomas F. and Delores F. Martynowski, mortgagors, in the principal amount of $23,000.00, bearing interest at the rate of 9¼% per year, due April 2, 1991, and providing for monthly payments; and

(b) Mortgage made May 20, 1977, on behalf of Beverley G. Ferguson, mortgagor, in the principal amount of $16,000.00, bearing interest at the rate of 8¾% per year, due May 20, 1997, and providing for monthly payments. On March 22, 1978, the balances due (principal plus accrued interest) were $20,250.78 on the Martynowski mortgage, and $15,893.47 on the Ferguson mortgage.

3. The Plan sold both mortgages on March 22, 1978, to the Employer at the price of the balances due. The sales prices were paid in a single lump sum cash payment on March 22, 1978. The Plan did not incur any cost in connection with the sale of the mortgages. All monies received from the sale were used to purchase Employer stock on the same day received.

4. It is represented that the sole purpose of the sale of the mortgages to the Employer was to accommodate the Plan participants and that the Employer did not profit from its purchase as it had available other sources to invest its monies at least as profitably as in the purchase of the subject mortgages. It is further represented that the Employer was the one party available to purchase

the mortgages at par without any legal costs or commissions or other costs to the Plan and that the Employer did not realize that the sale was a prohibited transaction under the Act. While no effort was made at the time to sell the mortgages to third parties, the Plan trustees believe that selling to third parties would have involved costs and probably some reduction in price and that selling to the Employer was thus more favorable to the Plan than selling to third parties would have been.

5. On April 15, 1981, Michael G. Morris Associates, appraiser and consultant, stated that the interest rates on the subject mortgages at the time of the sale from the Plan to the Employer were in the range of those interest rates for which the Employer was then issuing mortgages. Mr. Morris, who states that he is a qualified and certified appraiser within the State of New Jersey, concludes that the purchase of these mortgages by the Employer was on terms and conditions then available in the market place and therefore should be considered a fair transaction. Although Mr. Morris includes the Employer among his list of clients, he states that the income he received in 1980 from the Employer amounted to less then ½ of 1% of his total gross income.

6. In summary, the applicants represent that the sale of the mortgages described above satisfied the criteria of section 408(a) of the Act due to the following:

(a) They were one-time transactions for cash;

(b) The sales were necessary to implement the Plan participants' elections to convert the assets in their accounts under the superseded profit sharing plan into Employer stock to be held under the Plan;

(c) The Plan did not incur any cost in connection with the sale of the mortgages;

(d) The Plan trustees believed that the sales prices of the mortgages were not less than their fair market values at the time of the sale; and

(e) An independent qualified appraiser has concluded that the purchase of the mortgages by the Employer was on terms and conditions then available in the market place and therefore should be considered a fair transaction.

Notice to Interested Persons

Within 20 days of the date this notice of pendency is published in the **Federal Register**, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include Plan participants and beneficiaries. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and to request that a hearing be held with respect to the proposed exemption. The notice will be delivered by mail or by enclosure with the employee's current wage payment.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale on March 22, 1978, of the two mortgages described above by the Plan to the Employer, provided that the amount the Plan received for each mortgage was not less than its fair market value on that date.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-19873 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2425]

Proposed Exemption for Certain Transactions Involving City Investing Co. and Its Affiliates Located in New York, N.Y.

AGENCY: Department of Labor, P&WBP.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The

proposed exemption would exempt, under certain conditions, the reinsurance by Federal Home Life Insurance Company, (the Reinsurer), a party in interest with respect to certain welfare plans (the Plans) for employees of City Investing Company and Its Affiliates (the Employers), of insurance contracts issued by the Prudential Insurance Company of America (the Insurer) to fund benefits under the Plans. The proposed exemption, if granted, would affect the Employers, participants and beneficiaries of the Plans, the Reinsurer, and other persons participating in the transaction.

EFFECTIVE DATE: If the proposed exemption is granted, it will be effective January 1, 1978.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 14, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-2425. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of the 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: Mrs. Miriam Freund of the Department, telephone (202) 523-8671. (This is not a tollfree number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (a) and (b) of the Act. The proposed exemption was requested in an application filed on behalf of the Reinsurer, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79-41 (PTE 79-41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79-41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contact would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79-41, it had received several application for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part for all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that if would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. City Investing Company (the Company) is a large publicly held corporation, incorporated in the State of Delaware, which is engaged in the business of controlling and managing subsidiary corporations engaged in many diverse industries.

2. The Reinsurer is a wholly owned subsidiary of the Company. The Reinsurer is a stock life insurance companay, incorporated in 1910 in the State of Indiana, and is now qualified to do business in 49 states and the District of Columbia. At the end of 1979, it had capital paid up of $1,100,000 and surplus of $23,306,075. The Reinsurer actively solicits life insurance business from the general public in the states where it is licensed and also accepts reinsurance from selected insurers. It is rated A (Excellent) by "Best's Insurance Reports/Life Health" 75th Edition, 1980, pages 636-7.

3. The Plans are employee welfare benefit plans which provide life and health insurance benefits to employees of the Employers. There are approximately 26,000 participants in the Plans providing life insurance and approximately 31,800 participants in the Plans providing health insurance. A large number of participants are covered both by Plans providing health insurance and by Plans providing life insurance. The Plans are funded entirely through the purchase of group insurance policies at competitive rates from the Insurer. The Insurer is not related to the Company or the Reinsurer. Among mutual and stock life insurance companies, the Insurer is the largest insurance company in the world based on assets and total insurance in force. It is rated A+ (Excellent) by "Best's Insurance Reports/Life Health" 75th Edition, 1980, pages 1601-03.

4. The Insurer, as direct insurer of the Plans, has entered into a reinsurance contract with the Reinsurer with respect to certain risks it insures under the Plans. The reinsurance contract was executed in May 1979 and is effective as of January 1, 1978. Under the reinsurance contract, the Insurer pays the Reinsurer 50 percent of the group life premiums and 80 percent of the group health premiums received from the Plans, in exchange for which the Reinsurer reinsures the Insurer for 50 percent of the risk of group life business and 80 percent of the risk of group health business. The reinsurance contract in no way affects the Insurer's liability for all of the benefits promised under its insurance contracts with the Plans. The Plans are not parties to the reinsurance contract.

5. The applicant represents that the subject reinsurance transactions have met or will meet all of the conditions of PTE 79-41, covering direct insurance transactions:

(a) The Reinsurer is a party in interest as described in section 3(14)(G) of the Act by reason of stock affiliation with the Company, one of the Employers.

(b) The Reinsurer is licensed to sell insurance in at least one of the United States.

(c) The reinsurer has obtained a certificate of compliance from the Department of Insurance of the State of Indiana.

(d) The Reinsurer has undergone a financial examination by the Department of Insurance of the State of Indiana for calandar years 1975 and 1978.

(e) The Reinsurer has undergone a financial examination by an independent certified public accountant for the calendar years 1978 and 1979 and previous years, and will continue to undergo such an examination in the future.

(f) The Plans pay no more than adequate consideration for the insurance contracts. Premiums for the group insurance here involved are subject to a retrospective rating formula and ultimately are a function of three factors: (i) actual losses of the group; (ii) state premium taxes; and (iii) a "retention" charge, which is a percentage designed to compensate the Insurer for all administrative services, as well as provide it with a small profit factor. Because the Insurer is one of the largest group insurance underwriters in the country and enjoys substantial economies of scale in overall policy administration, the retention charge (in 1979, 6.9 percent of premiums) in respect to the Plans is highly competitive. The subject reinsurance transactions are not a factor in the premium computations and thus do not in any way increase the costs to the Plans.

(g) After December 31, 1981, no commissions will be paid in connection with either the direct sale of the insurance contracts or with respect to the reinsurance contract between the Insurer and the Reinsurer.

(h) The Reinsurer does not provide insurance or reinsurance for any plans to which it is a party in interest other than the Plans. The gross premiums and annuity considerations received by the Reinsurer in 1979 and 1980 from both direct insurance and reinsurance for life and health contracts for the Plans and the Employers did not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in 1979 and 1980 by the Reinsurer. Such premiums amounted to approximately 23 perecent of all the Reinsurer's gross premiums received in 1979. Although the Reinsurer anticipates reinsuring additional contracts of the Employers in the future, the Reinsurer will limit such additional contracts if necessary to avoid exceeding the 50 percent ratio mentioned above.

6. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because:

(a) The insurance could not be purchased by the Plans directly from the Reinsurer more economically than the Plans purchase it from the Insurer;

(b) Plan participants and beneficiaries are afforded insurance protection by the Insurer, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations;

(c) The Reinsurer is a sound, viable insurance company which has been in business for many years and which does a substantial amount of business outside its affiliated group of companies; and

(d) Each of the protections provided to the Plans and their participants and beneficiaries by PTE 79-41 has been, or will be, met under the subject reinsurance transactions.

Notice to Interested Parties

Notice of the proposed exemption will be provided to all participants and beneficiaries of the Plans on or before July 10, 1981. In the case of participants who are currently employed, notice will be provided by means of announcement posted on the Employers' bulletin boards. In the case of retired participants and beneficiaries of deceased participants, notice will be provided by first class mail. The notice will contain a copy of the notice of proposed exemption and a statement advising the interested persons of their rights to comment and to request a hearing on the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1978, the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by the Reinsurer from the group health and group life insurance contracts sold by the Insurer to the Employers to provide benefits to the Plans, provided the following conditions are met:

(a) The Reinsurer—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with the Employers that is described in section 3(14) (E) or (G) of the Act;

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia;

(3) Has obtained a certificate of compliance from the Department of Insurance of its domiciliary state, Indiana, which has neither been revoked nor suspended; and

(4)(A) Has undergone a financial examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Indiana) buy the Department of Insurance of the State of Indiana within five years prior to the end of the yar preceding the year in which the reinsurance transaction occurred;

(b) The Plans pay no more than adequate consideration for the group insurance contracts;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after December 31, 1981; and

(d) For each taxable year of the Reinsurer, the gross premiums and annuity considerations received in that taxable year by the Reinsurer for life

and health insurance of annuity contracts for all employee benefit plans (and their employers) with respect to which the Reinsurer is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act, does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by the Reinsurer. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts to such plans (and their employers) by the Reinsurer. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by the Reinsurer.

(2) All premiums and annuity considerations written by the Reinsurer for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18974 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2211]

Proposed Exemption for Certain Transactions Involving Hardy Coal Company Employees' Pension Plan & Trust Located in Sugarcreek, Ohio

AGENCY: Department of Labor, P&WBP.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the contribution to the Hardy Coal Company Employees' Pension Plan and Trust (the Plan) on September 11, 1979 of two parcels of real property by Holmes Land Company (Holmes), a wholly-owned subsidiary of GEX Hardy, Inc. (the Employer), the Plan sponsor, in satisfaction of the minimum required contribution to the Plan for the year ending December 31, 1978. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, Holmes and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 10, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective September 11, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2211. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 31, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan that had 159 participants and total assets of $483,608 as of December 31, 1978. A pension committee (the Committee) directs the investments for the Plan. The individuals who comprise the Committee and make the investment decisions for the Plan are as follows: Paul Gorsky, employee of the Employer; Fred Phillippi, president of the Employer; and C. N. Bailey, vice president of the Employer. The assets of the Plan are held by Reeves Banking and Trust Company, a directed trustee (the Trustee), located in Dover, Ohio. However, with respect to the transaction involved, the Trustee acted in an independent manner.

2. In mid-1972, the Employer, located in Sugarcreek, Ohio, became a wholly-owned subsidiary of General Exploration Company (the Company). The business of the Company consists primarily of (a) the domestic production and sale of coal through surface mining in Ohio and underground mining in Utah, Colorado and Kentucky; and (b) the domestic and foreign exploration for and development and production of oil and gas. The Employer performs all of the Company's coal surface mining operations.

3. In 1978, the Employer suffered a $490,000 loss from its operations as a result of a reduction in sales. In addition, the Employer began experiencing severe cash flow difficulties. As a result of the above financial difficulties, the Employer lacked sufficient financial resources to satisfy the minimum required cash contribution of $69,439 for the Plan for the year ending December 31, 1978.

4. In mid-August of 1979, Holmes offered to transfer two parcels of real property (the Helen Plotner Tract and Vernon Beachy Tract, collectively, the Properties) to the Plan, in satisfaction of the minimum required cash contribution of $69,439 to the Plan for the year ending December 31, 1978. The Properties, which are fully reclaimed mining real property were each appraised by E. J. Bowers, an independent appraiser, on August 23, 1979. The Helen Plotner Tract, which is located in Sugarcreek, Ohio, was valued at $43,000. There was a caretaker tenant on it who paid a nominal rental of $1,200 per year. The Vernon Beachy Tract, which is located in Sugarcreek Ohio, was valued at $57,500. The Vernon Beachy Tract was unimproved and did not produce any income.

5. The Trustee states that, after reviewing the financial condition of the Employer and the needs of the Plan, it made an independent determination that it would be in the best interests of the Plan participants and beneficiaries to accept the Properties in satisfaction of the Plan's minimum required contribution of $69,439 for the year ending December 31, 1978. The Trustee believed that the Plan would be able to quickly dispose of the Properties for a cash amount in excess of $69,439 and reinvest this amount in assets earning a greater return than the return on the Properties. On September 11, 1979, the Properties were transferred to the Plan.

6. Shortly after the Properties were transferred to the Plan, the Employer's legal counsel determined that the transfer of the Properties constituted a prohibited transaction. As a result of that discovery, the Employer voluntarily filed an exemption application on October 2, 1979, for the contribution of the Properties by Holmes to the Plan.

7. The Trustee, acting in its sole discretion on the Plan's behalf, sold each of the Properties to unrelated parties. The Helen Plotner Tract was sold on March 14, 1980 for $50,000 and the Vernon Beachy Tract was sold on May 23, 1980 for $37,500. The Plan paid sales commissions on the Properties which amounted to $5,915.55.

8. The Trustee represents that the contribution of the Properties was beneficial because it was able to quickly dispose of the Properties at a price that was $12,145.45 in excess of the minimum required cash contribution of $69,439 for the year ending December 31, 1978, and the money received was invested in assets earning a greater return than the Plan was earning on the Properties. The Trustee further represents that all of the monthly rentals due on the Helen Plotner Tract from the caretaker were collected on schedule prior to its sale.

9. In summary, it is represented that the contribution of the Properties by Holmes to the Plan met the statutory criteria for an exemption under section 408(a) of the Act because: (a) The Trustee, acting independently, determined that the contribution of the Properties was appropriate for the Plan and was in the best interests of the Plan participants and beneficiaries; (b) the Employer was experiencing financial difficulties and was unable to make a cash contribution; (c) the fair market value of the Properties on the date of contribution was determined by an independent appraiser; and (d) the amount the Plan secured from the sale of the Properties to unrelated parties exceeded the minimum required cash contribution amount.

Notice to Interested Persons

Notice of the proposed exemption will be given to all present participants and beneficiaries within 15 days of the date the notice of pendency of such exemption is published in the **Federal Register** by hand delivery or by first-class mail. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment and to request a hearing regarding the requested exemption within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution on September 11, 1979 of the Properties by Holmes to the Plan in satisfaction of the minimum required contribution for the Plan for the year ending December 31, 1978, provided that: (1) the Employer's federal tax deduction for the contribution of the Properties to the Plan was not greater than the fair market value of the Properties on the date of contribution; and (2) the contribution was valued at its fair market value by the Plan on the date of contribution.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18976 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2166 and D-2167]

Proposed Exemption for Certain Transactions Involving the Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc. Defined Benefit Pension Plan Located in Newport Beach, California

AGENCY: Department of Labor, P & WBP.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt for a period of five years the placement of second trust deeds with the Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc. Defined Benefit Pension Plan (the Plans), and the guarantees of repurchase from the Plans of second trust deeds which are in default, by Richard S. Ehrenfeld, Inc. (the Employer) and Richard S. Ehrenfeld (Mr. Ehrenfeld), disqualified persons with respect to the Plans. The proposed exemption, if granted, would affect Mr. Ehrenfeld, the Employer, and beneficiaries of the Plans.

Since Mr. Ehrenfeld is the sole stockholder and employee of the Employer and the only participant in the Plans, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 24, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2166 and D-2167. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, Telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Plans, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B., 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Temporary Nature of the Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant.[1] Should the applicant wish to continue these transactions beyond the five year period, the applicant may submit another application for an exemption.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Mr Ehrenfeld is the sole shareholder and employee of the Employer and the sole participant and trustee of the Plans. The Plans have total assets of approximately $97,000 as of November 30, 1980.

2. The Employer is a mortgage broker, licensed by the California State Department of Real Estate, specializing in the placement of second trust deeds.[2] The Employer's income is derived from sales commissions paid by borrower's for the placement of second trust deeds.

3. The Employer proposes to place second trust deeds with the plans. No second trust deeds, however, will be placed with the Plans which would represent extensions of credit to disqualified persons as defined in section 4975(e)(2) of the Code. In order not to receive any financial benefit from any second trust deed placed with Plans, the Employer will contribute an amount equal to its commission to the Plans.[3] Further the Employer and Mr. Ehrenfeld will guarantee in writing to repurchase (for an amount equal to the outstanding principal plus accrued interest) any second trust deed that is placed with the Plans that is in default in excess of 90 days.[4] The Employer as of November 30, 1980 had total assets of approximately $105, 195. Mr. Ehrenfeld as of May 13, 1981 has a total net worth of approximately $665,000.

4. The second trust deeds to be placed by the Employer with the Plans will have the following characteristics. The deeds will be short term, interest only obligations, with a maturation date that is not in excess of 24 months. Financial information pertaining to the borrower (including a credit report), a title report and a fire and casualty insurance policy, is required with respect to each transaction. The security for the loan is in most cases high quality southern California residential property (generally single family residences or multi-unit residential complexes) and occasionally commercial property. The property securing the loans will be geographically dispersed within southern California. In connection with each loan, an independent appraisal of the property securing the loan is obtained. At least 25 percent protective equity is required for each loan (i.e. amount of loan together with all prior encumbrances may not exceed 75 percent of property's appraised value). Each loan purchased by the Plans will earn interest at a rate that is not less than the current rate earned on comparable loans placed by the Employer with third parties. The loans will be serviced at no cost to the Plans by the Simon Ehrenfeld Group.

5. The Plans will not at any time have more than 50 percent of the current value of their investments in loans placed through the Employer. In addition, no more than 25 percent of the Plans' assets will be invested in any one loan.

6. Prior to the placement of any loan with the Plans, Mr. Robert Goldberger, a

[1] In order that the repurchase guarantee made to the Plans will not be frustrated by the temporary nature of the exemption, exemptive relief will be extended for the repurchase of second trust deeds by the Employer from the Plans after the five year term of the exemption which were placed with the Plans during the term of the exemption.

[2] A trust deed takes the place of and serves the same purpose as a common/law mortgage.

[3] The Employer is prohibited under California law (CAL. B. & P.C.A. § 10137) from assigning its commission income to a third party who is not a licensed real estate broker or salesman. However, in order that the Employer will not benefit financially from second trust deeds placed with the Plans, the Employer will contribute to the Plans an amount equal to the commissions earned on such loans.

[4] The Department has traditionally viewed a guarantee to repurchase from a plan by a disqualified person as a prohibited transaction under ERISA.

party unrelated to the Plans or the Employer, will determine whether each transaction is a suitable investment for the Plans and that the terms of each transaction are at least as favorable to the Plans as those which the Plans would receive in the same type of transaction with an unrelated party. In addition, he will monitor the loans placed with the Plans, to ensure compliance with all the terms and conditions of the exemption. Mr. Goldberger, previously a trust officer in the pension department of United California Bank, is a financial planner with fifteen years experience providing investment and estate planning advice to corporations and individuals.

7. The Employer represents that the contributions to the Plans (including contributions of commissions earned by the Employer on loans placed with the Plans) will not exceed the limitations prescribed by section 415 of the Code.

8. In summary, the applicants represent that the proposed transactions meet the criteria for an exemption under section 4975(c)(2) of the Code because (1) the proposed transactions will be approved and monitored by an independent party; (2) the exemption will be a temporary exemption for five years; (3) the Employer will guarantee repurchase of second trust deeds in default; (4) the dollar amount of all second trust deeds placed in the Plans will be limited to 50 percent of the Plans' assets; and (5) the trustee represents that the proposed transactions would be beneficial to and in the best interests of the Plan and its participant and beneficiaries.

Notice to Interested Persons

Since Mr. Ehrenfeld is the only participant in the Plan and 100 percent stockholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply, nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based of the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code shall not apply to the placement of second trust deeds with the Plans by the Employer and to the repurchase guarantees by the Employer and Mr. Ehrenfeld with respect to second trust deeds which are in fault, provided that the terms of each transaction are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application are true and complete, and that the application accurately describes all material terms of the transactions to be comsummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–18977 Filed 6–25–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–53; Exemption Application No. D–2420]

Exemption From the Prohibitions for Certain Transactions Involving the Supra Products, Inc. Employees Profit Sharing Retirement Trust Located in Salem, Oregon

AGENCY: Department of Labor, P & WBP.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed sale of certain real property by the Supra Products Profit Sharing Retirement Trust (the Plan) to Iral and Gwen Barrett (the Barretts), parties in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 24, 1981, notice was published in the **Federal Register** (46 FR 23344) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the proposed sale of certain real property by the Plan to the Barretts. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have satisfied the provisions of the

notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the 12th Place Lots by the Plan to the Barretts for $128,750 provided that this amount is at least the fair market value of the 12th Place Lots at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 22nd day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18875 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[ORPS Application No. P-1559]

Employee Benefit Plans; Alternative Method of Compliance for the Builders, Contractors and Employees Retirement Trust and Plan Sponsored by National Western Life Insurance Co.

AGENCY: Department of Labor, P&WBP.

ACTION: Grant of alternative method of compliance.

SUMMARY: The Department of Labor (the Department) hereby grants an alternative method of compliance with the requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the Builders, Contractors and Employees Retirement Trust and Plan sponsored by the National Western Life Insurance Company.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Christensen, of the Department, (202) 523-8684. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: On January 30, 1981, notice was published in the **Federal Register** (46 CFR 10022) of the pendency before the Department of an alternative method of compliance with the annual reporting requirements of the Employee Retirement Income Security Act of 1974 (ERISA) for the Builders, Contractors and Employees Retirement Trust and Plan (the Master Plan) as adopted by participating employers. The alternative method of compliance was requested in a petition filed by National Western Life Insurance Company, the sponsor of the Master Plan, pursuant to section 110(a) of the Act. The notice set forth a summary of the facts and representations contained in the petition for an alternative method of compliance and referred interested persons to the petition on file with the Department for a complete statement of the facts and representations. The petition has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested alternative method of compliance to the Department and the petitioner has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency.

No public comments were received by the Department on the notice, and the Department has decided to grant the proposed alternative method of compliance. The Department cautions, however, that nothing contained either herein or in the notice of pendency should be construed as relieving the employers participating in the Master Plan from any reporting or other requirements they may have under the Davis-Bacon Act of 1931, as amended (40 U.S.C. 276(a)).

Alternative Method of Compliance

In accordance with section 110(a) of the Act and based upon the entire record, the Department makes the following determinations:

(1) the use of the alternative method is consistent with the purposes of Title I of the Act and provides adequate disclosure to the Plans' participants and beneficiaries and adequate reporting to the Department.

(2) the application of the annual reporting requirements would increase the costs to the Plans or impose unreasonable administrative burdens with respect to the operation of the Plans, and

(3) the application of the annual reporting requirements of the Act would be adverse to the interests of the Plans' participants in the aggregate.

Accordingly, the Department hereby grants the following alternative method of compliance:

The administrator for the Builders, Contractors and Employees Retirement Trust and Plan sponsored by National Western Life Insurance Company (Master Plan) as adopted by a participating employer is relieved of the obligation to file a full annual report for a given year for such plan if: (1) National Western Life Insurance Company files a master Form 5500 for the entire Master Plan with the Internal Revenue Service (IRS) for its fiscal year ending with or within such employer's plan year (including required schedules); (2) the participating employer files an abbreviated form 5500 (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 17) or form 5500-C (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 26).

The availability of this alternative method of compliance is subject to the express conditions that the material facts and representations contained in the petition are true and complete and that the petition accurately describes all factors material to the granting of the alternative method of compliance.

Signed at Washington, D.C. this 18th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18883 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-44 Exemption Application No. D-1268]

Exemption From the Prohibitions for Certain Transactions Involving the Thompson Steel Co., Inc., Pension Trust A Located in Canton, Mass.

Correction

In FR Doc. 81-17163 appearing on page 31106 in the issue for Friday, June 12, 1981, the heading should have read as set forth above.

BILLING CODE 1505-01-M

NATIONAL COMMUNICATION SYSTEM

Office of the Secretary

National Communications System Telecommunications: Interoperability and Security Requirement for Use of the Data Encryption Standard in Data Communication Systems

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in Department of Defense Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," and in an NCS Information Brochure available upon request from the National Communications System.

The purpose of this Notice is to solicit comments on the June 1, 1981, drafts of proposed Federal Standards 1025 and 1026. These draft Federal standards have been prepared under the Federal Telecommunication Standards Program (FTSP) by the National Communications System's Office of Technology and Standards. Earlier drafts of proposed Federal Standard 1026 were announced as being available in the January 8, 1979, issue of the **Federal Register** (page 1770) and announced for public comment in the July 2, 1980, issue of the **Federal Register** (page 45041). Since that time, the original draft has been split into two draft standards. These drafts are: Proposed Federal Standards 1025, "Telecommunications: Interoperability and Security Requirements for use of the Data Encryption Standard in the Network and Transport Layers of Data Communications," and proposed Federal Standard 1026, "Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical and Data Link Layers of Data Communications."

The two purposes of proposed Federal Standards 1025 and 1026 are to facilitate the interoperability of telecommunication systems and networks of the Federal Government and to describe techniques which aid in achieving required security objectives. Copies of proposed Federal Standards 1025 and 1026 may be obtained from the Office of Technology and Standards, NCS.

Prior to formal coordination and adoption of these proposed Federal standards, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local governments. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted within 90 days of the date of this Notice. Telephone inquiries and requests for copies of the proposed standard should be directed to Mr. Robert M. Fenichel, telephone (202) 692-2124.

M. S. Healy,

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

June 23, 1981.

[FR Doc. 81-18990 Filed 6-25-81; 8:45 am]

BILLING CODE 3810-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meeting

AGENCY: National endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: July 14, 1981
Time: 9 a.m. to 5:30 p.m.
Room: 314
Program: this meeting will review applications submitted for the Endowment's program of support to Centers for Advance Study, to begin after January 1, 1982.

The proposed meeting is for the purpose of Panelreview, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and priviledged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-18995 Filed 6-25-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO-1 Appendix A Technical Specifications by providing a redefinition of the term "Operable" and the addition of general Limiting Conditions for 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), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated November 28, 1980, (2) Amendment No. 57 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-18857 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF-6, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2 (ANO-2) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the ANO-2 Appendix A Technical Specifications dealing with the operability requirements for fire detectors in the containment penetration rooms.

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 the amendment was 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 significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for the amendment dated June 1, 1981, (2) Amendment No. 23 to License No. NPF-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 NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18858 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 55 and 38 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective on July 1, 1981.

The amendments incorporate the decay heat removal capacity requirements and make corrections to one or both unit's Technical Specifications to make them consistent.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated January 8, 1981, as corrected February 5, March 24 and April 9, 1981, (2) Amendment Nos. 55 and 38 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related letter dated June 16, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18859 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-394]

California Polytechnic State University; Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts and Termination of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing the California Polytechnic State University (the licensee), to dismantle the AGN-201, Serial No. 100, Training Reactor (the facility), a nuclear research reactor located on the licensee's campus, San Luis Obispo, California, to dispose of the component parts in accordance with the plan set out in the licensee's application dated April 30, 1981, and to terminate the facility license. The reactor is covered by Facility License No. R-121.

Prior to issuance of any order, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 27, 1981, the licensee may file a request for a hearing with respect to issuance of the subject orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promply so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John Stolz: (petitioner's name and telephone number); (date petition was mailed); (CPSU AGN-201 Reactor); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to R. W. Adamson, Reactor Administrator, California Polytechnic State University, San Luis Obispo, California 93407.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the licensee's application dated April 30, 1981, as may be supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, this 22th day of June 1981.

For the Nuclear Regulatory Commission

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-18960 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Haddam Neck Plant, Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment adds requirements 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 the amendment was 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 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 the amendment dated October 16, 1980, (2) Amendment No. 39 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. 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 22d day of June 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18961 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF-9. This amendment was issued to Duke Power (licensee) for diesel generator testing requirements and a correction to listing of fire detection instrumentation. The McGuire Nuclear Station, Unit 1 is located near Charlotte, North Carolina in Mecklenburg County. This amendment is effective as of its date of issuance.

The application of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's 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 considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated June 17, 1981; (2) Facility Operating License NPF-9, dated June 12, 1981; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspection at the Commission's Public document room, located at 1717 H Street, NW, Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223 or may be requested by writing to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 19th day of June 1981.

For the Nuclear Regulatory Commission.

K. Jabbour,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-18902 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License, and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the Licensee), which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

This amendment will allow an increase in the spent fuel storage capability up to a maximum of 2244 fuel assemblies by use of high density spent fuel racks.

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. Notice of Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool in connection with this action was published in the **Federal Register** on September 12, 1978 (43 FR 40580). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicated and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment dated July 26, 1978, as supplemented by letters dated May 15, June 22, September 25, October 10, and November 29, 1979, April 1, April 31, and October 31, 1980, (2) Amendment No. 55 to License No. DPR-59, (3) the Commission's concurrently issued Safety Evaluation, and (4) the Commission's concurrently issued Environment Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-18963 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-33, Amendment No. 68 to Facility Operating License No. DPR-52, and Amendment No. 43 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2, and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These changes to the Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor, (5) Systems Integrity Measurements Program, and (6) Improved Iodine Measurements Capability.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 9, 1980, as supplemented by letter dated February 10, 1981, (2) Amendment No. 71 to License No. DPR-33, Amendment No. 68 to License No. DPR-52, and Amendment No. 43 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-18964 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Comanche Peak Units 1 and 2; Change of Location

The June 29, 1981 meeting of the ACRS Subcommittee on Comanche Peak Units 1 and 2, scheduled to be held at the Braniff House Hotel, W. Airport Drive, Dallas/Ft. Worth, TX will be held instead at the *Holiday Inn, Dallas/Ft. Worth Airport South, 4440 West Airport Freeway, Irving, TX 75061.*

Notice of this meeting was published in the **Federal Register** on June 12, 1981 (46 FR 31121) and all items remain the same, including the date and time (1:00 p.m.) as announced in that notice.

Dated: June 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-19136 Filed 6-25-81; 11:12 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11823; 811-2831]

Convertible Fund of Japan, Ltd.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

June 22, 1981.

Notice is hereby given that The Convertible Fund of Japan, Ltd., 1 Wall Street, New York, NY 10005 ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 23, 1981, and an amendment thereto on May 22, 1981, seeking an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company within the meaning of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized on January 27, 1978, under the laws of Maryland and is presently a corporation in good standing. Applicant further states that it registered under the Act on May 22, 1978, and that a registration statement was filed on February 14, 1979, pursuant to the Securities Act of 1933, for 3,000,000 shares of common stock. According to the application, that registration statement became effective on April 24, 1979, and a public offering of its shares commenced thereafter.

Applicant states that its assets, as of March 16, 1981, were $605,244, comprised of $501,601 in investments at market value, $14,822 in cash, $43,771 in receivables, and $45,050 in other assets. Applicant further states that its debts, as of the same date, were $38,001, comprised of $36,429 in accounts payable and accrued expenses and $1,572 in redemptions payable. Applicant avers that it is not party to any litigation or administrative proceeding, that no assets have been transferred into a separate trust and that no distribution to any of its security-holders is contemplated.

According to the application, Applicant had 56 shareholders as of March 19, 1981. Applicant declares that it does not have a current prospectus and would like to withdraw its registration and operate as a private company. Applicant avers that it is not making and does not presently propose to make a public offering of its securities, and that none of its shareholders is a company which owns 10 percent or more of its outstanding securities. Applicant represents that it will take all appropriate steps to avoid having more than 100 beneficial owners of its outstanding securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company as defined in the Act, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect. Section 3(c)(1) of the Act, in pertinent part, excludes from the Act's definition of "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of tis securities.

Notice is further given that any interested person may, not later than

July 16, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18984 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

June 23, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Associated Madison Companies Inc., Common Stock, $.40 Par Value (File No. 7–5951).

Shaw Industries Incorporated, Common Stock, No Par Value (File No. 7–5952).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18985 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11822; 812–4469]

Municipal Fund for Temporary Investment; Filing of an Application for an Order

Notice is hereby given that Municipal Fund for Temporary Investment, Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 1, 1979, and amendments thereto on August 10, 1979, September 25, 1980, March 18, 1981, and June 15, 1981, seeking an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its portfolio securities to brokers or dealers and from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value in the manner described in the application such rights acquired from banks, brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized by Shearson Loeb Rhoades, Inc. ("Shearson"), Applicant's administrator and distributor, to be a "companion" to two money market funds also sponsored by Shearson in order to provide institutions the alternative of earning tax-exempt income on the investment of short-term cash reserves. Applicant states that its investment objective, which is to provide as high a level of current interest income exempt from federal income taxes as is consistent with relative stability of principal, is pursued by investing in short-term obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia, or their political subdivisions, agencies, instrumentalities or authorities, the interest from which, in the opinion of counsel to the issuer, is exempt from federal income tax ("Municipal Bonds"). Accordingly, Applicant states that it may not purchase "money-market" or other taxable obligations, and that during defense periods or when suitable tax-exempt obligations are unavailable, it may hold uninvested cash reserves. Applicant further states that it does not seek profits through short-term trading but intends to hold its portfolio securities to maturity.

Applicant represents that, as permitted by a prior exemptive order received from the Commission (Investment Company Act Release No. 11500, December 19, 1980), subject to certain conditions, it has maintained a $1.00 constant net asset value per share and a relatively stable daily dividend by keeping its average weighted portfolio maturity under 120 days, excluding realized and unrealized gains and losses from dividends, and calculating net asset value per share by using the amortized cost method of portfolio valuation.

Applicant states that in addition to a constant net asset value per share, its shareholders require the ability to receive same-day redemption proceeds in federal funds. As described in Applicant's prospectus, redemption orders received before 12:00 noon, Wilmington time, will be effected at the net asset value determined at noon and shareholders will receive same-day redemption proceeds in federal funds. The federal funds wire closes for transmission purposes at 3:00 p.m. Therefore, Applicant states that it has little time to obtain (either from maturing portfolio securities or settlements arranged that day on sales of securities) the cash needed to meet net redemptions. Because the maturity dates of the Municipal Bonds held in Applicant's portfolio are relatively infrequent and non-negotiable, Applicant maintains that it cannot rely on scheduled maturities to meet net redemptions. In addition, Applicant asserts that regular settlement on sales of portfolio securities takes five business days; thus, unless prior arrangements assuring immediate

liquidity have been made, the negotiation of same-day settlements on sales of portfolio securities within the brief time available is frequently impossible or may require Applicant to receive a less favorable execution price on a sale even though the securities sold have a short remaining maturity. Applicant states that the investment techniques used by taxable money market funds to obtain liquidity are not viable options because they are prohibitively expensive (borrowing) or would produce taxable income (repurchase agreements).

Applicant proposes to improve its portfolio liquidity by assuring same-day settlements on portfolio sales (and thus facilitate the same-day payments of redemption proceeds in federal funds) through the acquisition of "Stand-by Commitments." As described by Applicant, a Stand-by Commitment is a right of a fund, when it purchases a Municipal Bond for its portfolio from a broker, dealer or other financial institution, to sell the same principal amount of such securities back to the seller, at the fund's option, at a specified price. Stand-by Commitments are also known as "puts." Applicant states that its investment policies will permit the acquisition of Stand-by Commitments solely to facilitate portfolio liquidity, and that the acquisition or exercisability of a Stand-by Commitment will not affect the valuation or maturity of its underlying portfolio, which will continue to be valued in accordance with its amortized cost order, as it may be amended.

Applicant states that the Stand-by Commitments will have the following features: (1) they will be in writing and will be physically held by Applicant's custodian; (2) they may be acquired when the remaining maturity of the underlying securities is greater than 60 days but would not become exercisable by Applicant until the period commencing 60 days prior to the underlying security's maturity; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with dealers, banks and broker-dealers who in the investment adviser's opinion present a minimal risk of default; (5) although they will not be transferable, municipal securities purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal securities which are subject to the commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant further states that since it values Municipal Bonds on an amortized cost basis, the amount payable under a Stand-by Commitment will be substantially the same as the value assigned by Applicant to the underlying securities. Moreover, Applicant submits that there is little risk of an event occurring which would make amortized cost valuation of its portfolio securities inappropriate; however, Applicant represents that in the unlikely event that the market or fair value of securities in its portfolio were not substantially equivalent to their amortized cost value, the securities would be valued on the basis of available market information and held to maturity. Applicant represents that it expects to refrain from exercising the Stand-by Commitments in such a situation to avoid imposing a loss on a dealer and jeopardizing Applicant's business relationship with that dealer.

According to the application, Applicant expects that Stand-by Commitments generally will be available without the payment of any direct or indirect consideration. However, if necessary or advisable, Applicant states that it will pay for Stand-by Commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. As stated by Applicant, as a matter of policy, the total amount "paid" in either manner for outstanding Stand-by Commitments held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any Stand-by Commitment is aquired.

As stated in the application, it is difficult to evaluate the likelihood of use or the potential benefit of a Stand-by Commitment. Therefore, Applicant states that the trustees will determine that Stand-by Commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. Where Applicant has paid for a Stand-by Commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. In addition, Applicant states that for purposes of complying with the condition of its amortized cost order that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Stand-by Commitment to which such security is subject.

Applicant states that the Internal Revenue Service ("IRS") has issued a favorable private ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a put option and that interest on the securities will be tax-exempt to the company; however, Applicant does not intend to seek a favorable ruling from the IRS with respect to its Stand-by Commitments. Applicant further states that there is no assurance that Stand-by Commitments will be available to it nor has is assumed that such commitments would continue to be available under all market conditions.

In relevant part, Section 2(a)(41) of the Act defines value to mean: (i) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 under the Act provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter thereof, shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of tender of the security. Rule 2a-4 under the Act provides, in relevant part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made in accordance with provisions of the rule and that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair value as determined in good faith by the board of directors.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the

provisions of Section 2(a)(41) of the act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value the Stand-by Commitments as proposed.

Section 12(d)(3) of the Act, in relevant part, prohibits any registered investment company from purchasing or otherwise acquiring any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is an investment adviser. Therefore, Applicant also requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of Stand-by Commitments from brokers or dealers.

Applicant asserts that the requested relief is appropriate, is in the public interest, and is consistent with the protection of investors. Applicant submits that the proposed acquisition of Stand-by Commitments will not affect the calculation of its net asset value per share and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds the same day in federal funds. In addition, Applicant submits that its reliance upon the credit of dealers, banks and brokers from which it purchases commitments will be secured to the extent of the value of the underlying municipal securities which are subject to the commitment. Therefore, Applicant assert that a Stand-by Commitment will present substantially less risk than a bank certificate of deposit and will be qualitatively no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Moreover, Applicant represents that its investment adviser intends to evaluate periodically the credit of institutions issuing Stand-by Commitments. For that reason and in light of the fact that Stand-by Commitments will not be ascribed value for purposes of determining Applicant's net assets value, Applicant asserts that the acquisition of such commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of dealers in determining its net asset value.

Notice is further given That any interested person may, not later than July 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18966 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11821; 812-4891]

Nationwide Life Insurance Company and MFS Variable Account; Application for an Amended Order Approving Certain Offers of Exchange

Notice is hereby given that Nationwide Life Insurance Company One Nationwide Plaza, Columbus, OH 43216 ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and its MFS Variable Account (the "Variable Account"), registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (hereinafter "Applicants"), filed an application on June 10, 1981, pursuant to Section 11 of the Act for an amended order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order amending certain exemptions previously granted from Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c–1 of the Act, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below.

Under the combination fixed and variable annuity contracts (the "Contracts"), proposed to be amended, the purchasers are not assessed a traditional frontend sales load at the time purchase payments are made. A purchaser may make a single purchase payment, an irregular series of periodic purchase payments, or a regular series of periodic purchase payments. The amount and frequency of purchase payments is discretionary with the purchaser, and no requirements are imposed except for minimum amounts of the initial purchase payments ($1,500 for non-qualified contracts and $300 on an annualized basis for the first contract year for qualified contracts). The purchaser may allocate all or a portion of each purchase payment among one or more of nine sub-accounts of the Variable Account, each consisting of the shares of one of nine mutual funds managed by Massachusetts Financial Services Company, of Boston, or to the general account of Nationwide Life. The Contracts provide for the accumulation of such purchase payments with accrued earnings, until the annuity commencement date selected by the purchaser, at which time annuity payments begin as designated by the contract owner.

The contract owner may, at any time prior to the annuity commencement date, withdraw some or all of the accumulated contract value, subject to a contingent deferred sales charge, which is applied in the case of certain withdrawals by a contract owner from the contract value. The contingent deferred sales charge equals 5 percent of the lesser of (1) all purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; or (2) the amount surrendered. The cumulative sum of all such charges, per contract owner, does not exceed 5 percent of that owner's purchase payments received during the 96 months immediately prior to the valuation period during which the surrencer is requested; and no such charge is made against any values which have been held under the Contracts for at least 96 months. The contigent deferred sales charge is retained by Nationwide Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, sales administration, and similar sales related expenses.

An exception to the contingent deferred sales charge currently permits certain surrenders without the imposition of a charge after the beginning of the third Contract year. Under the exception, a contract owner may redeem up to 10 percent of purchase payments made within 96 months immediately prior to the valuation period during which the surrender is requested without imposition of the contingent deferred sales charge. Therefore, the contingent deferred sales charge currently applies only after an amount equal to 10 percent of such purchase payments has been redeemed free of such charges.

Applicants propose a modification in the imposition of the contingent deferred sales charge when the Contract Owner requests certain partial surrenders of Contract Values under the following circumstances: For each purchase payment made under Contracts issued on or after January 1, 1981, and for additional purchase payments made on or after January 1, 1981, under Contracts issued before that date, the Contract Owner may, after the first year from the date of each purchase payment, withdraw without a contingent deferred sales charge, up to 5% of that purchase payment, less the amount of such purchase payment previously surrendered free of charge, for each year that the purchaser payment has remained on deposit.

Other charges assessed by Nationwide Life under the Contracts which are not changed by the modifications of the withdrawal provision, include an annual contract maintenance charge of $30 per Contract and an asset charge equal, on an annual basis, to 1.3 percent of the daily net asset value of the assets of the Variable Account. The asset charge is composed of a mortality risk premium, equal to .8 percent, and on expense risk charge, equal to .5 percent. These charges are calculated solely to reimburse Nationwide Life for costs related to administration of the Contracts and the assumption or mortality and expense risks.

Applicants assert that none of the original rationale for the earlier granting of the exemption is in any way changed by the proposed modification of the provisions for certain withdrawals without contingent deferred sales charge. In this regard, reference is made to the original application of Applicants, sought to be amended by this Application, which was noticed on January 15, 1979, in Release No. 40–10557, and granted on February 12, 1979, in Release No. 40–10590.

Section 2(a)(35). Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance preminums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that the contingent deferred sales charge is not made inconsistent with the intent of the definition of "sales load" contained in the Act, by virtue of the proposed modification of the withdrawal provision. The contingent deferred sales charge would still fit within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35), to the extent necessary, to implement the proposed revision of the Contracts.

Section 22(c) and Rule 22c–1. Rule 22c–1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the curent net asset value of such security. Applicants submit that implementation of the proposed change in the free withdrawal provision will in no way make the contingent deferred sales charge violative of Section 22(c) or Rule 22c–1 promulgated therunder. When a surrender is requested to effect a cash withdrawal, the price on redemption will be based on the current net asset value. The contingent deferred sales charge, when applicable, will merely be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value. However, Applicants have requested an amended exemption from the provisions of Section 22(c) and Rule 22c–1 thereunder, to the extent necessary, to implement the change in the withdrawal provision of the Contracts.

Sections 26(a)(2)(C) and 27(c)(2). Section 26(a)(2)(C) provides that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense. Applicants assert that the contingent deferred sales charge is not the typical kind of "expense" contemplated by Section 26(a)(2) and submit that the requirements of this section were not intended to preclude the depositor of a unit investment trust from taking a sales load. Applicants also assert that the contingent defferred sales charge is intended specifically and solely to reimburse Applicants for sales related expenses. The deferral of the imposition of this charge, and making it contingent upon an event which may never occur, and the proposed change in the provision of the Contracts for certain withdrawals without charge, do not change the basic nature of this charge as a sales charge to which Section 26(a)(2)(C) was not intended to apply.

Section 27(c)(2) of the Act makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a) (2) and (3) of the Act. Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian. Applicants assert that the contingent deferred sales charge is a sales load to which this exception should apply, and that deferring the imposition of the charge, making it contingent upon an event which might never occur, and permitting certain withdrawals without the charge should in no way be construed as violative of Section 27(c)(2).

While Applicants assert that the sections should be construed as set forth above, they nevertheless have requested amendment of their original exemptive order from Sections 26(a)(2)(C), and 27(c)(2), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants consent to the amended exemptions requested from Sections 26(a)(2)(C) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any

proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 27(c)(1). Section 27(c)(1) of the Act prohibits restrictions on the redemption of contracts of the nature of those which are the subject of this Application. Applicants submit that the proposed change in the withdrawal provision of the Contracts does not make the assessment of a contingent deferred sales charge upon certain redemptions, which is fully disclosed in the prospectus, such a restriction on redemption.

Sections 2(c)(32) and 27(d). Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d), and that this assertion is not altered by the proposed change in the withdrawal provision of the contracts. Nevertheless, Applicants have requested amendment of their original exemptive order from Sections 2(a)(32) and 27(d), to the extent necessary to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants suggest that the amended exemptions requested are appropriate and in the public interest, are consistent with the protection of investors, and are consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 11. Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an amended order pursuant to Sections 11(a) and 11(c) to permit contract owners, upon written request, to transfer part or all of their contract value from the Variable Account to Nationwide Life's general account, or up to 25 percent of their fixed account contract value from Nationwide Life's general account to the Variable Account within any twelve month period; and also to permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, pursuant to such terms and conditions as may be imposed by their mutual funds comprising the sub-accounts of the Variable Account. Both of such types of transfers described above are effected at net asset value, with no assessment of any kind of transaction or sales charge against owners for effecting such transfers.

Applicants assert that the transfer rights, the offering of which has been approved by the Commission's previous order, are in no way affected by the proposed change in the withdrawal provision of the Contracts; nevertheless, Applicants are requesting amendment of their original order pursuant to Section 11, to the extent deemed necessary, to permit the offer of transfer rights described above.

Section 6(c). Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than July 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following July 14, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18987 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11824 812–4854]

Offerman Money Market Fund, Inc.; Filing of Application for an Order

June 22, 1981

Notice is hereby given That Offerman Money Market Fund, Inc., 5100 Gamble Drive, Minneapolis, MN 55481 ("Applicant"), an open-end, diversified, management investment company, filed an application on March 27, 1981, and an amendment thereto on June 4, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, permitting Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions, and repurchases of its shares, using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a corporation which was organized under the laws of Minnesota on March 12, 1981. Applicant has filed a Notification of Registration under the Act and a registration statement under the Act and the Securities Act of 1933, as amended. The registration statement has not yet been declared effective and, therefore, Applicant states it has not commenced distribution of its shares. Applicant represents that it is a "money market" fund designed as an investment vehicle for individuals, fiduciaries, and institutions with temporary cash balances or cash reserves. Applicant also represents that its investment

objective will be to provide maximum current income to the extent consistent with stability of principal through investment in money market instruments maturing in 12 months or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotation are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net assure value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase of to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, Applicant desires to offer its shares to the public at a constant net asset value per share of $1.00 for purposes of sale, redemption, and repurchase. Applicant states that it believes the maintenance of a constant net asset value per share will afford its investors the convenience of being able to determine the value of their investment simply by knowing the number of shares they own. Applicant represents that its board of directors has determined that the best method currently available for maintaining a stable $1.00 net asset value per share, without having to include in a daily dividend realized and unrealized short-term gains and losses on securities in its portfolio, is the amortized cost method. The application states that Applicant's management believes that it is essential that Applicant be permitted to use the amortized cost method of valuation in order to be competitive with other money market funds. In addition, Applicant represents that its board of directors has determined in good faith that, absent unusual circumstances, amortized cost value will reflect the fair value of the portfolio securities of Offerman and that adherence to certain conditions to which Applicant consents as a condition of any order issued in this matter will substantially reduce the likelihood of dilution of the assets or income of investors, or of other detrimental effects resulting from overvaluation or undervaluation of its shares.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisins of the Act.

Applicant states that it believe the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of effecting sales, redemptions, and repurchases of its shares, using the amortized cost method. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested hereby:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, at it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) If the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a

dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given, That any interested person may, not later than July 16, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18988 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-4269]

Syntex Corp.; Application To Withdraw From Listing and Registration

In the Matter of Syntex Corporation Common Stock, $1 Par Value, File No. 1-4269, Securities Exchange Act of 1934, Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Syntex Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that there is no particular advantage in the dual listing and that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18989 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17882; File No. SR-MSE-81-6]

Midwest Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations Relating to Trading by a Member Corporation in Its Own Securities

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 5, 1981 the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) Article VIII, Rule 20 of the Rules of the Midwest Stock Exchange, Incorporated is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

ARTICLE VIII

Trading by a Member Corporation in Its Own or Its Parent Firm's Securities

Rule 20. [A member corporation shall not trade in (except on an unsolicited basis) or make recommendations with respect to its own securities, the securties of its parent firm, if any, or the

securities of other subsidiaries of such parent firm.] *After the completion of a distribution of its securities, no member corporation which has any publicly held security outstanding shall effect any transaction (except on an unsolicited basis) for the account of any customer in, or make any recommendation with respect to, any such security issued by such member corporation or make any recommendation of any such security issued by any corporation controlling, controlled by or under common control with such member corporation.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change relates to the ability of a member corporation to effect transactions in or make recommendations with respect to its own securities. The existing rule provides a blanket prohibition of a member corporation from trading in or recommending its own securities or those of any parent or sister corporation. This rule effectively precludes a member firm from participating in any distribution of its own securities.

The proposed rule change will prohibit a firm from trading in its own securities only after any distribution is completed. This will allow these firms to participate in a distribution and act as an underwriter for the distribution, subject to any applicable laws, particularly SEC Rule 10b–6.

Dual member corporations which would like to act as underwriter for a distribution of its own securities are allowed to do so under New York and American Stock Exchange rules but not under the MSE rules. This rule change will bring MSE's restrictions in line with the current industry practice.

The statutory basis for the adoption of the proposed rule change is found in Section 6(b)(5) of the Act. The rule change will remove an impediment to the mechanism of a free and open market and is designed so that the rules of the Exchange will not regulate matters not related to Section 6 of the Act or the administration of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 22, 1981.

[FR Doc. 81-18873 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-MSRB-81-7]

Self-Regulatory Organizations

Proposed Rule Changes By Municipal Securities Rulemaking Board Relating to Professional Qualifications

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments (hereafter referred to as the "proposed rule change") to rule G–3 relating to classification and testing of principals and representatives as follows:[1]

G–3. Classification of Principals and Representatives; Numerical Requirements; Testing

(a) through (e) No change.

(f) Qualification Requirements for Municipal Securities Sales Principals.

(i) Except as otherwise provided in this section (f), every municipal securities sales principal shall take and pass *the General Securities Sales Supervisor Qualification Examination* [an appropriate examination designated by the Board] prior to acting in such capacity. The passing grade shall be determined by the Board. [Until the Board designates such an examination, every municipal securities sales principal shall be required to qualify as a municipal securities principal in accordance with the provisions of section (c) of this rule.]

(ii) through (vi) No change.

(g) through (h) No change.

[1] Italics indicate new language; [brackets] indicate deletions.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes.

(1) On May 15, 1981, the Securities and Exchange Commission approved a proposed rule change (SR–MSRB–81–2) which, among other things, amended rule G–3 to add a new qualification category of "municipal securities sales principal." Securities Exchange Act Release No. 17807. A municipal securities sales principal may be a person associated with a securities firm whose activities relating to municipal securities are limited to supervising customer sales and purchases. Pursuant to new subsection (f) of rule G–3, which provides that municipal securities sales principals may qualify by taking and passing an appropriate examination to be designated by the Board, the Board is designating, by the proposed rule change, the General Securities Sales Supervisor Qualification Examination as satisfying the Board's requirements for qualifying as a municipal securities sales principal.

(2) The Board has adopted the proposed rule change pursuant to Section 15(b)(2)(A) of the Act which provides that the Board may appropriately classify municipal securities brokers and municipal securities dealers and their associated personnel and require persons in any such class to pass tests prescribed by the Board, and which prohibits municipal securities brokers and municipal securities dealers from effecting any transactions in municipal securities unless that broker or dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

B. Self-Regulatory Organization's Statement on Burden on Competition. The Board has concluded that any burden on competition between municipal securities professionals imposed by its requirements that such professionals take and pass qualifications examinations is necessary and appropriate under the Act for the protection of investors under Section 15(b)(2)(A) of the Act.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others. The Examination has been constructed by a joint industry/SRO committee composed of representatives of the Board, The American Stock Exchange, the Chicago Board Options Exchange, National Association of Securities Dealers, Inc., New York Stock Exchange, and the Philadelphia Stock Exchange. At the time the Board proposed the creation of a category of municipal securities sales principals, it stated an intention to designate the Examination as satisfying its qualification requirements. Several commentators[2] endorsed the establishment of a municipal securities sales principal qualification category and the development of a joint examination as a needed step in the reduction of unnecessary regulation.[3] The Board is satisfied that the municipal securities areas to be covered on the Examination are those relevant to the activities of the level of personnel to be tested. The specifications of the Examination will be filed with the Commission by the NASD shortly.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18877 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

[2] Copies of the comment letters to previous filing are on file at the offices of the Board and the Commission.

[3] American Bar Association (Subcommittee on Municipal and Governmental Obligations of Securities Committee); Office of Comptroller of the Currency; Crowell, Weedon & Co.; the Public Securities Association; Salomon Brothers; Shufro, Rose & Ehrmam; Stifel, Nicolaus & Company, Incorporated; and Tucker, Anthony & R. L. Day, Inc.

[Release No. 34—17877; File No. SR-NASD-81-11]

National Association of Securities Dealers, Inc., Proposed Rule Change By Self-Regulatory Organizations Relating to Changes in the Charges for Qualification Examinations

Comments requested on or before July 17, 1981. Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule C of the By-Laws to provide an $80.00 fee for persons desiring to take the General Securities Sales Supervisor Examination and to raise the service charge for failing to keep a previously-scheduled examination appointment to $15.00.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* This rule change will establish a fee for the qualification examination for a new class of registration, Limited Principal—General Securities Sales Supervisor. Since this examination is being recognized for certain purposes by other self-regulatory organizations, members should realize a net reduction in qualification examination expenses. The rule change also recognizes an increase in the charge to the Association for persons not appearing for previously-scheduled computer-based administration of qualification examinations.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Association anticipates no significant burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18871 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-NASD-81-12]

National Association of Securities Dealers, Inc., Proposed Rule Change by Self-Regulatory Organizations Relating to the Plans and Specifications for the General Securities Sales Supervisor Examination

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has filed plans and specifications for the General Securities Sales Supervisor Examination.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This examination will be used to qualify persons seeking registration as Limited Principles—General Securities Sales Supervisors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Inasmuch as this new examination will facilitate qualification of sales supervisory personnel, the Association does not envision a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions

of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18872 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-NASD-81-13]

National Association of Securities Dealers, Inc. Proposed Rule Change by Self-Regulatory Organizations Relating to Proposed New Class of Registration for General Securities Sales Supervisors

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule C of its By-Laws and Appendix E to its rules of Fair Practice to create a new class of registration, Limited Principal—General Securities Sales Supervisor, as an alternate class of registration for those persons required to become registered as principals, but whose duties are limited to supervision of sales personnel.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This new class of registration is the result of a cooperative effort among various securities self-regulatory organizations to develop an industry-wide uniform qualification examination for sales supervisory personnel.

(B) Self-Regulatory Organization's Statement on Burden on competition

Inasmuch as this new class of registration will facilitate qualification of sales supervisory personnel, the Association does not envision a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18878 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17881; File No. SR-PSE-81-13]

Pacific Stock Exchange Incorporated Proposed Rule Change by Self-Regulatory Organzations Relating To Clearing the PSE Post Prior to the Entry of Orders into the ITS System

Comments requested on on before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 16, 1981, The Pacific Stock Exhange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change was set out in a *Notice to Floor Members* dated June 10, 1981, which informed members of their responsibilities regarding clearing the post. Under the rule, a broker must request a market quote from the specialist prior to entering a commitment into the ITS System for another market, and an alternate specialist is required, after requesting the specialist's market quote, to make a bid or offer for the price and size of his intended interest, prior to entering a commitment into the ITS System.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to inform the floor members that directly inputting an order into the ITS system without first clearing the PSE post may result in a violation of the PSE Rules.

The bypassing of the PSE market by directly inputting orders into the ITS system is inconsistent with the very nature of an exchange auction-type market inasmuch as a true auction market cannot exist on the Exchange Floor if all orders are not intergrated and exposed to all other orders which may be in existence at a given moment in time. The clearing of the PSE post prior to ITS entry will ensure: (1) the compliance of the floor member's fiduciary responsibility to seek the best price execution of an order and; (2) the subsequent best price execution of such orders, avoiding a "trade-through" of the PSE market quotation.

The statutory basis for the proposed rule change is found in Sections 6(b)(1) and 6(b)(5) of the Act in that the rule will help the Exchange to enforce compliance by its members and persons associated with its members with the provisions of Section 6, the rules and regulations thereunder, and the Rules of the Exchange. The rules change will encourage floor members to seek out and obtain execution of customer orders in the best market thus promoting just and equitable principles of trade, the protection of investors and the public interest.

(B) Self-Regulatory Organization's Statement On Burden on Competition

The Pacific Stock Exchange Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors , or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18874 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17880; File No. SR-PHLX 81-12]

Philadelphia Stock Exchange, Inc., Proposed Rule Change by Self-Regulatory Organizations Relating to Service of Past President of Exchange as ex Officio Member of Board of Governors

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 16, 1981, the Philadelphia Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would permit the past President of the Exchange, retired as President as of May 1, 1981, to serve at the pleasure of the Board of Governors as an ex officio member thereof with vote.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The President of the Exchange, retiring as of May 1, 1981, has served in such office for sixteen years. To receive continued benefit from his experience and knowledge in the industry, the rule change is proposed to allow him to serve ex officio as a governor of the Exchange at the pleasure of the Board. His relative independence and recognized qualifications will assist the Exchange in the discharge of its

statutory duty, under section 6(b)(1) of the Act, to have the organization and capacity to comply with and enforce the Act, the rules and regulations thereunder, and its own rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition or have any direct relation thereto.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if its appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18875 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of the United States International Trade Commission Regarding Certain Video Matrix Display Systems and Components Thereof; Request for Comments

On June 19, 1981, the United States International Trade Commission (the Commission) issued an order excluding from entry into the U.S. imports of large video matrix display systems and components thereof manufactured by SSIH Equipment S.A. of Bienne, Switzerland and its related businesses. The excluded video matrix display systems had been found to be infringing the claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; or 4,009,335 and causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued the exclusion order following its investigation No. 337–TA–75, under section 337 of the Tariff Act of 1930 (the Tariff Act) (19 U.S.C. 1337).

Section 337(g) of the Tariff Act provides that, within 60 days following receipt of the Commission's determination, the President may disapprove the determination for domestic or foreign policy reasons, terminating the exclusion order on the day the Commission receives notice of his disapproval. The President also may approve the determination expressly, making the order final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments concerning domestic or foreign policy issues which should be considered in the review of the Commission determination and order. The original and 19 copies of the submission should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW, Room 413, Washington, D.C. 20506. To be considered, comments must be received no later than the close of business, Friday, July 17, 1981. For further information, call Alice Zalik (202) 395–3432.

Alice T. Zalik,

Chairman, Section 337 Committee.

[FR Doc. 81-18881 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Clarification of Procedures for Administration of Non-Member Import Quota Program Under the Terms of the International Sugar Agreement

The following information has been provided by the Office of the United States Trade Representative to the U.S. Customs Service for the administration of the non-member import quota program under the terms of the International Sugar Agreement, 1977.

1. The U.S. non-member import quota as stated by the International Sugar Organization is 6,967 metric tons. The International Sugar Organization assures us that 6,967 metric tons is the correct amount.

2. Non-member import quotas became effective on April 21, 1981, and will remain in effect until December 31, 1981. However, since quota imposition is related to the ISA price, movement of that price to certain levels could cause removal of quotas. The Office of the United States Trade Representative will notify the U.S. Customs Service if there is any change in the quota program.

3. The quota period does apply to sugar, syrups, and molasses entered, and withdrawn from warehouse, for consumption on and after April 23, 1981.

4. The non-member quota provision does not apply to Taiwan. A separate quota of 95,729 metric tons has been established for Taiwan. This appears in a document prepared by the International Sugar Organization, Memo (80) 55—Limitations on Imports from Non-members in 1980.

David R. Macdonald

Deputy U.S. Trade Representative.

[FR Doc. 81-18825 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Services Policy Advisory Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby that a meeting of the Services Policy Advisory Committee will be held Wednesday, July 15, 1981, from 2:00 p.m. to 5:00 p.m. at the Old Executive Office Building, Indian Treaty Room. The meeting of the Services Committee will be closed to the public, because it will be concerned with matters the disclosure of which would seriously compromise the Government's

negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code.

More detailed information can be obtained by contracting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-18826 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Services Policy Advisory Committee; Determination of Closing of Meeting

The meeting of the Services Policy Advisory Committee (the Advisory Committee) to be held Wednesday, July 15, 1981, from 2:00 p.m. to 5:00 p.m. will involve a review and discussion of the current issues involving the trade policy of the United States, as it relates to the U.S.G. initiative to liberalize trade in services. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Services Policy Advisory Committee will be closed to the public.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-18827 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

160-Bed Spinal Cord Injury Nursing Care Unit, Veterans Administration Medical Center, Long Beach, Calif.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environment impacts that may occur as a result of a 160-Bed Spinal Cord Injury Nursing Care Unit at the Veterans Administration Medical Center (VAMC), Long Beach, California.

This project proposes construction of a 160-Bed Spinal Cord Injury (SCI) Nursing Unit. The proposed plan is to construct a three story addition adjacent to the main ward building, No. 122. This addition would connect to Wings D, E, & F of that building at the first floor level. The wings will be renovated for some support functions of the 160-Bed SCI. Currently, Wings D, E, & F contain spinal cord injury beds. The 160-Bed proposed addition consists of 120 intensive/sustaining care beds and 40 long term care beds. New construction will provide 110,282 gross square feet and renovation will provide an additional 50,543 gross square feet.

Alternative sites were taken into consideration for the separation of the 40 long term care beds from the 120 intensive/sustaining care beds. The first site studied was the courtyard between the canteen, clinic and chapel complex building, No. 2 and the main ward building No. 122. This site is too small to accommodate a logically designed structure for the 40-Bed Unit. Also, the site is presently an attractive and heavily used patient and employee relaxation and eating area. Loss of this site would significantly alter the open space area of the medical center. The second site studied is the present location of a wheelchair athletic field. This site is a considerable distance from the related SCI support functions in Wings D, E, & F of building No. 122. Neither site would accommodate the 40-Bed long term care unit as efficiently as the selected site. Both the 120 intensive/sustaining care bed unit and 40 long term care bed unit can be combined in one building adjacent to the existing support function for spinal cord injuries on this site.

If the no action alternative was selected the existing space allocated for SCI treatment in Wings D, E, & F of building No. 122 would not meet the expanding needs of the medical center.

Development of the projects will have impacts on the human and natural environment affecting air quality relating to construction dust, soil erosion and visual effects related to building design, in relation to both construction and operation. The project will be built in accordance with applicable federal, state and local air quality standards, and will meet or exceed local erosion protection standards. Mitigation will occur during project development. Construction contract documents will include environmental protection specifications. This section addresses the action which will be undertaken to avoid adverse environmental effects and the impacts identified above. The significance of the identified impacts has been evaluated relative to the consideration of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: June 22, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18891 Filed 6-25-81; 8:45 am]

BILLING CODE 8320-01-M

Improve Entrance Road, Veterans Administration Medical Center, Washington, D.C.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential impact associated with the development of the project to Improve Entrance Road at the Veterans Administration Medical Center (VAMC), Washington, D.C.

The proposed project will realign First Avenue NW., as it passes between the VA campus and the Washington, D.C. Medical Center. The realignment project will straighten the existing First Avenue roadway and widen it resulting in safer, more efficient traffic flow. There were

no alternatives considered for this realignment other than No Action.

There are no long term adverse impacts associated with this project. Short term impacts will exist during the construction phase. The Environmental Protection Section of the VA Construction Specifications will be applied to mitigate, to the greatest extent possible, construction impacts such as fugitive dust, fumes, noise, erosion, and visual impacts. The specifications require the most practicable applications of proper engineering and maintenance procedures to control these potential environmental problems. The project will comply with the required Federal, State, and local codes and regulations. There are no significant environmental issues unresolved at this time.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–2526.

Dated: June 16, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81–18892 Filed 6–25–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 123
Friday, June 26, 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
Federal Energy Regulatory Commission	1
Federal Home Loan Bank Board	2, 3
Federal Reserve System (Board of Governors)	4
National Credit Union Administration	5, 6
National Mediation Board	7
Securities and Exchange Commission	8

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 32374, June 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 24, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG–27. CP80–383, Transcontinental Gas Pipe Line Corp.
CAG–28. CP80–318, Columbia Gulf Transmission Co.
CAG–29. CP80–399, Michigan Wisconsin Pipe Line Co.
CAG–30. CP77–216, Distrigas Corp.; TA81–2–12–000 (PGA81–2), Distrigas of Massachusetts Corp.

Kenneth F. Plumb,

Secretary.

[S-994-81 Filed 6-24-81; 11:56 am]

BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, June 30, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting.

Merger; Increase of Accounts of an Insurable Type—Nebraska Federal Savings & Loan Association, Omaha, Nebraska (Mutual) *and* Omaha Federal Savings & Loan Association, Omaha, Nebraska (Mutual) *into* American Charter Federal Savings & Loan Association, Lincoln, Nebraska (Mutual), No. 506, June 24, 1981.

[S-990-81 Filed 6-24-81; 10:33 am]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, July 2, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: The following items will be on the July 2, 1981 Bank Board meeting.

Service Corporation Activity (Underwriting Credit Life, mortgage life, title, health and accident insurance)—Pennsylvania Mortgage Insurance Company (PAMICO), Blue Bell, Pennsylvania
Semi-annual Agenda
Preliminary Application for Conversion on Basis of Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Salem Building & Loan Association, Salem, Illinois *into* Home Federal Savings & Loan Association of Centralia, Centralia, Illinois
Branch Office Application—Dallas Federal Savings & Loan Association, Dallas, Texas
Request for Regulatory Waiver of Subparagraph (b)(5) of Insurance Regulation 563.8–1—Midwest Federal Savings & Loan Association, Minneapolis, Minnesota
Payment of Interest on Federal Home Loan Bank Demand Deposits
Final Amendment of Regulation on Futures Transactions
Pricing of Federal Home Loan Bank Services
No. 505, June 24, 1981.

[S-991-81 Filed 6-24-81; 10:34 am]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, July 1, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed expenditure by two Reserve Banks with respect to retention of personnel and purchase of equipment and services.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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 23, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-995-81 Filed 6-24-81; 12:46 pm]

BILLING CODE 6210-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Changes in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced open meeting on June 25, 1981 include an additional item and delete an item.

Added: Proposed regulation—Section 748 of the NCUA Rules and Regulations regarding minimum security devices and procedures.
Deleted: 2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.

Earlier announcement of these changes was not possible.

The previously announced items were:

1. Review of Central Liqidity Facility Lending Rate.
2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.
3. Reports of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

The meeting will be held at 9:30 a.m., in the seventh floor Board Room, 1776 G Street N.W., Washington, DC.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant. Telephone (202) 357–1100.

[S-992-81 Filed 6-24-81; 11:21 am]

BILLING CODE 7535-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10 a.m., Monday, June 29, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Deregulation of Share and Share Certificate Accounts.
2. Deregulation of IRA and Keogh Accounts.
3. Interest Rate Ceiling.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S-993-81 Filed 6-24-81; 11:21 am]

BILLING CODE 7535-01-M

7

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, July 1, 1981.

PLACE: Board hearing room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of June, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly Report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Date of notice: June 24, 1981.

[S-997-81 Filed 6-24-81; 2:34 pm]

BILLING CODE 7550-01-M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 29, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 30, 1981, at 10:00 a.m. and on Thursday, July 2, 1981, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 30, 1981, at 10:00 a.m., will be:

Litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeals.
Formal order of investigation.
Settlement of injunctive action.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Consideration of *amicus* participation.

The subject matter of the closed meeting scheduled for Thursday, July 2, 1981, following the 10:00 a.m. open meeting, will be:

Administrative proceeding of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Report of investigation.

The subject matter of the open meeting scheduled for Thursday, July 2, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of Reed Smith Shaw & McClay for a waiver of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation, 17 CFR 200.735–8(d). For further information, please contact Theodore S. Bloch at (202) 272–2602.

2. Consideration of whether to rescind Rule 19b–1 under the Securities Exchange Act of 1934. For further information, please contact Michael J. Simon at (202) 272–2889.

3. Consideration of whether to issue a release announcing the adoption of amendments to Rules 15c3–1d(c)(6) and 17a–5(1) which would eliminate the requirements to file copies of (1) subordination agreements with the Regional Offices, and (2) applications for an extension of time to file an audited report with the Commission's headquarters office. For further information, please contact Ellen Kerrigan at (202) 272–2368.

4. Consideration of whether to grant an application filed by Hutton Investment Partnership I in connection with its proposed operation as an employees' securities company for the exclusive benefit of certain employees of the E. F. Hutton Group Inc. and its subsidiaries. For further information, please contact Brion R. Thompson at (202) 272–3012.

5. Consideration of whether to issue an accounting series release which describes certain misapplications of the last-in, first-out ("LIFO") method of accounting for inventories and provides guidance as to appropriate supplemental disclosures by companies that use the LIFO method. For further information, please contact Arthur J. Schmeiser at (202) 272–2133.

6. Consideration of whether to adopt amendments to (1) Regulation S–X, Forms N–1 and N–2 under the Securities Act of 1933 and the Investment Company Act of 1940, and Rule 30d–1 under the 1940 Act which would reconcile the differences in financial statement requirements in management investment company registration statements and reports to shareholders, and (2) whether to propose amendments to Rule 465 under the 1933 Act regarding automatic effectiveness of post-effective amendments filed by certain investment companies. The proposed amendments would facilitate the use by open-end investment companies of a prospectus as the equivalent of a report to shareholders. For further information, please contact Susan P. Hart at (202) 272–2098.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Bruce Mendelsohn at (202) 272–2091.

June 24, 1981.

[S-996-81 Filed 6-24-81; 2:00 pm]

BILLING CODE 8010-01-M

federal register

Friday
June 26, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The number of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR81–4039	June 19, 1981.
AR81–4040	June 19, 1981.
AR81–4041	June 19, 1981.
AR81–4042	June 19, 1981.
AR81–4043	June 19, 1981.
Illinois:	
IL79–2080	Sept. 14, 1979.
IL81–2005	Mar. 27,1981
IL81–2006	Apr. 3, 1981.
Iowa:	
IA80–4043	Aug. 8, 1980.
IA80–4041	Aug. 1, 1980.
IA80–4042	Aug. 1, 1980.
IA80–4044	Aug. 8, 1980.
Louisiana:	
LA81–4002	Jan. 6, 1981.
LA81–4024	May 1, 1981.
LA81–4027	May 1, 1981.
Maryland:	
MD81–3026	Apr. 24, 1981.
Montana:	
MT81–5114	May 8, 1981.
MT81–5115	May 8, 1981.
New Mexico:	
NM80–4101	Dec. 19, 1980.
Pennsylvania:	
PA80–3055	Oct. 3, 1980.
PA78–3037	Apr. 21, 1978.
PA80–3074	Dec. 12, 1980.
PA80–3010	Apr. 4, 1980.
PA79–3006	Mar. 30, 1979.
PA80–3012	Feb. 15, 1980.
PA80–3033	Oct 3, 1980.
PA80–3058	Oct. 3, 1980.
PA80–3059	Oct. 3, 1980.
PA80–3011	Feb. 22, 1980.
Texas:	
TX81–4006	Jan. 6, 1981.
TX81–4007	Jan. 6, 1981.
TX81–4036	June 5, 1981.
Wyoming:	
WY81–5108	Apr. 3, 1981.
Alaska:	
AK81–5110	Apr. 10, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are

listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:
FL77-1138 (FL81-1255) ..... Dec. 23, 1977.
FL78-1072 (FL81-1252) ..... Sept. 1, 1978.
FL79-1094 (FL81-1256) ..... June 8, 1979.
FL79-1111 (FL81-1254) ..... July 20, 1979
Illinois:
IL79-2036 (IL81-2037) ..... May 11, 1979.
Indiana:
IN79-2082 (IN81-2038) ..... Oct. 5, 1979.
Michigan:
MI80-2042 (MI81-2031) ..... July, 18, 1980.
MI80-2053 (MI81-2030) ..... July 11, 1980.
Mississippi:
MS81-1160 (MS81-1251) ..... Jan. 6, 1981
South Carolina:
SC79-1102 (SC81-1253) ..... June 29, 1979.
Texas:
TX80-4098 (TX81-4044) ..... Dec. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 19th Day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
DECISION #AR81-4039-Mod. #1					
46FR June 19, 1981					
Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
SEBASTIAN & CRAWFORD COS.					
ELEVATOR CONSTRUCTORS	$12.04	1.345	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	.95	a+b	.035
CEMENT MASONS	11.40	.35			.03
DECISION #AR81-4040-Mod. #1					
46FR June 19, 1981					
Union & Ouachita Counties, Arkansas					
CHANGE:					
CEMENT MASONS	11.40	.35			.03
DECISION #AR81-4041-Mod. #1					
46FR June 19, 1981					
Garland, Clark & Hot Springs Counties, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
DECISION #AR81-4042-Mod. #1					
46FR June 19, 1981					
Pulaski County, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
MARBLE, TILE & TERRAZZO WORKERS	10.50		.50		
DECISION #AR81-4043-Mod. #1					
46FR June 19, 1981					
Jefferson County, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
MARBLE, TILE & TERRAZZO WORKERS	10.50		.50		

MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
DECISION NO. IL79-2050 - MOD. #1					
(44 FR 53654 - September 14, 1979)					
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, & Williamson Counties, Illinois					
Change:					
Power Equipment Operators:					
Perry & Randolph Cos.:					
Group I	$13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10
DECISION NO. IL81-2005 - MOD. #2					
(46 FR 19106 - March 27, 1981)					
Madison & St. Clair Counties, Illinois					
Change:					
Power Equipment Operators:					
Group I	13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10

DECISION NO. IL81-2006 - MOD. #1
(46 FR 20426 - April 3, 1981)
Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington Counties, Illinois

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Power Equipment Operators:					
Group I	$13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10

DECISION NO. IA80-4043 - Mod. #3.
(45 FR 53042 - Aug. 8,1980)
Clinton County, Iowa
Building Construction

CHANGE:

CARPENTERS:					
Carpenters	$12.73	.75	1.25		.06
Piledrivermen	13.23	.75	1.25		.06
ELECTRICIANS:					
Electricians	16.34	.70	8%		.06
Cable splicers	17.34	.70	8%		.06
IRONWORKERS	16.60	.75	1.125		.30
PAINTERS:					
Brush	13.77	.70	1.50		.22
Spray; Structural steel	14.27	.70	1.50		.22
SOFT FLOOR LAYERS	12.73	.75	1.25		.06
SPRINKLER FITTERS	15.10	.95	1.40		.08
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.80	1.00	.90		.08
GROUP 2	13.40	1.00	.90		.08
GROUP 3	12.35	1.00	.90		.08

DECISION NO. IA80-4041 - Mod. #3
45 FR 51408 - Aug. 1, 1980
Black Hawk Co., Iowa
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Asbestos workers	$14.66	.60	1.10		.20
Ironworkers	14.11	.90	1.00		.06
Laborers:					
Group 1	10.00	.65	.45		.05
Group 2	10.15	.65	.45		.05
Group 3	10.35	.65	.45		.05
Plumbers and Steamfitters	14.96	.95	1.86		.14
Roofers	12.15				

DECISION NO. IA80-4042 - Mod. #3
45 FR 51409 - Aug. 1, 1980
Cerro Gordo County, Iowa
Building Construction

CHANGE:

Asbestos workers	$15.45	1.04	1.275		.10
Bricklayers	13.99		1.15		.02
Ironworkers	13.02	.92	1.26		.06
Plumbers & steamfitters	14.49	.80	.61		.04
Sprinkler fitters	15.10	.95	1.40		.08

MODIFICATION PAGE 5

DECISION NO. IA80-4044 - Mod. #3
45 FR 53044 - August 8, 1980
Des Moines County, Iowa
Building Construction

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
IRONWORKERS	$14.95	.80	1.05		.06
PAINTERS:					
Group 1 - Brush	13.00		.50		
Group 2 - Rollers	13.10		.50		
Group 3 - Sign	13.50		.50		
Group 4 - structural steel over 25 ft. from the ground or floor, bridges, water towers & stage work	13.70		.50		
Group 5 - spray gun & Sandblasting	14.00		.50		
PLUMBERS & PIPEFITTERS	15.15	.70	1.65		.05
ROOFERS	13.13				
SPRINKLER FITTEPS	15.10	.95	1.40		.08
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.80	1.00	.90		.08
GROUP 2	13.40	1.00	.90		.08
GROUP 3	12.35	1.00	.90		.08

MODIFICATION PAGE 6

DECISION NO. LA81-4002 - MOD. #6 (46 FR 1520 - January 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St, Charles Parishes, Louisiana CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Electricians:					
Zone 2 - Electricians	$14.40	.60	3%+.50		.05
Cable splicers	14.40	.60	3%+.50		.05
Line construction:					
Zone 1 - Group 1	14.40	.60	3%+.50		.05
Group 2	75%JR	.60	3%+.50		.05
Group 3	65%JR	.60	3%+.50		.05
Group 4	45%JR	.60	3%+.50		.05
Group 5	50%JR	.60	3%+.50		.05
DECISION NO. LA81-4024 - MOD. #3 (46 FR 24820 - May 1, 1981) Statewide Louisiana CHANGE:					
Electricians:					
Zone 5 - Electricians	14.40	.60	3%+.50		.05
Cable splicers	14.40	.60	3%+.50		.05
Ironworkers - Zone 3	12.50	.60	1.45		.06
Line construction:					
Zone 1 - Group 1	14.40	.60	3%+.50		.05
Group 2	75%JR	.60	3%+.50		.05
Group 3	65%JR	.60	3%+.50		.05
Group 4	45%JR	.60	3%+.50		.05
Group 5	50%JR	.60	3%+.50		.05
Plumbers & pipefitters:					
Zone 2	14.145	1.26	.955		.09

DECISION NO. LA81-4027 - MOD. #2 (46 FR 24834 - May 1, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Cement masons: Bossier & Caddo Pars.	$10.85	.60			
Ironworkers: Bossier & Caddo Pars.	12.50	.60	1.45		.06
DECISION NO. MD81-3026 - MOD. #2 (46 FR 23382 - April 24, 1981) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Baltimore City, Maryland and for Heavy Construction Projects in Harford and Howard Counties, Maryland					
ADD:					
SIGN ERECTORS	9.18		3%	g	1%
CHANGE:					
STEAMFITTERS	14.62	.87	1.54		.16

FOOTNOTE:

g. Holidays: A through F, H, Friday after Thanksgiving, and employee's birthday, vacation: One week per year after 1 year of service, 2 weeks after 3 years of service and 3 weeks after 10 years of service

DECISION NUMBER #MT81-5114 Mod. # 2
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ADD:					
To Painters in Volume 46, Federal Register page 31178, Modification 1, to read Area 2.					
CHANGE:					
Painters Area 2 Brush, Roller on steel and roofs; Pot Tender; and Paperhanger.	$11.81	$ .79	$ .50		$ .10

DECISION NUMBER MT81-5115 Mod. # 2
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Painters Area 1 Brush, roller on steel and roofs; Pot tender; Paperhanger	$ 11.81	$ .78	$ .50		$ .10

DECISION NO. NM80-4101 - Mod. #3
45 FR 83811 - December 19, 1980
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$6.68	.15	.10		.01
Group II	6.88	.15	.10		.01
Group III	7.46	.15	.10		.01
Group IV	7.48	.15	.10		.01
Group V	7.48	.15	.10		.01
Group VI	7.63	.15	.10		.01
Group VII	7.68	.15	.10		.01
Group VIII	7.83	.15	.10		.01
Group IX	8.33	.15	.10		.01
Group X	9.13	.15	.10		.01
DECISION NO. PA80-3055 MOD. NO. 5 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania					
CHANGE:					
Building, Heavy & Highway Construction:					
Electricians:					
Zone 1					
Commercial	$15.16	.91	3%+.91		.27
Painters:					
Zone 2					
Commercial, brush	13.28	1.24	1.25		
Commercial, spray	13.78	1.24	1.25		

DECISION NO. PA78-3037 - MOD. #12
(43 FR 17239 - April 21, 1978)
Blair County, Pennsylvania

DECISION NO. PA80-3010 - MOD. #8
(45 FR 23270 - April 4, 1980)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, Venango Counties, Pennsylvania

DECISION NO. PA80-3012 - MOD. #9
(45 FR 10595 - February 15, 1980)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania

DECISION NO. PA80-3058 - MOD. #4
(45 FR 65898 - October 3, 1980)
Lawrence and Mercer County, Pennsylvania

DECISION NO. PA80-3074 - MOD. #5
(45 FR 81981 - December 12, 1980)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

DECISION NO. PA79-3006 - MOD. #10
(44 FR 19099 - March 30, 1979)
Franklin County, Pennsylvania

DECISION NO. PA80-3033 - MOD. #4
(45 FR 65891 - October 3, 1980)
Elk, Forest, McKean & Warren Counties, Pennsylvania

DECISION NO. PA80-3059 - MOD. #4
(45 FR 65895 - October 3, 1980)
Erie County, Pennsylvania

DECISION NO. PA80-3011 MOD. #9
(45 FR 12118 - February 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Description of Work: Heavy & Highway Construction					
Heavy & Highway					
CARPENTERS					
CARPENTERS - BURNER					
CARPENTERS - WELDER					
CEMENT MASONS					
PILEDRIVERMEN					
PILEDRIVERMEN - WELDER					
IRONWORKERS:					
Reinforcing					
LABORERS					
POWER EQUIPMENT OPERATOR					
TRUCK DRIVERS					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX81-4006 - MOD. #4 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Carpenters:					
Carpenters	$12.80				
Millwrights	14.835				
DECISION NO. TX81-4007 - MOD. #4 (46 FR 1548 - January 6, 1981) Ector & Midland Counties, Texas					
OMIT ALL RATES & CLASSIFICATIONS FOR PLUMBERS & PIPEFITTERS					
ADD:					
Plumbers & pipefitters	12.51	.50	.55		.04
DECISION NO. TX81-4038 - MOD. #2 (46 FR 30287 - June 5, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
CHANGE:					
Lathers	13.40				.04
DECISION NO. WY81-5108 - Mod. #2 (46 FR 20477- April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming					
Change:					
Plumbers; Steamfitters:					
Area 2:					
Zone 1	$14.28	.90	$1.10	2.00+c	.03
Zone 2	15.15	.90	1.10	2.00+c	.03
Zone 3	16.00	.90	1.10	2.00+c	.03
Zone 4	17.31	.90	1.10	2.00+c	.03
Zone 5	18.30	.90	1.10	2.00+c	.03

MODIFICATION NO. 15

DECISION NUMBER AK81-5110 Mod. #5
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Carpenters (Statewide Residential)					
Carpenter	$13.51	.90	2.00		.25
Radial Arm Saw Operator	13.81	.90	2.00		.25
Flood and Fire Work	13.81	.90	2.00		.25
ADD:					
Residential Carpenters Areas 2 and 3					
Carpenter	13.51	.90	2.00		.25
Radial Arm Saw Operator	13.81	.90	2.00		.25
Flood and Fire Work	13.81	.90	2.00		.25

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Broward
DECISION NUMBER: FL81-1255 DATE: Date of Publication
Supersedes Decision No. FL77-1138 dated December 23, 1977 in 42 FR 64159
DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Bricklayers	5.25				
Carpenters	6.40				
Cement Masons	9.65	.63	.55		.04
Ironworkers:					
Structural	7.975				
Reinforcing	9.75	.75	.58		.04
Laborers					
Pipelayers	5.00				
Unskilled	3.50				
Piledrivermen	8.70	.70	.55		.05
Pipefitters	5.75				
Truck Drivers	4.00				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Group I	10.59	.64	.80		.17
Group II	10.44	.64	.80		.17
Group III	9.94	.64	.80		.17
Group IV	9.79	.64	.80		.17
Group V	9.64	.64	.80		.17
Group VI	9.54	.64	.80		.17
Group VII	9.44	.64	.80		.17
Group VIII	9.34	.64	.80		.17
Group IX	9.24	.64	.80		.17

Group I - All tower cranes (must have 2 operators: mobile, rail, climbers static-mount), cranes with boom length 250ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader
Group II- All cranes with boom length 150ft. & over(with or without jib friction, hydro, electric or otherwise), cranes 150 tons and over with boom length less than 250ft., gantry & overhead cranes

Group III - Cranes with boom length less than 150 ft. (with or without jib), single station hydro cranes 18 tons & under and over 50 tons, dual station hydro cranes, clamshell, shovel, backhoe, tradall, dragline, piledriver, drilling of piling, tugger (all types) hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway
Group IV - Boring & Drilling machine, concrete pumping machine (all types), batching plant (on job sites), forklift (with vertical lift of over 20')
Group V - Locomotive operator, motor mixing pump (all types), winch truck, A-frame truck, grease truck operator, frontend loader, bulldozer, pan, motor grader, forklift
Group VI - Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor
Group VII - Utility operator (any combination of equipment up to and including four (4) pieces of equipment listed in Group VIII), welding machines (3-4)
Group VIII - Pump(s) or any combination over 2½", compressor(s) or any combination over 125 CFM, generator(s) or any combination over 5 KW
Group IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver, & lowboy truck driver.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

STATE: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1252 DATE: Date of Publication
Supersedes Decision No. FL78-1072 dated September 1, 1978 in 43 FR 39249
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including four stories

Bay, Escambia, Okaloosa, Santa Rosa & Walton Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
A/C & Heating Mechanics	6.50				
Bricklayers	8.00				
Carpenters	5.43				
Cement Masons	6.00				
Drywall Hanger	6.31				
Drywall Finisher	7.00				
Electricians	5.50				
Glaziers	5.29				
Laborers:					
Unskilled	3.60				
Pipelayers	4.75				
Plasterers' Tenders	5.00				
Painters	6.00				
Plasterers	7.53				
Plumbers & Pipefitters	5.80				
Roofers	5.26				
Sheet Metal Workers	5.50				
Soft Floor Layers	5.00				
Tile Setters	6.20				
Truck Drivers	3.60				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Backhoe	4.93				
Bulldozer	4.76				
Crane & Dragline	5.43				
Grader	4.91				
Loader	5.25				
Paving Machine	4.53				
Roller	4.38				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL81-1256 DATE: Date of Publication
Supersedes Decision No. FL79-1094 dated June 8, 1979 in 44 FR 33328
DESCRIPTION OF WORK: Heavy Construction (excluding Storm, Sanitary, Sewer Line & Water Line projects).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Cement Masons	12.80	.80	.80		.07
Carpenters	11.35	.90	.55		.08
Electricians	11.25	.51	.34	.96	
Ironworkers	12.80	1.13	1.10		.15
Laborers:					
Unskilled	4.97				
Pipelayers	5.97				
Millwrights	12.67	.70	.70		.10
Painters	10.15	.55	.60		.07
Piledrivermen	11.75	.70	.70		.10
Plumbers & Pipefitters	14.06	1.02	1.30		.15
Truck Drivers	4.65				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Class A	11.69	.50	.45		.05
Class B	10.40	.50	.45		.05
Class C	10.31	.50	.45		.05
Class D	9.61	.50	.45		.05
Class E	8.94	.50	.45		.05

Class A - Cranes & Derricks
Class B - Dragline, backhoe, mechanic, graders, combination operator, oiler fireman
Class C - Bulldozer & front end loader
Class D - Winch truck operator, forklift, pumps 3 inches or larger, combination of five or less pumps, air compressors or other equipment, air compressors above 125 CFM, scrapers, trenching machines, distributor
Class E - Rollers, finishing machines, tractors, oiler driver, oiler on crawler crane

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Bay
DECISION NUMBER: FL81-1254 DATE: Date of Publication
Supersedes Decision No. FL79-1111 dated July 20, 1979 in 44 FR 42858
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	8.00				
Carpenters	5.43				
Carpet Layers	5.00				
Cement Masons	6.00				
Drywall Hanger	6.31				
Electricians	13.00	.55	3%		½ of 1%
Ironworkers	8.77	.30	.35		
Laborers:					
Unskilled	3.60				
Plasterers' Tenders	5.00				
Painters	6.00				
Plasterers	7.53				
Plumbers & Pipefitters	6.00				
Roofers	5.26				
Sheet Metal Workers	6.00				
Soft Floor Layers	5.00				
Sprinkler Fitters	12.65	.85	1.20		.13
Tile Setters	6.20				
Truck Drivers	3.60				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Bulldozers	4.76				
Crane	5.43				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: PEORIA & TAZEWELL
DECISION NUMBER: IL81-2037 DATE: Date of Publication
Supersedes Decision No.IL79-2036,dated May 11, 1979 in 44 FR 27864
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.00	1.145	1.645		.06
BOILERMAKERS	14.65	1.275	1.00		.03
BRICKLAYERS; Stonemasons	14.84	.80	1.65		.02
CARPENTERS:					
Commercial:					
Peoria Co. (Chillicothe & Vic.)					
Carpenters; Piledrivermen; & Soft Floor Layers	13.48	1.00	1.00		.03
Millwrights	13.73	1.00	1.00		.03
Tazewell & Peoria (Rem. of Co.) Cos.:					
Carpenters; & Soft Floor Layers	14.56	.75	1.50		.07
Millwrights; Piledrivermen	15.06	.75	1.50		.07
Residential:					
Peoria Co. (Chillicothe & Vic.)	12.13	1.00	1.00		.03
Tazewell & Peoria (Rem. of Co.) Cos.	14.13	.75	1.50		.07
CEMENT MASONS	14.31	1.20	1.20		.05
ELECTRICIANS	16.00	.55	3%+1.00		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	13.625	1.195	.82	a&b	.035
Helpers	70%JR	1.195	.82	a&b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	15.14	.60	.60		.01
IRONWORKERS	15.23	1.065	1.175		.025
LATHERS	12.67	.65	.50		.01
MARBLE SETTERS; Terrazzo Workers; & Tile Setters	14.52	.80	1.65		.02
MARBLE, TERRAZZO, & TILE FINISHERS:					
Marble & Tile Finishers	13.60	.80	1.00		
Terrazzo Finishers & Floor Machine Operators	13.73	.80	1.00		
Base Machine Operators	13.98	.80	1.00		
PAINTERS:					
Brush	14.37	.70	.70		.03
Spray; Structural Steel	15.22	.70	.70		.03
PLASTERERS	14.46	1.20	1.30		

DECISION NO. IL81-2037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Pipefitters; & Steamfitters:					
Peoria & Tazewell (North of Highway #98) Cos.	$16.23	.80	1.30		.15
Tazewell Co. (Rem. of Co.)	13.55	.51	1.02		.11
ROOFERS	12.85	.70	.40		.025
SHEET METAL WORKERS	15.29	.80+c	1.26		.17
SPRINKLER FITTERS	15.31	.95	1.40		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving Day; & G-Christmas Day

FOOTNOTES:
a. Six Paid Holidays: A through G
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 3% of gross earnings to SASMI

DECISION NO. IL81-2037

LABORERS: PEORIA COUNTY & THE CITY OF EAST PEORIA IN TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS 1	$13.64	.65	1.00		.05
CLASS 2	13.765	.65	1.00		.05
CLASS 3	13.89	.65	1.00		.05
CLASS 4	13.815	.65	1.00		.05
CLASS 5	14.015	.65	1.00		.05

CLASS 1: Bricklayers' Tenders; Carpenter Tenders; Cement Mason Tenders; Common Laborers; Concrete Form Dismantler; Curing Concrete; High Pressure Hose; Stone & Tile Derrickmen; Tool Crib Men; Wall Men & House Movers; Window Washers; & Wrecking & Dismantling Old Buildings

CLASS 2: Air Tamper; Cement Men & Sack Shakers; Chain Saw; Compactor, Rammer Type; Concrete Saw; Dismantler in Composite Crew With Carpenters; Drill Operator; Jackhammer; Kettlemen & Carriers; Men Handling Hot Stuff; Paving Breaker; Plasterers' Tenders; Setting Up & Using Laser Beam Equipment; & Signalling & Spotting of Buckets on Rig or Rig Men

CLASS 3: Gunnite Pumpmen & Pots; Sandblasting Pump Men & Pots; Setting Up & Using Concrete Burning Bars; Tile Layers or Lateral Sewer; Underpinning & Shoring of Existing Buildings; & Unloading & Handling of Creosote Materials

CLASS 4: Power Wheel Barrow or Buggies

CLASS 5: Cutting & Acetylene Torch; Gunnite Nozzle Men; Sandblasting Nozzle Men; & Woodblock Setters

DECISION NO. IL81-2037

LABORERS: REMAINDER OF TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
UNSKILLED	$13.94	.75	.60		.05
SEMI-SKILLED	14.14	.75	.60		.05
SKILLED	14.34	.75	.60		.05

CLASSIFICATIONS

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Piledriver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, Caisson Top Man Helper, Mason Tenders, Scaffold Workers, Laborers w/dewatering systems, Plaster Tenders & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/oil & creosote, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & Spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Sewer Workers (excluding Pipe Layer & Helper), Vibrator Operators, Mortar Mixer Opr., Cement Silicia, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter, Digging Bell Holes, Driving of Stakes & Setting Stringlines for all Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners & Torchmen, Tile or Pipelayers & Helpers, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt pavers, Front-End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or/where Foreign Matter or Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready Mix Scalemen, Permanent Portable or Temporary Plant, Laborers handling Master-Plate or similar Materials, Laser Beam Opr., Concrete Burner Machine Opr., Curing Machine Opr., Embryo-Insulator & Insulator of Buildings, Dynamite Shooter, Bulking [illegible] Foreman in Trench & Manhole Laborer.

DECISION NO. IL81-2037

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
Group 1	$15.82	.75	.80		.05
Group 2	15.62	.75	.80		.05
Group 3	15.245	.75	.80		.05
Group 4	14.97	.75	.80		.05
Group 5	14.36	.75	.80		.05

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, $.01 per hour per foot, After 80 feet or Boom including Jib, Overhead Cranes, Gradall, Cherry Pickers (and similar types, over 15 ton lifting capacity (require oiler), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-dual drum-tri bitchers), Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Derricks, Hydro Cranes, Shovels Skimmer Scoops, Koehring Scoopers, Draglines, Backhoe, Hoptoes-Crane-Type that require Oilers, Derrick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs (require oilers) Dozer, Tourna-Dozer, Work Boats, Ross Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Belt Crete-Squeeze Cretes-Screw-Type Pumps and Gypsum Bulker and Pump, Dinkeys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, $.25 per hour for each Scoop over one, Scoops (all sizes), Push Cats, Endloaders (all types), Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial) or Farm type w/dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Tune-Luger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Gurries and similar type), 1 and 2 Drum Hoists (buck Hoists and similar types Freight and Passenger Elevators Chicago Boom, Boring Machine and Pipe Jacking, Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and F.M.D. and similar types

DECISION NO. IL81-2037

POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphalt, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finishing Machines, Barber Greene or similar Loaders, Vibro Tamper (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 27E, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Pugmill (without pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Hoptoe Oilers

Group 5: Herman Nelson Heater, Drovo, Warner, Silent Glo, & similar types, One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spreed, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

DECISION NO. IL81-2037

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.65	1.00	$46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: INDIANA

COUNTIES: HENDRICKS, MORGAN AND PUTNAM COUNTIES

DECISION NO.: IN81-2038

DATE: DATE OF PUBLICATION

Supersedes Decision No. IN79-2082, dated October 5, 1979 in 44 FR 57628

DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$ 6.60				
BRICKLAYERS	10.63				
CARPENTERS	9.45				
CEMENT MASONS	8.47				
DRYWALL HANGERS	10.00				
DRYWALL TAPERS/FINISHERS	10.00				
ELECTRICIANS	6.63				
INSULATORS	4.99				
LABORERS	4.85				
HOD CARRIERS	6.50				
PAINTERS	8.44				
PLUMBERS	7.00				
ROOFERS	6.03				
SOFT FLOOR LAYERS	7.80				
TRUCK DRIVERS	7.63				
POWER EQUIPMENT OPERATORS:					
BACKHOE OPERATOR	8.36				
BULLDOZER OPERATOR	7.14				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NO. MI81-2031
Supersedes Decision No. MI80-2042, dated July 18, 1980 in 45 FR 48417.
DESCRIPTION OF WORK: Highway, Bridge, Airport and Sewer Construction Projects exclusive of Buildings

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS:					
ZONE 1					
MACOMB, MONROE, OAKLAND, ST. CLAIR & WAYNE COUNTIES: in LIVINGSTON COUNTY The Townships of Brighton, Deerfield, Genoa, Hartland, Osceola & Tyrone, In SANILAC COUNTY That part East of a line projected North & continuing the East Lapeer & West St. Clair county lines to South Huron County line	$12.78	1.00	11%	11%	.04
ZONE 2E					
ARENAC, BAY, CLARE, CLINTON, GENESEE, GLADWIN, GRATIOT, HURON, INGHAM ISABELLA, IOSCO, JACKSON, LAPEER, LENAWEE, MIDLAND, OGEMAW, SAGINAW, SHIAWASSEE, TUSCOLA & WASHTENAW COUNTIES: the Remainder of LIVINGSTON & SANILAC COUNTIES: in EATON COUNTY, All but the Townships of Bellevue, Kakamo, Vermontville & Walton; in IONIA COUNTY, the Townships of Danby, Orange, Portland & Sevewa	12.68	.75	.90		.05
ZONE 2W					
ALLEGAN, BARRY, BRANCH, CALHOUN CASS HILLSDALE, KALAMAZOO, KENT, LAKE, MANISTEE, MASON, MESOCTA, MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OTTAWA, ST. JOSEPH & VAN BUREN COUNTIES; the Remainder of EATON & IONIA COUNTIES: in BERRIEN COUNTY, all but the Townships of Chicaming, New Buffalo & 3 Oaks; in BENZIE COUNTY, the Townships of Blaine, Colfax, Crystal, Lake Gilmore, Joyfield & Weldon	12.55	.75	.90		.05

DECISION No. MI81-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS (CONT'D)					
ZONE 3LP					
ALCONA, ALPENA, ANTRIM, CHARLEVOIX, CHEBOYGAN, CRAWFORD, EMMET, GRAND TRAVERSE, KALKASKA, LEELANAU, MISSAUKEE, MONTMORENCY, OSEOLA, OSCADA, OTSEGO, PRESQUE, ISLE ROSCOMMON & WEXFORD COUNTIES & The remainder of BENZIE COUNTY	$12.44	.75	.90		.05
ZONE 3UP					
ALGER, BARAGA, CHIPPEWA, DELTA, DICKINSON, GOGEBIC HOUGHTON, IRON, KEWEENAW, LUCE, MACKINAC, MARQUETTE, MONOMINEE, ONTONAGON & SCHOOLCRAFT COUNTIES	12.39	.75	.90		.05
ZONE 4					
THE REMAINDER OF BERRIEN COUNTY	13.53	.75	.82		.05
CEMENT MASONS:					
ZONE 1					
GENESEE, LIVINGSTON, MACOMB, MONROE, OAKLAND, SAGINAW, WASHTENAW & WAYNE COUNTIES Cement masonry related to Highway, Road & Street Construction	14.32	.90	1.00		.02
ZONE 2 - Remainder of State	13.77	.90	1.00		.02
PAINTERS:					
KENT, MONTCALM, MECOSTA & the West ½ of IONIA COUNTIES only: Brush	11.25	.65	.40		.02
Bridges over Highway or Railroads	11.50	.65	.40		.02
Bridge Work over Rivers Lakes & Electrical Sub Stations	11.75	.65	.40		.02
Spray, Pressure Roller, Steam Cleaning, Sandblasting or Waterblasting	12.00	.65	.40		.02

DECISION No. MI81-2031

IRONWORKERS: Structural & Reinforcing	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Alger, Baraga, Chippewa, Delta, Dickinson Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon Schoolcraft Counties	$13.05	1.30	1.25	2.25	.06
ZONE 2					
Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, Kalkaska, Mason, Manistee, Wexford, Missaukee, Lake, Osceola Oceana, Mecosta, Newaygo, Muskegon, Kent, Montcalm, Ottawa, Ionia, Allegan, Barry, Eaton, Van Buren, Kalamazoo, Calhoun, St. Joseph, Branch & Hillsdale Counties	14.97	1.06	1.40		.20
ZONE 3					
Remainder of State					
Structural	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.64%

LABORERS: HIGHWAY, BRIDGE, AIRPORT & SEWER CONSTRUCTION	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 2A	Basic Hourly Rates ZONE 3	Basic Hourly Rates ZONE 3A
CLASS A	$12.13	$11.41	$11.00	$10.87	$10.69
CLASS B	11.87	11.12	10.74	10.51	10.33
CLASS B-1	11.71	11.24	10.83	10.84	10.66
CLASS B-2	11.49	11.02	10.61	10.63	10.45
CLASS C	11.63	10.93	10.53	10.45	10.27
CLASS D	11.49	10.74	10.34	10.21	10.03
CLASS E	11.40	10.68	10.27	10.04	9.91
CLASS F	11.37	10.57	10.17	10.03	9.85
CLASS G	11.37	10.57	10.17	10.03	9.85
CLASS H	8.37	7.57	7.17	7.03	6.85
.75 Health & Welfare					
.65 Pension					
.85 Vacation & Holiday					
.04 Apprentice Training					

CLASS A - Line Form Setter for curb or pavement
CLASS B - Pipe Layers, Oxygen Gun
CLASS B-1 - Asphalt Raker
CLASS B-2 - Asphalt Tamper and Asphalt Raker Helper
CLASS C - Tunnel Miner (highway work only), Finishers Tenders, Guard Rail Builder, Highway and Median Barrier Installer, Fence Erector, Bottom Man, Powderman, Wagon Drill and Air Track Operators, Curb and Side Rail Setters' Helpers, Diamond and Core Drills.
CLASS D - Mixer Operator (less than 4 sacks), Air or Electric Tool Operator (Jackhammer, etc) Spreader, Boxman (asphalt, stone, gravel, etc.), Concrete Paddler Power Chain Saw Operator, Paving Batch Truck Dumper, Asphalt Screed Checker, Grade Checker and Tunnel Mucker (highway work only), Concrete Saw (under 40 h.p.) and Dry Pack Machine
CLASS E - Cement Handler or Dockman. Topman, Asphalt Dust Handler
CLASS F - Asphalt Shoveler, or Loader, Asphalt Plant Misc., Axe Man, Batch Bin (no power), Burlap Man, Carpenter Tenders, Subgrade Labor (hand tools), Yard Man, Guard Rail Builders Tenders, Highway and Median Barrier Installer's Tenders, Fence Erector Tenders, Dumper (wagon, truck, etc.), Jetting Labor, Joint Filling Labor, Unskilled Labor, Powder Monkey Tenders, Sprinkler Labor, Form Setting Labor, Pavement Reinforcing, Handling and Placing (e.g. wire mesh, steel mats, dowell Boards, etc.), Mason or Bricklayer tender on manhole, headwall, etc.
CLASS G - Pavement Markers
CLASS H - Cone Setters

ZONE DEFINITIONS
ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw & Wayne Counties
ZONE 2 - Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, St. Clair, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Jackson, Kalamazoo, Lapeer, Lenawee, Livingston, Midland, Muskegon, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, & Van Buren
ZONE 2A - Ionia, Kent Montcalm, & Ottawa Counties
ZONE 3 - Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Menominee, Missauke, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties
ZONE 3A - Mecosta and Osceola Counties

DECISION No. MI81-2031

SW LAB OC

LABORERS: OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.06	$ 1.10	1.15	1.15	.04
CLASS 2	10.14	1.10	1.15	1.15	.04
CLASS 3	10.19	1.10	1.15	1.15	.04
CLASS 4	10.24	1.10	1.15	1.15	.04
CLASS 5	10.29	1.10	1.15	1.15	.04
ZONE 2 - WASHTENAW & SOUTH EAST PART OF LIVINGSTON COUNTY					
CLASS 1	10.01	.75	.50	.65	.04
CLASS 2	10.09	.75	.50	.65	.04
CLASS 3	10.14	.75	.50	.65	.04
CLASS 4	10.19	.75	.50	.65	.04
CLASS 5	10.24	.75	.50	.65	.04
ZONE 3 - SANILAC, ST. CLAIR & MONROE COUNTIES					
CLASS 1	10.02	.75	.50	.65	.04
CLASS 2	10.12	.75	.50	.65	.04
CLASS 3	10.22	.75	.50	.65	.04
CLASS 4	10.27	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 4 - JACKSON, HILLSDALE & LENAWEE COUNTIES					
CLASS 1	9.69	.75	.50	.65	.04
CLASS 2	9.79	.75	.50	.65	.04
CLASS 3	9.89	.75	.50	.65	.04
CLASS 4	9.94	.75	.50	.65	.04
CLASS 5	10.04	.75	.50	.65	.04

DECISION No. MI81-2031

SW LAB OC

LABORERS: OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
ZONE 5 - CLINTON, EATON, INGHAM, WESTERN PART OF LIVINGSTON & CITY OR PORTLAND IN IONIA COUNTY					
CLASS 1	$10.02	.75	.50	.65	.04
CLASS 2	10.12	.75	.50	.65	.04
CLASS 3	10.22	.75	.50	.65	.04
CLASS 4	10.27	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 6 - GENESEE, LAPEER & SHIAWASSEE COUNTIES					
CLASS 1	9.67	.75	.50	.65	.04
CLASS 2	9.77	.75	.50	.65	.04
CLASS 3	9.87	.75	.50	.65	.04
CLASS 4	8.92	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 7 - SAGINAW, BAY, MIDLAND GRATIOT, TUSCOLA, ISABELLA, HURON, CLARE, GLADWIN, ARENAC, ROSCOMMON & OGEMAW COUNTIES					
CLASS 1	9.96	.75	.50	.65	.04
CLASS 2	10.06	.75	.50	.65	.04
CLASS 3	10.16	.75	.50	.65	.04
CLASS 4	10.21	.75	.50	.65	.04
CLASS 5	10.31	.75	.50	.65	.04
ZONE 8 - BARRY, CALHOUN, BRANCH, ALLEGAN, KALAMAZOO, ST. JOSEPH, VAN BUREN, BERRIEN, CASS, MUSKEGON, OCEANA, NEWAYGO, S.W. PART OF EATON TO CITY OF OLIVET & EASTERN PART OF LAKE COUNTY					
CLASS 1	8.86	.75	.50	.65	.04
CLASS 2	8.96	.75	.50	.65	.04
CLASS 3	9.06	.75	.50	.65	.04
CLASS 4	9.11	.75	.50	.65	.04
CLASS 5	9.21	.75	.50	.65	.04

DECISION No. MI81-2031

SW LAB OC

LABORERS OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 - OSCELA, MECOSTA, KENT, MONTCALM, OTTAWA, IONIA, (EXCEPT CITY OF PORTLAND) COUNTIES					
CLASS 1	$ 8.25	.75	.50	.65	.04
CLASS 2	8.35	.75	.50	.65	.04
CLASS 3	8.45	.75	.50	.65	.04
CLASS 4	8.50	.75	.50	.65	.04
CLASS 5	8.60	.75	.50	.65	.04
ZONE 10 - MANISTEE, MASON, EMMET, CHEBOYGAN, ANTRIM, CHARLEVOIX, OTESGO, LEELANAU, BENZIE, GRAND TRAVERSE, KALKASKA, CRAWFORD, WEXFORD, MISSAUKEE, PRESQUE ISLE, MONTMORENCY, ALPENA, OSCODA, ALCONA & IOSCO COUNTIES					
CLASS 1	7.90	.75	.50	.65	.04
CLASS 2	8.00	.75	.50	.65	.04
CLASS 3	8.10	.75	.50	.65	.04
CLASS 4	8.15	.75	.50	.65	.04
CLASS 5	8.25	.75	.50	.65	.04
ZONE 11 ENTIRE UPPER PENINSULA					
CLASS 1	8.99	.75	.50	.65	.04
CLASS 2	9.09	.75	.50	.65	.04
CLASS 3	9.19	.75	.50	.65	.04
CLASS 4	9.24	.75	.50	.65	.04
CLASS 5	9.29	.75	.50	.65	.04

LABORERS: OPEN CUT CONSTRUCTION

CLASS 1 - Construction Laborer
CLASS 2 - Mortar & Material Mixers, Concrete Form Man, Signal Man, Well Point Man, Manhole, Headwall & Catch Basin Builder, Guard Rail Builders & Fence Erectors
CLASS 3 - Air, Gasoline, Electric Tool Opr., Vibrator Opers., Driller, Pumpman Tar Kettle Opr., Bracers, Rodder - Reinforced Steel or Mesh (under 40 H.P.) Windlass & Tugger Man
CLASS 4 - Trench or Excavating Grade Man
CLASS 5 - Pipelayers (inclu.crock, metal pipe, multi-plate or other counduits)

DECISION No. MI81-2031

SW LAB TSC

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.12	1.10	1.15	1.15	.04
CLASS 2	10.20	1.10	1.15	1.15	.04
CLASS 3	10.25	1.10	1.15	1.15	.04
CLASS 4	10.40	1.10	1.15	1.15	.04
CLASS 5	10.60	1.10	1.15	1.15	.04
CLASS 6	10.85	1.10	1.15	1.15	.04
ZONE 2 - ALL COUNTIES IN THE UPPER & LOWER PENINSULA OF MICHIGAN EXCLUDING WAYNE, OAKLAND, MACOMB, GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	10.76	.75	.50	.65	.04
CLASS 2	10.84	.75	.50	.65	.04
CLASS 3	10.89	.75	.50	.65	.04
CLASS 4	11.04	.75	.50	.65	.04
CLASS 5	11.24	.75	.50	.65	.04
CLASS 6	11.49	.75	.50	.65	.04

DECISION No. MI81-2031 SW LAB TSC

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TUNNEL, SHAFT & CAISSON CONSTRUCTION					
ZONE 3 - GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	$10.41	.75	.85	.65	.04
CLASS 2	10.49	.75	.85	.65	.04
CLASS 3	10.54	.75	.85	.65	.04
CLASS 4	10.69	.75	.85	.65	.04
CLASS 5	10.89	.75	.85	.65	.04
CLASS 6	11.14	.75	.85	.65	.04

CLASS 1 - Tunnel, Shaft & Caisson Laborer, Dump Man, Shanty Man, Hog House Tender, Testing Man (on gas)

CLASS 2 - Manhole, Headwall, Catch Basin Builder, Bricklayer Tender, Mortar Man, Material Mixers, Fence Erector & Guard Rail Builder

CLASS 3 - Air Tool Operator (Jackhammerman, Brush Hammerman & Grinding Man) First Bottom Man, Second Bottom Man, Gage Tender, Car Pusher, Carrier Man, Concrete Man, Concrete Form Man, Concrete Repair Man, Cement Invert Laborer, Cement Finisher, Concrete Shoveler, Conveyor Man, Floor Man, Gasoline & Electric Tool Operator, Gunnite Operator, Pump Man Outside Lock Tender, Scaffold Man, Top Signal Man, Switch Man, Track Man, Tugger man, Utility Man, Winch Operator, Concrete Saw Operator (Under 40 H.P.)

CLASS 4 - Tunnel, Shaft & Caisson Mucker, Bracer, Man, Under Plate Man, Long Haul Dinky Driver & Well Point Man

CLASS 5 - Tunnel, Shaft & Caisson Miner, Drill Runner, Keyboard Operator Power Knife Operator, Reinforced Steel or Mesh Man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)

CLASS 6 - Dynamite Man & Powderman

DECISION No. MI81-2031

HIGHWAY CONSTRUCTION: PLANTING OF TREES & SHRUBS ONLY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPE LABORERS:					
ZONE 1 Washtenaw, Genesee, Lapeer, Shiawassee, Oakland, Wayne Monroe, Livingston, St. Clair & Macomb Counties					
ZONE 2 Remainder of Counties					
CLASS A Landscape Specialist, including air, gas diesel, electric tool and/or equipment					
Zone 1	$ 8.36				
Zone 2	7.93				
CLASS B Landscape Laborer, Truck Driver, Material Haulers & Small Power Equipment					
Zone 1	6.36				
Zone 2	5.94				

DECISION No. MI81-2011

HWY LC Z-I & II

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 1 - Huron, Lapeer, Macomb, St. Clair, Sanilac, Tuscola & Wayne Counties; Ingham County - The townships of Leroy, Locke, Wheatfield, White Oak, & williamson: Lenawee County - Townships of Clinton & Macon; Livingston County - All but the Townships of Tyrone, Cohoctah, Deerfield and Unadilla; Monroe County - all but the Townships of Bedford, Erie, Lasalle and Whiteford Washtenaw County - all but the Townships of Lyndon, Manchester, Sharon, Sylvan & Remainder of Oakland County.					
Linemen- Technician	$17.58	1.50	11%		½%
Cable Splicer	18.32	1.50	11%		½%
Combination Equip. Operator & Groundman	14.14	1.50	11%		½%
Combination Drivers - Groundman	13.32	1.50	11%		½%
Groundman	12.29	1.50	11%		½%
ZONE 2 - Remainder of State					
Linemen & Technician	13.72	.45	7%	5%+a	.5%
Cable Splicers	14.28	.45	7%	5%+a	.5%
Combination Digger Operator Tractor Operator - Groundman	10.72	.45	7%	5%+a	.5%
Light Equipment Operator; Distribution Line Truck Driver Operator-Groundman	9.42	.45	7%	5%+a	.5%
Combination Winch Truck Driver Groundman	8.99	.45	7%	5%+a	
Combination Truck Driver - Groundman	7.62	.45	7%	5%+a	.5%

FOOTNOTE: a - 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day; Day after Thanksgiving & Christmas Day, Providing the employee worked the scheduled work day preceding and the next work day following the day observed.

MICH -10-PEO-3

DECISION No. MI81-2031

HIGHWAY, BRIDGE AIRPORT & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Wayne, Monroe, Washtenaw Oakland, Macomb & Genesee					
CLASS 1	$11.89	1.50	2.00	13%	*.20
CLASS 2	11.41	1.50	2.00	13%	*.20
CLASS 3	10.96	1.50	2.00	13%	*.20
CLASS 4	10.83	1.50	2.00	13%	*.20
ZONE 2 - Remainder of State					
CLASS 1	11.89	1.50	2.00	13%	*.20
CLASS 2	11.29	1.50	2.00	13%	*.20
CLASS 3	10.85	1.50	2.00	13%	*.20
CLASS 4	10.60	1.50	2.00	13%	*.20

*.05 - Retiree Benefit Fund added AP.TR. Fund

CLASS 1 - Asphalt Plant, Cranes, Draglines, Shovels, Locomotives, Pavers (5 bags or more), Elevating Graders, Pile Driver, Roller (asphalt); Blade Grader, Trenching Mach. (ladder or wheel), Auto-Grader, Slip Form Paver, Self-Propelled or Tractor drawn, Scraper, Conveyor Loader (euclid type), Endloader (1 yd, & over), Bulldozer, Hoisting Eng., Tractor, Finishing (asphalt), Mechanic, Pump (6" discharge or over, gas, diesel powered or generator 300 amp or more), Shouldering or Gravel Dist. Mach. (self-propelled), Backhoe (over 3/8 yd. bucket), Side Boom Tractor (type D-4 or larger), Tube Finisher (slip form paving), Gradall & Similar Mach., Self-Propelled Asphalt Planer, Concrete Batch Plant, Asphalt, Slurry Mech., Self-Propelled Asphalt Paver, Concrete Pump (3" and over).

CLASS 2 - Sweeper (wayne type & similar equipment), Screening Plant, Washing Plant, Crusher, Backhoe(3/8 yd.Bucket or less), Side boom tractor (smaller than D-4 or equivalent).

CLASS 3 - Air Compressor (600 cu. ft. per min. or more), Air Compressor (2 or more less than 600 cfm), Wagon Drill, Concrete Breaker, Farm Tractor (w/attachments).

CLASS 4 - Oiler, Firemen. Mechanic Helper, Trencher (service) Flexplanes, Cleftplane, Graders Selfpropelled Fine Grade Form (concrete), Concrete Finishing Mach., Boom or Winch Hoist Truck, Endloader (under 1 yd. cap.), Roller (other than asphalt), Curing Equipment (self-propelled), Concrete Saw (40 HP up), Power Bin, Asphalt Plant Driver, Vibratory Compaction Equipment., Power Driver Guard Post Driver, Mulching Equipment, Stump Remover, Boiler Firemen, Concrete Dump (under 3"), Self Propelled Mesh Installer, Farm Type Tractor.

DECISION No. MI81-2031

MICH-8-PDO-H-Z-1

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 Wayne, Oakland, Macomb, Monroe, Lenawee, Hillsdale, Branch, Calhoun, Jackson, Washtenaw, Livingston, Ingham, Eaton, Clinton, Shiawassee, Genesee, Lapeer, St. Clair, Sanilac, Tuscola, Saginaw, Gratiot, Midland, Bay & Huron Counties					
CLASS I	$12.88	1.05	*1.80	12%	.10
CLASS II	12.63	1.05	*1.80	12%	.10
CLASS III	11.97	1.05	*1.80	12%	.10
CLASS IV	11.46	1.05	*1.80	12%	.10
ZONE 2 - Remainder of State					
CLASS I	11.35	1.05	*1.80	12%	.10
CLASS II	10.96	1.05	*1.80	12%	.10
CLASS III	10.51	1.05	*1.80	12%	.10
CLASS IV	10.26	1.05	*1.80	12%	.10

CLASS I - Power Shovel, Crane (Crawler, truck type or Pile Driving), Dragline, Backhoe, Clamshell Trencher (over 8' digging capacity), Mechanic Endloader (over 1½ cu. yd. cap.), Scraper (selfpropelled or Tractor drawn), Dozer (9 blade & over), Concrete Paver (2 drum or larger), Side Boom Tractor (type D-4 or equivalent 7 larger), Elevating Grader, Roller (asphalt), Gradall (and similar type machine), Batch Plant Oper., (concrete), Backfiller Tamper. Well Drilling Rig, Slip Form Paver, Slope Paver, Conveyor Loader (euclid type) Grader

CLASS II - Trencher (8' digging capacity & smaller), Endloader (1½ cu. yd. capacity & smaller), Dozer (less than 9' blade), Side Boom Tractor (smaller or diesel powered or powered by generator of 300 amps or more - inclusive of other than Backhoe or Front Endloader), Crusher

CLASS III - Air Compressor (2 or more - less thtn 600 CFM), Air Compressors (600 cu. ft. per min or larger), Pumpcrete Machine (and similar equipment) Mechanic Helper, Maintenance Man, Boom Truck (non-swinging, non-powered type boom), Welding Machine or Generator (2 or more-300 amp or larger - gas or diesel powered), Pump (2 or more 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), Concrete Paver (1 drum ½ yd. or larger), Wagon Drill (multiple), Elevator (other than passenger), Concrete Breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic Pipe Pushing Machine, Pumps (2 or more up to 4" discharge if used 3 hours or more a day - Gas or Diesel Powered - excluding equipment, Self Propelled (6' wide or over), Stump Remover, Mulching Equipment, Farm Tractor (with attachment), Finishing Machine (concrete), Roller (other than asphalt, curing machine (self-propelled), Concrete Saw (40 H.P. or over)

DECISION No. MI81-2031

SIGN INSTALLERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A Performs all necessary labor and uses all tools & equipment required to construct & set concrete forms required in the installation of highway street signs:					
ZONE 1	$11.497	a39.50	a46.00	.15	
ZONE 2	10.697	a39.50	a46.00	.15	
CLASS B Performs all miscellaneous labor, uses all hand power tools and operates all other equipment mobile or otherwise, required for the complete installation of highway and street signs:					
ZONE 1	11.247	a39.50	a46.00	.15	
ZONE 2	10.447	a39.50	a46.00	.15	

FOOTNOTE:

a. Per week Per employee

ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw & Wayne Counties
ZONE 2 - Remainder of State

DECISION No. MI81-2031

MICH-SWH-TD

TRUCK DRIVERS - HIGHWAY, BRIDGE, AIRPORT & SEWER CONST.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw & Wayne					
CLASS 1	$12.44	39.50a	51.00a	.50	
CLASS 2	12.54	39.50a	51.00a	.50	
CLASS 3	12.69	39.50a	51.00a	.50	
ZONE 2					
CLASS 1	12.34	39.50a	51.00a	.50	
CLASS 2	12.44	39.50a	51.00a	.50	
CLASS 3	12.59	39.50a	51.00a	.50	

TRUCK DRIVERS - ZONES 1 & 2

CLASS 1 - Truck Driver (on all trucks except dump trucks of 8 cubic yds. capacity or over, Tandem Axle Trucks, Transit Mix and Semis, Euclid Type Equipment, Double Bottoms and Low Boys)

CLASS 2 - Truck Drivers on Dump Trucks of 8 Cubic yards capacity or over (including Tandem Axle Trucks, Tandem Axle Water Trucks, Transit Mix and Semis.)

CLASS 3 - Euclid Type Equipment, Double Bottoms and Low Boys for hauling heavy equipment

FOOTNOTE:
a. Per week, Per employee

DECISION No. MI81-2031

MICH-SWH-TD

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNDERGROUND CONSTRUCTION					
Wayne, Oakland, Macomb, Washtenaw, Monroe, St. Clair & Genesee Counties					
CLASS 1	$10.31	36.50a	37.00a		
CLASS 2	10.44	36.50a	37.00a		
CLASS 3	10.64	36.00a	37.00a		
Lapeer & Shiawassee Counties:					
CLASS 1	10.21	36.50a	37.00a		
CLASS 2	10.34	36.50a	37.00a		
CLASS 3	10.54	36.50a	37.00a		
Jackson, Lenawee & Hillsdale Counties					
All Truck Drivers	7.30	10.00a	22.00a		

CLASS 1 - Truck Driver (except dump trucks of 8 cubic yards capacity or over), Pole Trailers, Semis, Low Boys, Euclid, Double Bottom & Fuel Trucks.
CLASS 2 - Truck Driver on Dump Trucks of 8 cubic yards capacity or over, Pole Trailers, Semis & Fuel Trucks
CLASS 3 - Low Boy, Euclid & Double Bottom Driver

FOOTNOTE:
a. Per week Per employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Kent
DECISION NUMBER: MI81-2010 DATE: Date of Publication
Supersedes Decision No. MI80-2053 dated July 11, 1980 in 45 FR 47045.
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.50				
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS	7.45				
CARPENTERS	5.96				
CEMENT MASONS	6.12				
ELECTRICIANS	12.85	.75	3%+.35		.01
ELEVATOR CONSTRUCTORS	9.90	.545	.35	4%+a&b	.02
IRONWORKERS:					
Structural & Ornamental	5.86				
Reinforcing	5.92				
LABORERS - Unskilled	4.89				
LABORERS - Mason Tenders	5.15				
PAINTERS - Brush	11.25	.65	.40		.02
PAINTERS - Tapers	11.25	.65	.40		.02
PLASTERERS	7.80				
PLUMBERS & STEAMFITTERS	14.89	.70	1.50		.02
ROOFERS	5.55				
SHEET METAL WORKERS	14.10	.92	1.20	1.00	.04
TRUCK DRIVERS	5.62				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	7.15				
Bulldozer Operator	8.35				
Crane Operator	5.27				
Finishing Machine Operator	5.50				
Front End Loader	7.02				
Scraper	7.00				
WELDER - Rate for Craft					

FOOTNOTES:
a. 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
b. Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years.
c. $5.00 per month - Life Insurance

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Calhoun, Carroll, Grenada, Holmes, Lafayette, LeFlore, Montgomery, Panola, Tallahatchie, and Yalobusha

DECISION NUMBER: MS81-1251 DATE: Date of Publication
Supersedes Decision No.: MS81-1160, January 6, 1981 in 46 FR 1528
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.50				
BRICKLAYERS	7.00				
CARPENTERS	5.87				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	6.58				
INSULATORS	5.00				
IRONWORKERS, Structural & Ornamental	4.50				
IRONWORKERS, Reinforcing	5.00				
LABORERS	3.67				
PAINTERS, Brush	5.64				
PLUMBERS & PIPEFITTERS	6.52				
POWER EQUIPMENT OPERATORS:					
Asphalt Spreader	5.00				
Backhoe	6.00				
Bulldozer	5.50				
Front End Loader	5.50				
Motor Grader	5.00				
Paver	5.00				
Roller	4.50				
Tractor	6.00				
Trenching Machine	5.00				
ROOFERS	5.00				
SHEET METAL WORKERS	6.09				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.67				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: SOUTH CAROLINA
COUNTIES: ABBEVILLE, GREENWOOD, LAURENS, McCORMICK, NEWBERRY, & SALUDA.
DECISION NUMBER: SC81-1253 DATE: DATE OF PUBLICATION
Supersedes Decision Number SC79-1102, dated June 29, 1979, in 44 FR 38105.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.72				
BRICKLAYERS	7.50				
CARPENTERS	6.00				
CEMENT MASONS	5.50				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.96				
ELECTRICIANS	4.14				
INSULATION INSTALLERS	4.60				
IRONWORKERS					
LABORERS:					
Unskilled	3.90				
Pipe layers	4.00				
Mason tenders	4.25				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	5.50				
ROOFERS	5.00				
SHEET METAL WORKERS	5.15				
SOFT FLOOR LAYERS	5.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	4.27				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.17				
Bulldozer	5.00				
Front end loader	5.25				
Motor grader	6.13				
Pan - Scraper	4.75				
Paver - Spreader	4.76				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO. TX81-4044 DATE: Date of Publication
Supersedes Decision No. TX80-4098, dated December 5, 1980, in 45 FR 80643
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for paving & utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.675	.835	1.20		.045
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS	8.15	.40	.35		.04
CARPENTERS:					
Carpenters	11.25				.05
Millwrights	13.95				.05
Piledrivermen	12.25				.05
CEMENT MASONS	6.82				
ELECTRICIANS	12.02	.60	3%+.50		½%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob)	50%JR				
GLAZIERS	5.30				
IRONWORKERS	12.50	.60	1.45		.06
LABORERS, UNSKILLED	3.70				
LINE CONSTRUCTION:					
Linemen	14.45		3%		½%
Cable Splicers	14.88		3%		½%
Hole digger op., heavy equipment ops. (or pole cat equivalent); powderman	13.15		3%		½%
Line truck driver (winch op.)	11.85		3%		½%
Jackhammer man	10.84		3%		½%
Groundman	9.68		3%		½%
Truck driver (flat bed, ton & half & under)	10.26		3%		½%
PAINTERS	5.50				
PLUMBERS & PIPEFITTERS:					
Within a 25 mile radius of Texarkana	13.85	.68	.70		.05
Outside a 25 mile radius of Texarkana	14.25	.68	.70		.05
ROOFERS	5.71				
SHEET METAL WORKERS	5.99				
SOFT FLOOR LAYERS	7.50				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% basic hourly rate,
b - paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A- New Years' Day B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.765	.65	1.00		.15
GROUP 2	12.49	.65	1.00		.15
GROUP 3	12.89	.65	1.00		.15

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill, Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all Types); Bobcat type equipment
GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu ft.; Bulldozers; Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors & Air Tugger; Boilers, two or more fired by one man

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-18697 Filed 6-25-81; 8:45 am]
BILLING CODE 4510-30-C

federal register

Friday
June 26, 1981

Part III

Department of Agriculture

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

DEPARTMENT OF AGRICULTURE

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: USDA, Forest Service.

ACTION: Notice of proposed revised Forest Service NEPA implementing procedures.

SUMMARY: This notice proposes changes in Forest Service Manual (FSM) 1950, The Forest Service National Environmental Policy Act (NEPA) Process. The procedures being revised were published in the **Federal Register** on July 30, 1979, 44 FR 44718, and were subsequently amended in February 1980.

DATE: Comments must be received by August 30, 1981.

ADDRESS: Comments should be sent to Chief, R. Max Peterson, USDA Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Ralph Solether, Environmental Coordination Specialist, USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013. Telephone (202) 447–4708. FTS 447–4708.

SUPPLEMENTARY INFORMATION: FSM 1950 contains Forest Service policy on NEPA implementing procedures as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508) as published in the **Federal Register** November 29, 1978. The proposed revision of FSM 1950, when in final form, is intended to reduce paperwork and delay while fully meeting NEPA, CEQ regulations and USDA NEPA policies and procedures, (7 CFR Part 3100).

The present text in FSM 1950 was approved by CEQ and published in the **Federal Register** on July 30, 1979, 44 FR 44718. During the past two years, it became apparent that by more closely following the CEQ regulations the purpose and goals of NEPA would be better served.

In order to cover the extent of the proposed revised procedures, it is necessary to review both Forest Service Manual 1950 and the portions of Forest Service Handbook (FSH) 1909.15 which are included in this notice. The most significant proposed changes are that:

1. Detailed procedures and guidance direction is included in the Handbook. The revised Manual is more nearly policy direction.

2. Only policies in addition to the USDA policies and procedures and CEQ NEPA regulations are included in FSM 1950.3 Policy.

3. NEPA process definitions and terminology have been placed in FSH 1909.15.

4. Categorical exclusions are revised.

5. When to prepare an environmental assessment has been redefined.

6. Information on environmental analysis has been moved from FSM 1950 to FSH 1909.15.

7. Direct quotations from the CEQ regulations have replaced throughout the manual and the handbook with references to the CEQ Regulations 40 CFR 1500–1508.

8. Environmental analysis is described as a component of Forest Service planning and decisionmaking rather than the Forest Service planning and decisionmaking process.

9. Environmental assessments may be prepared in any format provided that CEQ content requirements are met.

10. The interdisciplinary approach used in preparing environmental assessments is expanded to include those situations where an individual may be assigned the task for preparing a simple assessment, provided information from other disciplines is considered.

11. Tiering and adoption are expanded to include environmental assessments.

12. The CEQ format is prescribed for environmental impact statements.

Ambiguities between environmental analysis, decisionmaking, and planning are removed. Prodedural details formerly in FSM 1950 now appear in FSH 1909.15. Comments on the proposed revisions are invited. To be considered in preparation of the final revision of the implementing procedures, comments must be received by August 30, 1981.

Dated: June 19, 1981.

R. Max Peterson,

Chief.

June 22, 1981.

Title 1900—Planning

CHAPTER 1950—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Contents

1950.1 Authorities.
1950.2 Objectives.
1950.3 Policies.
1950.4 Responsibilities.
1950.5 Definitions.
1951 Categorical Exclusions.
1952 When to Prepare an Environmental Assessment.
1953 When to Prepare an Environmental Impact Statement.
1954 Emergencies.
1955 Procedures Related to Other Documents.
1955.1 Notice of Intent.
1955.2 Finding of No Significant Impact.
1955.3 Record of Decision.
1955.4 Decision Notice.

Chapter 1950—National Environmental Policy Act Implementing Procedures

This chapter and FSH 1909.15, the NEPA Implementing Procedures Handbook, constitute Forest Service supplemental procedures for implementing the National Environmental Policy Act (NEPA) as amended (42 U.S.C. 4321–4347 (1976)) under Department of Agriculture (USDA) NEPA Policies and Procedures and Council on Environmental Quality (the Council's) Regulations. See Chapter 500, FSH 1909.15, the NEPA Implementing Procedures, for the Council's Regulations, 40 CFR 1500–1508, and USDA NEPA Policies and Procedures, 7 CFR 3100.

These implementing procedures supplement and are not a substitute for the Council's Regulations.

1950.1 Authorities

The Forest Service is encouraged by NEPA to carry out its programs in ways that will create and maintain conditions under which man and nature can exist in productive harmony and fulfill social and economic needs of present and future generations.

NEPA requires that a systematic interdisciplinary approach be used in planning and decisionmaking which may have an impact on the human environment. NEPA also requires detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

1950.2 Objectives

(See FSM 1900)

The objective of the Forest Service NEPA procedures is to integrate the requirements of NEPA with planning and decisionmaking.

1950.3 Policy

1. Environmental documents must be concise, written in plain language, and address the issues pertinent to the decision being made.

2. Environmental documents may replace or be combined with other reports which serve to facilitate decisionmaking.

3. Costs of analyses and documents for in-Service originated programs are a part of the regular budgetary process for the plan, program, or project. Costs are, therefore, borne by the benefiting activity(ies) unless special provision is made at the Washington Office level.

4. For out-Service originated activities, project proponents may be required to provide data and documentation, subject to the requirements of 40 CFR

1506.5(b). When an applicant is permitted or a contractor is employed to prepare an environmental assessment (EA) or an environmental impact statement (EIS), their activities shall be limited to those shown as the usual role of participants for staff, specialists, or interdisciplinary team in chapter 100 of FSH 1909.15. Applicants or contractors shall be required to comply with the requirements of FSM 1900 and 1950.

5. The Chief, Regional Foresters, Area and Station Directors, and Forest Supervisors shall designate a person in their offices to serve as Environmental Coordinator who shall be responsible for providing information on status of EIS's and other elements of the NEPA process.

6. Environmental documents, decision notices, and records of decision must be provided and/or made available for review by the public free of charge to the extent practicable.

7. An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking.

8. The concepts of tiering and adoption applicable to environmental impact statements are also applicable to environmental assessments.

1950.4 Responsibilities

1950.41 Chief

The Chief is responsible for environmental analysis and documentation relating to legislation and national policies, plans, programs, and projects including but not limited to those affecting areas involved in pending legislation for wilderness designation or study.

1950.42 Director of Environmental Coordination

The Director is the staff official responsible for the establishment of national standards, procedures and coordination necessary to carry out the policies and implementation of NEPA for the Forest Service.

1950.43 Regional Foresters, Station Directors, and Area Directors

Officials delegated responsibility for proposed actions are responsible for environmental analyses and documentation. Delegations of authority are specified in FSM 1230.

Regional Foresters, Station Directors, and Area Directors are authorized to file environmental impact statements directly with the EPA for actions within their authority. This authority may be redelegated, as appropriate.

1950.5 Definitions

(See FSH 1909.15, Section 410)

1951 Categorical Exclusions

(See 40 CFR 1508.4)

In addition to the actions listed by the Department as catergorical exclusions in 7 CFR 3100.22, the classes of actions listed below are also categorically excluded from documentation in an environmental assessment or environmental impact statement. These are actions which, based on previous experience, have been found to have limited context and intensity (40 CFR 1508.27 (a) and (b)) and produce little or no environmental effects to either the biological or physical components of the human environment.

1. Routine operations and maintenance actions. Routine operations are ongoing or recurring actions which are limited in scope with respect to environmental change to the biological or physical components of the human environment. These actions include operations that do not alter existing conditions—such as administration of ongoing operations, equipment purchases, custodial actions, posting of signs, and station and area surveillance.

Routine maintenance means the repair, renovation, and upkeep of facilities and improvements at the same location for the same purpose. Some routine operations or activities, such as rights-of-way maintenance involving the use of pesticides or storage of toxic substances, may be of sufficient scope to require environmental documents.

2. Actions with short-term effects. A few examples of actions within this class are granting and/or renewal of permits for: gathering fire wood, collecting plant materials, siting of bee hives, mountain climbing, and river floating.

3. Actions of limited magnitude: Actions which may fall within this class are: small timber sales, small thinning and pruning projects, small seeding and planting projects, and range and wildlife improvement projects such as water trough installation or short lengths of fences.

Not withstanding the categorical exclusions listed above, the responsible official may determine that circumstances dictate the need to prepare an environmental document.

The responsible official may prepare a decision notice to document the exclusion of a particular action.

1952 When To Prepare an Environmental Assessment (EA)

An environmental assessment must be prepared for actions other than those categorically excluded, specifically and adequately analyzed and discussed by another environmental impact statement or environmental assessment, or for which a decision has already been made to prepare an environmental impact statement.

1953 When To Prepare an Environmental Impact Statement (EIS)

EIS's must be prepared for:

1. Proposals for legislation recommended by the Forest Service which are determined to be a major Federal action significantly affecting the quality of the human environment.

2. Regional and Forest land and resource management plans.

3. Other major Federal actions significantly affecting the quality of the human environment that have not been adequately addressed in another environmental impact statement.

"Major" actions and "significant" effects are difficult to define precisely and uniformly because of the great variation in social, economic, physical, and biological conditions. The responsible official shall determine when an environmental impact statement is needed.

(See 40 CFR 1508.18 and 1508.27)

1954 Emergencies

(See 40 CFR 1506.11)

Some individual actions may require immediate attention, such as those covered in Forest Service Manuals 1590 and 3540, to prevent or reduce risk to public health or safety or serious resource loss. These include but are not limited to fire suppression, oil or toxic substance spills, search and rescue, avalanche abatement, or reduction of impending fire losses. Normally, these actions will not require environmental documentation unless called for by the responsible line officer. The Director of Environmental Coordination will consult with the Council as necessary under 40 CFR 1506.11.

1955 Procedures Related to Other Documents

1955.1 Notice of Intent

In addition to requirements of 40 CFR 1508.22, the name and title of the responsible official(s) and the estimated dates for filing the draft and final environmental impact statement must be given.

1955.2 Finding of No Significant Impact

(See 40 CFR 1508.13)

1955.3 Record of Decision

A record of decision is a separate document which records the decision of the responsible official. In addition to

the requirements in 40 CFR 1505.2, the location, administrative unit, and a statement indicating whether or not the decision is subject to administrative review (36 CFR 211.19) must be provided in the record of decision.

For decisions that are subject to administrative review, the responsible official must sign and date the record of decision on the date that it and the final environmental impact statement are transmitted to the Environmental Protection Agency and made available to the public.

For decisions that are not subject to administrative review, the record of decision shall not be signed and dated until 30 days after the Environmental Protection Agency publishes the notice of availability of the final environmental impact statement in the **Federal Register.**

1955.4 Decision Notice

At the time of decision the responsible official shall sign and date a decision notice indicating what the decision was in cases where an environmental assessment has been prepared. The decision notice also must include the reasons for the decision and a statement on appeal rights (36 CFR 211.19) as appropriate.

The responsible official shall notify the public of the decision or availability of the decision notice as appropriate.

U.S. Department of Agriculture—Forest Service FSH 1909.15

NEPA Implementing Procedures Handbook

The Forest Service National Environmental Policy Act (NEPA) process consists of all measures necessary for compliance with the requirements of Section 2 and Title 1 of the National Environmental Policy Act, as amended. This handbook provides procedural guidelines for implementing the Council on Environmental Quality (the Council) Regulations 40 CFR 1500–1508, as they pertain to Forest Service activities.

Environmental analyses, environmental documents, decision, and implementation and monitoring are the primary subjects addressed. Objectives, policies, responsibilites, and identification of typical classes of actions which require or do not require environemntal documents are addressed in FSM 1950.

U.S. Department of Agriculture—Forest Service

NEPA Implementing Procedures Handbook

Contents

Chapter
100 Environmental Analysis.
200 Environmental Assessments.
300 Environmental Impact Statements.
400 References.

NEPA Implementing Procedures Handbook

Chapter 100.—Environmental Analysis

Contents

Chapter
110 Definitions.
120 Analysis Actions.
120.1 Identify Purpose and Need.
120.2 Develop Criteria.
120.3 Collect Data.
120.4 Interpret Data.
120.5 Formulate Alternatives.
120.6 Estimate Effects.
120.7 Evaluate Alternatives and Identify the Forest Service Preferred Alternative.

Chapter 100.—Environmental Analysis

Environmental analysis is the process necessary for the preparation of an environmental assessment or environmental impact statement. It is an analysis of alternative actions, and their predictable short- and long-term environmental effects, which include physical, biological, economic and social factors and their interactions. If an action is determined to be categorically excluded, no environmental analysis is required (see FSM 1951).

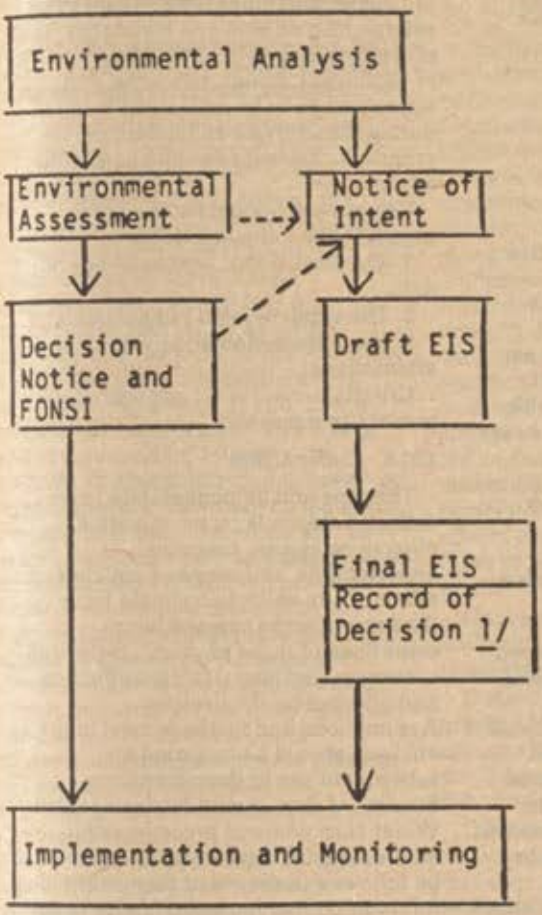
The usual relationships between the environmental analysis, the environmental documents, the decision documents, and implementation are shown below:

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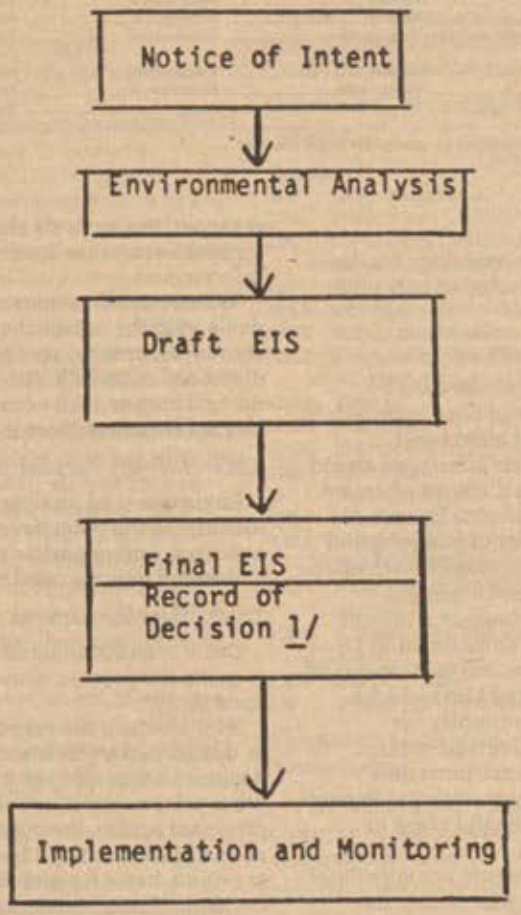
100-2

NEPA IMPLEMENTING PROCEDURES HANDBOOK

If the need for an EIS has not been determined:



If the need for an EIS has been determined: (FSM 1953)



1/ If the decision is not subject to administrative review (36 CFR 211.19), the record of decision is signed and dated no sooner than 30 days after the notice of availability of the final EIS has been published in the Federal Register.

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A model of the NEPA Process illustrating environmental analysis, documentation, decision, implementation and monitoring, and usual role of participants is shown below:

Usual Role of Participants

NEPA process	Responsible official	Staff, specialist or interdisciplinary team	Agencies, organizations, and individuals
1. Environmental analysis actions: [1] [2]			
A. Identify purpose and need	Approval	Responsible	Recommend
B. Develop criteria	Approval	Responsible	Recommend
C. Collect data	Review	Responsible	Provide information
D. Interpret data analyze the situation.	Review	Responsible	Provide information
E. Formulate alternatives	Review	Responsible	Recommend
F. Estimate effects	Review	Responsible	Provide information
G. Evaluate alternatives	Review	Responsible	Provide information
H. Identify the FS preferred alternative [3]	Responsible	Recommend	Recommend
2. Documentation	Review	Responsible	Review
3. Decision	Responsible	Recommend	Review
4. Implementation and monitoring	Responsible	Assist	Assist

[1] Analysis actions may be combined as appropriate to the situation.
[2] Unless categorically excluded.
[3] When an EIS is required.

110 Definitions

Definitions and terminology for the NEPA process are included in Section 410.

120 Analysis Actions

Environmental analysis uses a systematic interdisciplinary approach to examine a proposed action and alternatives, and their effects, as an aid to identify a preferred course of action. The process is intended to be an integrated component of planning and decisionmaking for actions for which the preparation of an environmental assessment or environmental impact statement has been determined to be necessary. Therefore, the environmental analysis process should provide the information and opportunity for exchange of ideas involved in the development of an environmental assessment or an environmental impact statement at a meaningful stage in decisionmaking.

Because the nature and complexity of the proposed action determines the scope and intensity of the analysis required, no single preferred technique is required or prescribed. Various steps of the process outlined in this handbook may be combined or omitted as appropriate. The disciplines involved in an analysis should be appropriate to the scope of the proposed action and issues identified. In each analysis, use should be made of previously documented information to avoid duplication of efforts. The responsibility for determining the scope and intensity of an environmental analysis rests with the line officer responsible for the decision on the action being proposed.

If the need to complete the analysis is eliminated (that is, if a project application is withdrawn, or for other reasons), the analysis should be terminated and the interested parties informed.

When an environmental analysis deals with the establishment of standards, criteria, and guidelines as discussed in 36 CFR 216, required documentation is in accordance with Interim Directive No. 6, FSM 1626.

120.1 Identify Purpose and Need

Environmental analyses begin by identifying the objectives, issues, concerns, and opportunities to be addressed and the need for a decision.

120.2 Develop Criteria

Criteria and standards that are used to guide the process should be agreed upon early.

At the outset, the responsible official or designated staff determines from documentation already available and other prior experience related to the proposed action, the approximate extent of analysis which will be required to provide a basis for an informed decision. This preliminary determination will assist in the choice of whether it will be necessary to create an interdisciplinary team of preparers or reviewers to carry out the remainder of the analysis process, or whether a much less formal interdisciplinary approach will suffice (see 220.1). This initial appraisal also contributes to and guides subsequent steps in the analysis process. The following considerations are among those appropriate in this initial step.

1. Actions adequately addressed by another environmental document such as in an environmental impact statement for a Forest Plan. For such actions, it is possible to prepare a record of decision or a decision notice and finding of no significant impact adopting the previously prepared EA or EIS with no further analysis necessary

2. Environmental effects or other information discussed in another environmental document or other records may narrow the scope of the environmental analysis necessary and be incorporated by reference in the environmental documents prepared for the proposed action (See 220.4 (Tiering), 220.5 (Adoption), 330.6 (Incorporation by Reference)).

Forest Service objectives established in policies and plans are considered in establishing criteria and standards. The objectives may help in the identification of significant, issues, concerns, and opportunities to be addressed in detail during the analysis and determine the criteria for the subsequent steps in the analysis.

Criteria are frequently needed in regard to the following items:

1. The kind, detail, and accuracy of data,

2. The depth or level of analysis, and

3. The formulation and evaluation of alternatives.

Criteria are adjusted throughout the process as necessary.

120.3 Collect Data

The type and amount of data to be collected depends on the situation, objectives, issues, concerns, opportunities, and scope of anticipated effects. Data collection should focus on the present and expected future conditions of those physical, biological, economic, and social factors affecting and affected by the decision. Assumptions and methods used in the analysis should be recorded for subsequent use in documentation. Sources of data should be documented. Worst-case analysis procedures for environmental impact statements should be followed in the event that essential information to a reasoned choice is not known or is not available. (See 40 CFR 1502.22).

120.4 Interpret Data

Data and information should be interpreted to provide an understanding of current and expected future conditions related to the objectives, issues, and concerns. This may include supply and demend relationships and other relevant physical, biological, economic, and social factors.

120.5 Formulate Alternatives

A reasonable range of alternatives is developed to provide different ways to address the objectives and significant issues, concerns, and opportunities.

Objectives from legislation or higher-order Forest Service plans, programs, and policies guide but do not necessarily limit the range of alternatives. The range of alternatives must be broad enough to respond to significant objectives, issues, concerns and opportunities. All reasonable alternatives are considered in the process of developing the reasonable range.

"the phrase 'all reasonable alternatives' is firmly established in the case-law interpreting the NEPA. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed." (Supplementary information for the Council's Regulations, **Federal Register** Vol. 43, No. 230, Nov. 29, 1978, p. 55983).

The alternative of taking no action must always be considered. Two distinct interpretations of "no action" are often possible depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no managment at all would be a useless academic exercise. Therefore, the "no-action" alternative may be thought of in terms of continuing with the present course of action until that action is changed. Consequently, projected impacts of alternative management schemes would be compared to those impacts projected for the existing plan. In this case, alternatives would ordinarily include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development.

The second interpretation of "no action" is illustrated in instances involving Federal decisions on proposals for projects. "No action" in such cases would mean the proposed activity would not take place. The resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

In this case the analysis can provide a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. Reasonable alternatives outside the jurisdiction of the Forest Service are also considered when environmental impact statements are involved (see 40 CFR 1502.14).

Alternatives should be fully and impartially developed. Care should be taken to ensure that the range of alternatives does not prematurely foreclose options which might protect, restore, and enhance the environment.

Alternatives are often modified and/or new alternatives may be developed as the analysis proceeds.

Alternatives should be formulated to include management requirements, mitigation measures, and monitoring of environmental effects.

120.6 Estimate Effects

(See 40 CFR 1508.8)

The appropriate effects of implementing each alternative is estimated. Direct, indirect, and cumulative effects should be considered. Effects are expressed in terms of changes in the physical, biological, economic, and social components of the environment for each alternative. The changes should be those associated with implementation of alternatives and when possible should be analyzed in terms of differences from the present condition, magnitude, duration, and significance. See Section 420 for a list of environmental factors which may change as a result of implementation of the various alternatives. It is not always necessary to deal with all factors and components of the environment. The effects considered in detail should be those of significance to the objectives, issues, concerns, and opportunities.

Unquantified environmental amenities and values should be given appropriate consideration.

If the information relevant to adverse impacts is essential to a reasoned choice among alternatives being considered in an environmental impact statement is not known, see 40 CFR 1502.22.

If indicators of economic efficiency are appropriate, they are developed in this step. When this is done, the relationship of economic efficiency and any analysis of unquantified environmental impacts, values, and amenities should be identified.

Although separate analysis is not necessary, the following are considered for all alternatives:

1. Effects on consumers, civil rights, minority groups and women. (Secretary's memorandum 1662, supplement 8 and OMB Circular A-19, FSM 1730).

2. Effects upon prime farmland, rangeland, and forest land.

3. Effects upon wetlands and flood plains.

4. Effects upon threatened and endangered species.

5. Cultural resources.

120.7 Evaluate Alternatives and Identify the Forest Service Preferred Alternative

Using evaluation criteria, alternatives are compared. This evaluation provides a basis for identifying preferable alternative(s) and the need for an environmental impact statement (EIS)—if not otherwise required.

When the need for an EIS has not already been established (FSM 1953.), the significance of effects should be considered in terms of context and intensity in determining the need for an EIS. (See 40 CFR 1508.27, "significantly" for definition of context and intensity).

Chapter 200.—Environmental Assessments

Contents

Chapter
210 Documentation.
210.1 Format and Content.
210.2 Processing Environmental Assessments (Reserved).
220 Other Considerations.
220.1 Interdisciplinary Approach
220.2 Public Involvement.
220.3 Responsibilities (When Applicants and Contractors Are Involved).
220.4 Tiering.
220.5 Adoption.
220.6 Incorporation by Reference.
230 Decision.
230.1 Decision Notice.
230.2 Finding of No Significant Impact.
230.3 Unprecedented Action Similar to Those Which Normally Require an EIS.
230.4 Actions Involving Flood Plains and Wetlands.
230.5 Actions with Effects of National Concern
230.6 Distribution.
240 Implementation and Monitoring.

Chapter 200.—Environmental Assessments

This section provides implementing procedures concerning environmental assessments. (See 40 CFR 1508.9.)

210 DOCUMENTATION

(See FSM 1952.)

If environmental analysis reveals that an action significantly affects the quality of the human environment, then an environmental impact statement is needed and a notice of intent is published. Although the actual length and detail of documentation in an environmental assessment may vary, an environmental assessment normally should not exceed 15 pages.

210.1 Format and Content

(See 40 CFR 1508.9(b))

An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking. It must include brief discussion of:

1. The need for the proposal,

2. Alternatives as required by Section 102(2)(E) of NEPA, and

3. Environmental impacts of the proposed action and alternatives.

4. The assessment must also include a listing of agencies and persons consulted.

220.1 Interdisciplinary Approach

NEPA requires a systematic, interdisciplinary approach which will ensure an integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the human environment.

The interdisciplinary approach used in environmental analysis for those actions documented in environmental assessments will vary according to the judgment of the responsible official. It is not necessary to establish interdisciplinary teams for all analyses. For example, if an individual assigned to do a simple environmental assessment, he or she must consider the physical, biological, economic, and social factors pertinent to the decision in order to meet interdisciplinary requirements. The more complex a decision is, the greater the likelihood that a team of preparers (more than one individual) and/or reviewers should be used. See section 350.1 for additional information if interdisciplinary teams are involved.

Any approach that fosters interdisciplinary exhange of information concerning the analysis, the assessement, and the decision is preferred.

220.2 Public Involvement

(See 40 CFR 1506.6.)

The responsible official may determine in certain cases to apply the scoping concept to the preparation of an environmental assessment.

220.3 Responsibilities. (When Applicants and Contractors are Involved)

(See 40 CFR 1506.5(b).)

Project proponents may be required to provide data and documentation. When an applicant is permitted to prepare an environmental assessment or a contractor is employed, their activities should be limited to those shown as the usual role of participants for staff, specialists, and interdisciplinary teams in the table shown in Chapter 100 of this Handbook.

Applicants or contractors may be required to conduct studies to determine the impact of the proposed action on the human environment.

220.4 Tiering

(See 40 CFR 1502.20 and 1508.28.)

Tiering is appropriate to environmental assessments as well as environmental impact statements. (See also section 352.).

220.5 Adoption.

(See 40 CFR 1506.3.)

Adoption is appropriate to environmental assessments as well as environmental impact statements.

220.6 Incorporation by Reference.

(See 40 CFR 1502.21.)

230 Decision

230.1 Decision Notice

A decision notice may be a separate document or combined with a finding of no significant impact which is attached to the environmental assessment.

The decision notice may also be an integral part of simple environmental assessments. See Exhibit 1 of this chapter for a sample combined decision notice and finding of no significant impact.

See Exhibit 2 of this chapter for a sample combined environmental assessment, decision notice, and finding of no significant impact.

The responsible official signs and dates the decision notice and notifies the public as appropriate. For those actions subject to administrative review (appeals) (36 CFR 211.19), the appeal period begins with the date of the decision. The decision notice briefly states:

1. what the decision was and the date,

2. the reasons for the decision,

3. the finding of no significant impact (when combined with the decision notice, see Section 230.1 above) and,

4. the appeal rights (36 CFR 211.19), as appropriate.

In most situations involving environmental assessments, implementation can take place immediately after the decision notice is signed.

230.2 Finding of No Significant Impact

(See 40 CFR 1508.13.)

A finding of no significiant impact may be included as an integral part of the decision notice.

Exhibit 1.—Sample Decision Notice and Finding of No Significant Impact

Decision Notice and Finding of no Significant Impact (Lower Star River Recreation Project, Summit County, Colorado)

USDA Forest Service, Star Mountain National Forest

An environmental assessment that discusses proposed recreation development on 150 acres of National Forest lands adjacent to six (6) miles of the Star River is available for public review in the Forest Service Office in Central, Colorado. This project involves the flood plains and wetlands adjacent to the Star River.

It is my decision to adopt Alternative B for the recreation development and management for these National Forest System lands. This alternative calls for moderate development and use, including two day-use picnic sites, 40 developed camping sites, and 12 miles of nature trails. Alternative B provides for recreation development and use with minimum environmental impacts near a metropolitan area with rapidly increasing demand for recreational opportunities.[1] Other alternatives considered were (A) the no-action alternative which would continue present management, (C) maximum development and use to accommodate 10,000 persons at one time, and (D) an alternative that would allow for day-use only. The assessment evaluates the site-specific design and construction necessary to implement some of the management decisions contained in the Star Mountaiun National Forest Plan.

The District Ranger is directed to modify Alternative B to initiate a monitoring program to determine annually the effects of project implementation upon the water quality of the Lower Star River. In addition, the use of the area shall be limited to not more than 5,000 persons at one time. Mitigation measures to avoid environmental harm are specified in the environmental assessment.

Alternative B, with specified mitigation measures and monitoring, provides the best combination of physical, biological, social, and economic benefits and is considered to be the environmentally preferable alternative.

I have determined that this is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not

[1]Decision and reasons for the decision.

needed. This determination was made considering the following factors: (a) construction of roads and day-use recreational facilities on 150 acres will have only a slight effect on the ecosystem; (b) there are no irreversible resource commitments or irretrievable loss of timber production on lands used for roads and parking lots; (c) there are no apparent adverse cumulative or secondary effects; (d) the physical and biological effects are limited to the area of planned development and use; and (e) no known threatened or endangered plants or animals are within the affected area.[2]

Project implementation will take place no sooner that 30 days from the date of this decision.[3]

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: September 1, 1984.

William E. Hill,

Forest Supervisor.

Exhibit 2.—Sample Environmental Assessment, Decision Notice, and Finding of No Significant Impact

Environmental Assessment Decision-Notice Finding of no Significant Impact—Pretaining to Right-of-Way Acquisition for the Deer Park Work Center, North Side Ranger District, Summit County, Colorado

USDA Forest Service, Star Mountain National Forest

It has been determined through a land survey that a small portion of the road that provides access to the Deer Park Work Center is located on private land. Moreover, other Forest Service constructed improvements including a weather station and a fence are also located on the private land.

The affected private land consists of a small triangular-shaped parcel, approximately 0.08 acre in size which is wedged between the federally owned administrative site and County Highway Number 136. The shape of the parcel and its small size result from the fact that most of the subdivision lot of which it was once a part was acquired for County Highway purposes. The parcel is a part of Lot 1, Block 1, Deer Park Subdivision in Section 6, T.8S., R.70W., 6th PM.

Occupancy of the private land is occurring at the will of the landowner. However, the landowner desires resolution of the matter.

The practical alternatives available to the Forest Service for resolving the situation are:

1. relocate the access road and improvements,

2. purchase a right-of-way easement for road purposes and relocate the other improvements,

3. purchase a right-of-way in fee which would include all of the parcel, and

4. purchase the parcel in fee through land purchase authorities and purchase a right-of-way easement.

The alternatives of no action and land exchange were identified, but considered impractical. The no-action alternative is not legally appropriate, and land exchange would not be practical because of the very small acreage involved.

Each of the alternatives were evaluated on the basis of applicable laws and policies, physical opportunities, relative costs, and social benefits.

The relocation alternative would require obliteration of the existing road entryway, construction of a new entryway northwest of the existing, and construction of a new site for the weather station. Construction at the alternate roadway location would require a substantial amount of road fill, and result in a winding road alignment. The resulting traffic circulation pattern would not be as safe or convenient as the existing pattern. The private parcel would no longer be occupied by Forest Service improvements; however, because of its shape, small size, and location, the parcel appears unsuitable for any other beneficial use. This alternative would cost about $50,000.

The alternative of purchasing a right-of-way easement would permit continued use of the present entryway, but necessitate relocation of the weather station. Because of the small size and configuration of the parcel and the impact of road use, acquisition of a partial interest for a road right-of-way would prevent any other effective use of the parcel and would result in severence damages equivalent to the value of the fee estate, This alternative would cost about $5,000.

The alternative of purchasing a right-of-way in fee that would include all of the parcel would permit continued use of the entryway and weather station. It would also result in the establishment of straight and logical property lines, and the most beneficial use of the land. This alternative would involve the least cost (about $500).

The alternative of purchasing the parcel in fee under authorities for the acquisition of administrative sites would provide the same results as the previous alternative, except that it would entail more cost to the government due to future administrative costs. Provision for use of these authorities must be made in applicable appropriations. Consequently, the acquisition process is more extended and complicated.

Because of limited access opportunity to the Work Center and the layout of Forest Service buildings in relation to the location of the existing entryway, the Forest Service desires to acquire rights to the property rather than relocate the road and other improvements. The County Highway Department and Summit County Commissioners were consulted concerning the right-of-way acquisition and had no objections.

It is my decision to proceed with the alternative of purchasing a right-of-way in fee. This alternative will provide the most suitable and safe access to the Work Center at the least cost and is considered the environmentally preferred alternative. In addition, it will improve property lines and result in the most beneficial use of this parcel of land. While it is the general policy (FSM 5461.03a.3.) to acquire right-of-way easements, the authority to acquire rights-of-way is broad enough to acquire a right-of-way area in fee. It is evident from the circumstances of this situation that fee acquisition is appropriate.

This proposal would create no adverse resource impact in the area. There are no known threatened or endangered species or wetlands or flood plains present in the affected area.

Based on the facts and circumstances discussed herein, it is determined that there will be no significant impact on the quality of the human environment; therefore, an environmental impact statement will not be prepared.

Implementation of the right-of-way acquisition may take place immediately. Implementation is subject to administrative review (appeal) pursuant to 36 CFR 211.19. The 45-day period for administrative review begins with the date of this decision.

Questions regarding this decision should be sent to the Regional Forester,

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[2]Factors that were considered in making the determination than an environmental impact statement (EIS) was not required (finding of no significant impact).

[3]Date when implementation may start. For this example wetlands and flood plains are involved. The "brief review period before taking any action" required by Executive Order 11988 and Executive Order 11990 will be met by the 30-day waiting period before implementation.

USDA Forest Service, 8434 W. Custer Ave., Summit, Colorado 80225.

William Watson,

Regional Forester.

230.3 Unprecedented Actions or Actions Similar to Those Which Normally Require an EIS

(See 40 CFR 1501.4e)

Decisions are not implemented until after the decision notice and finding of no significant impact have been available for public review (including State and areawide clearinghouses) for 30 days when:

1. the proposed action is or is closely similar to one which normally requires preparation of an environmental impact statement or

2. the nature of the proposed action is without precedent.

At the end of the 30-day period the action may be implemented or a notice of intent to prepare an environmental impact statement may be published.

230.4 Actions Involving Flood Plains and Wetlands

The decision notice is signed and dated. It states that implementation will not take place until 30 days have elapsed to allow a reasonable period of public review as required by Executive Order 11988 and Executive Order 11990.

230.5 Actions with Effects of National Concern

If the responsible official determines that an environmental impact statement is not needed but the effects of the action are of national concern, the decision notice and finding of no significant impact are published in the **Federal Register** and sent to State and areawide clearinghouses.

230.6 Distribution

Environmental assessments, decision notices, and findings of no significant impact are distributed in a manner that the responsible official deems appropriate.

240 Implementation and Monitoring

240.1 Implementation

Implementation of actions documented in a decision notice not involving the situations described in Sections 230.3 and 230.4 may take place immediately after the decision notice is signed and dated. Implementation includes responding to any requirements for mitigation or monitoring included in the environmental assessment or decision notice.

240.2 Monitoring

Actions are monitored to ensure that:

1. environmental safeguards are executed according to plan,

2. necessary adjustments are made to achieve desired environmental effects, and

3. anticipated results are achieved.

Chapter 300.—Environmental Impact Statements

Contents

Chapter
310 Scoping.
320 Documentation.
321 Notice of Intent (NOI).
321.1 Composite Lists.
330 Environmental Impact Statement (EIS).
330.1 When To Prepare.
330.11 Proposals for Legislation.
330.2 Page Limits.
330.3 Writing.
330.4 Format.
330.5 Content.
330.6 Incorporation by Reference.
330.7 Incomplete or Unavailable Information.
330.8 Cost-Benefit Analysis.
330.9 Methodology and Scientific Accuracy.
331 Processing Environmental Impact Statements.
332 Corrections, Supplements, or Revisions.
332.1 Draft Environmental Impact Statements.
332.2 Final Environmental Impact Statements.
340 Review of Environmental Impact Statements.
341 Forest Service Environmental Impact Statements.
341.1 Draft Environmental Impact Statements.
341.2 Final Environmental Impact Statements.
342 Other Agency Environmental Impact Statements.
342.1 Referrals.
350 Other Requirements.
350.1 Interdisciplinary Approach and Interdisciplinary Teams.
350.2 Public Involvement.
350.3 Environmental Review and Consultation Requirement.
350.4 Elimination of Duplication With State and Local Jurisdiction and Special Expertise.
350.5 Federal and State Agencies With Legal Jurisdiction or Special Expertise.
350.6 Limitations on Actions During the NEPA Process.
310 Scoping.
340 Review of Environmental Impact Statements.
351 Responsibilities (When Applicants and Contractors Are Involved).
352 Tiering.
353 Adoption.
354 Lead Agency.
355 Cooperating Agency.
356 Distribution.
356.1 Draft Environmental Impact Statement.
356.2 Final Environmental Impact Statement.
356.3 Distribution Lists.
356.31 State and Local Agencies.
356.32 Organizations.
356.33 Individuals.
356.34 Federal Agencies.
360 Decision.
360.1 Record of Decision.
360.2 Distribution.
370 Implementation and Monitoring.
370.1 Implementation.
370.2 Monitoring.

Chapter 300.—Environmental Impact Statements

This chapter provides implementing procedures for environmental impact statements.

310 Scoping

(See 40 CFR 1501.7)

The scoping process is an integrated combination of public participation and coordination, document research, and administrative activities which lay a foundataion for environmental analyses. The actions that make up the scoping process may vary depending upon whether the decision is made, prior to scoping, to prepare an environmental impact statement (EIS).

The scoping process may result in a decision to prepare an environmental assessment rather than an EIS.

The concept of scoping, as discussed in 40 CFR 1501.7 is intended to be a means of identifying issues early in the NEPA decisionmaking process to ensure thorough analysis of issues associated with the proposed action to determine the scope or extent of the analysis, and to take several other issue-related administrative actions. Several of the actions related to scoping and discussed briefly in this section are discussed in greater detail in later sections of the chapter.

Following scoping, the responsible official should provide prompt feedback to participants summarizing his or her understanding of the scope of the issues to be addressed and the significant issues to be analyzed in depth in the EIS.

Scope defines the bounds or extent of the environmental analysis as related to:

1. actions that may be taken, may be connected or dependent upon other actions, may be cumulative, or may be similar to other proposed actions,

2. alternatives which include a no-action alternative, other reasonable courses of actions, mitigation measures not in the proposed action; and

3. impacts which may be direct, indirect or cumulative.

320 Documentation

321 Notice of Intent

(See 40 CFR 1508.22 and 1506.6)

In addition to the requirements of 40 CFR 1508.22, the responsible official(s),

is identified and estimated dates for filing the draft and final environmental impact statements (EIS's) are provided. The notice of intent should be published as soon as it is determined that an EIS will be prepared. One copy of the notice of notice of intent must be sent to the Washington Office Director of Environmental Coordination for use in reporting to the Department. Notices of intent are used to develop lists of EIS's under preparation. (See Exhibit 3 for a sample notice of intent).

The official responsible for preparation of the EIS notifies the appropriate Washington, Regional, Station, or Area Environmental Coordinator whenever information shown in the notice of intent changes. (See 40 CFR 1501.7 and 1507.3(e)).

Significant changes may require publication of a revised notice of intent. If a notice of intent has been distributed and the project application is withdrawn or for some other reason a decision is no longer necessary, the process is terminated by publication of a cancellation notice which is distributed in the same manner as the notice of intent. The cancellation notice refers to any previously published notice of intent or notice of availability of an EIS. (See Exhibit 4 of this section for sample cancellation notice).

Exhibit 3.—Sample Notice of Intent

3410-11 [1]

Department of Agriculture Forest Service, Cloud Top Mountain Alpine Winter Sports Site, Star Mountain National Forest, Summit County, Colorado

Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the development of the proposed Cloud Top Mountain Alpine Winter Sports Site on the Galaxy Ranger District.

The Star Mountain National Forest Land and Resource Management Plan has been prepared. One of the management decisions in the Plan was to study further the development of an Alpine Winter Sports Site on Cloud Top Mountain.

A range of alternatives for this site will be considered. One of these will be non-development of the site. Other alternatives will consider different sizes of development—ranging from 4,000 to 10,000 persons at one time. Alternative locations for uphill facilities, ski runs, and support facilities will be considered.

Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. identification of those issues to be addressed,

2. identification of issues to be analyzed in depth,

3. elimination of insignificant issues or those which have been covered by a previous environmental review, and

4. determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service of the Department of the Interior will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the potential winter sports site.

The Forest Supervisor will hold public meetings in his office at 1:00 p.m., Saturday, November 3, 1981, and at the Summit County Community Center in Central, Colorado, at 7:00 p.m., Wednesday, November 14, 1981.

William Watson, Regional Forester of the Rocky Mountain Region in Denver, Colorado, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by June 1982. The final environmental impact statement is scheduled to be completed in October 1982.

Written coments and suggestions concerning the analysis should be sent to William Hill, Forest Supervisor, Star Mountain National Forest, Central, Colorado 80000 by December 15, 1981.

Questions about the proposed action and environmental impact statement should be directed to Phil Graham, Recreation Staff Officer, Star Mountain National Forest, phone 303-234-3800.

William Watson,
Regional Forester.

October 13, 1981.

Exhibit 4.—Sample Cancellation Notice

3410-11 [1]

Department of Agriculture, Forest Service (Environmental Impact Statement for The North Slope Unit Plan, Star Mountain National Forest, Summit County, Colorado)

Cancellation Notice

A draft environmental impact statement (EIS) for the North Slope Unit Plan was distributed to the public and filed with the Environmental Protection Agency on July 19, 1979.

I am terminating the EIS process because the Land and Resource Management Plan for the Star Mountain National Forest will consider the issues and concerns involved in the North Slope Unit Plan.

The Forest Plan will be developed according to the regulations for land and resource management plans for the National Forest System (36 CFR Part 219).

This Forest Plan will be completed by December 31, 1983, in accordance with the schedule published in the **Federal Register**, Vol. 44, No. 85, p. 47861, July 30, 1979.

William Watson,
Regional Forester.

321.1 Composite Lists

A list of environmental impact statements (EIS's) under preparation in each Region, Station, and Area is kept in that office and at the Washington Office. Lists are updated as new notices of intent, revised notices of intent, and cancellation notices are published. The line officer responsible for preparing the EIS notifies the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information in the notice of intent changes. (See Exhibit 5 of this section for a sample composite list of EIS's under preparation.)

330 Environmental Impact Statement

330.1 When To Prepare

(See FSM 1952.2)

330.11 Proposals for Legislation

(See 40 CFR 1506.8 and FSM 1924)

330.2 Page Limits

(See 40 CFR 1502.7)

330.3 Writing

(See 40 CFR 1502.8)

330.4 Format

(See 40 CFR 1502.10)

330.5 Content

1. *Cover sheet.* (See 40 CFR 1502.11).

The name and title of the responsible official is provided in addition to the Council's requirements. A sample cover sheet is shown in Exhibit 6 of this section.

321.1 Composite Lists

A list of environmental impact statements (EIS's) under preparation in each Region, Station, and Area in kept

[1] Forest Service billing code is shown on all **Federal Register** publications.

[1] Forest Service billing code is shown on all **Federal Register** publications.

in that office and at the Washington Office. Lists are updated as new notices of intent, revised notices of intent, and cancellation notices are published. The line officer responsible for preparing the EIS notifies the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information in the notice of intent changes. (See Exhibit 5 of this section for a sample composite list of EIS's under preparation.)

330 Environmental Impact Statement

330.1 When To Prepare

(See FSM 1953)

330.11 Proposals for Legislation

(See 40 CFR 1506.8 and FSM 1924)

330.2 Page Limits

(See 40 CFR 1502.7)

330.3 Writing

(See 40 CFR 1502.8)

330.4 Format

(See 40 CFR 1502.10)

330.5 Content

1. *Cover sheet.* (See 40 CFR 1502.11).

The name and title of the responsible official is provided in addition to the Council's requirements. A sample cover sheet is shown in Exhibit 6 of this section.

Exhibit 5.—Sample Composite List

[Environmental Impact Statements Under Preparation]

Rocky Mountain Region		Black Mountain NF [1]		Date: October 1, 1981		
Title [2]	Nature of proposal [3]	Location [4]	Responsible official [5]	For information contact [6]	Date filed or estimated date	
					Draft	Final [7]
Balo Mountain	Resource Development (Winter Sports).	Colorado, Summit County.	Regional Forester	Recreation Planner, 1000 7th St., Summit, CO 80000, 303-798-7870.	5/81	10/81
Black Mountain	Land Management Plan.	Colorado, Mineral County, Hinsdale County, Gunnison County.	Regional Forester	Forest Planner, 398 Simms St., Grand Junction, CO 80000, 303-298-3790.	12/81	1/82
Moose Creek Wilderness Proposal.	Legislative	Colorado, Hinsdale County.	Chief	Recreation Staff Officer, 819 W. 4th Ave., Colorado City, CO 80000, 303-973-6980.	7/82	3/83

[1] Insert the name of the Region, National Forest, etc., as appropriate.
[2] Use the local name of the proposal.
[3] Identify the nature of the proposal.
[4] Show States and Counties where the plan, program, or project is located.
[5] Show title of the person who is responsible for the decision.
[6] Show title, address and phone number of the person who can answer questions about the proposed action and the environmental impact statement.
[7] Show month and year.

Exhibit 6.—Sample Cover Sheet

Draft Environmental Impact Statement (Star Mountain National Forest Land and Resource Management Plan; Summit, Comet, and Garfield Counties, Colorado)

Lead Agency: USDA—Forest Service
Cooperating Agencies: USDI—Bureau of Land Management, 321 No. Fern Street, Central, Colorado 80000; Colorado Fish and Game Department, 1700 Alder Street, Garfield, Colorado 80017
Responsible Official: William Watson, Regional Forester, Rocky Mountain Region (for NFS lands)
For Further Information Contact: Ms. Ruth Gibson, Forest Planner, Star Mountain National Forest, 123 So. Fern Street, Central, Colorado 80000, (303-555-1515)

Abstract: Five alternatives for development of a Land and Resource Management Plan for the 2,500,000 acre Star Mountain National Forest are described and evaluated. The alternatives are: (A) moderate increase in commodity production; (B) a continuation of present management direction with no change in the level of outputs or activities; (C) dispersed recreation emphasis; (D) commodity emphasis; and (E) amenity emphasis. Alternative A is the Forest Service preferred alternative, and the rationale for this preference is described. The plan will guide management of the Forest for the decade 1984-1993.

Comments must be received by September 15, 1981.

2. *Summary.* (See 40 CFR 1502.12).

3. *Table of Contents.* (self-explanatory).

4. *Purpose and Need.* (See 40 CFR 1502.13).

5. *Alternatives Including the Proposed Action.* (See 40 CFR 1502.14, and 1506.2(d)).

6. *Affected Environment.* (See 40 CFR 1502.15).

7. *Environmental Consequences.* (See 40 CFR 1502.16 and 1502.22).

The expected outputs—in terms of goods, services, and uses—that will result from implementing each alternative should be expressed in Service-wide standard terminology. (See FSH 1309.11, Management Information Handbook). Use the Resources Planning Act program planning time-periods where appropriate.

8. *List of Preparers.* (See 40 CFR 1502.17).

9. *List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent.* (self-explanatory).

10. *Index.*

Environmental impact statements (EIS's) include indexes. The purpose of an index is to make the information in the EIS fully available to the reader without delay. See section 430 for preparation of indexes.

11. *Appendix.* (See 40 CFR 1502.18 and 40 CFR 1503.4).

Copies of all comments from Federal, State, and local agencies on a draft EIS are included in the appendix of the final EIS.

330.6 Incorporation by Reference

(See 40 CFR 1502.21)

330.7 Incomplete or Unavailable Information

(See 40 CFR 1502.22)

330.8 Cost-Benefit Analysis

(See 40 CFR 1502.23)

330.9 Methodology and Scientific Accuracy

(See 40 CFR 1502.24)

331 Processing Environmental Impact Statements (EIS)

After a draft EIS has been prepared:

1. Circulate the draft EIS to agencies and the public and file it with the Environmental Protection Agency (EPA) in Washington, D.C.

2. Conduct public participation sessions, if appropriate.

3. Review, analyze, evaluate, and respond to substantive comments on the draft EIS. Copies of all review comments should be available for public and in-Service review in the office of the

responsible official or administrative unit affected by the policy, plan, program, or project. (See 40 CFR 1506.9).

4. Prepare a final EIS. File the final EIS with EPA along with all substantive comments or summaries thereof on the draft EIS. Circulate the final EIS to other agencies and the public. (See 40 CFR 1506.10).

Responsible officials shall circulate the entire draft and final EIS's. However, if the statement is unusually long, a summary may be circulated instead. If a summary is distributed as a separate document, it must:

a. State how the complete EIS can be obtained or reviewed

b. Have a cover sheet attached.

See 40 CFR 1502.19 for circulation of EIS's.

When the EIS is filed with the EPA, the responsible official shall ensure that a reasonable number of copies of the statement is available free of charge. "Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public" (40 CFR 1506.9).

This means that the scheduled distribution is completed at the same time as or before the EIS is filed with EPA.

Statements involving legislation, regulations, multiagency actions at the national level, and Service-wide policies are filed with EPA by the Washington Office (WO). If the Chief is the responsible official, other levels of the Forest Service may assist with the analysis and preparation of documents. If the final EIS deals with plans or projects which make allocation to nonwilderness uses in RARE II "Further Planning" areas, the responsible official makes public distribution and files the final EIS with EPA the same as for other EIS's. Five copies of the final EIS are sent to the WO Director of Environmental Coordination for transmittal to congressional committees. These five copies are in addition to the 15 copies normally provided to the WO.

332 Corrections, Supplements, or Revisions

(See 40 CFR 1502.9)

Environmental impact statements (EIS's) may be corrected through use of errata sheets or modified by supplements. Draft EIS's may be revised. Supplements or revisions are prepared, circulated, filed, and reviewed the same as the document being modified.

332.1 Draft Environmental Impact Statements

(See 40 CFR 1502.9 and 1502.10)

A revision to a draft environmental impact statement is necessary when, in the judgment of the responsible official, comments on the draft clearly indicate that meaningful analysis was not possible.

332.2 Final Environmental Impact Statements

(See 40 CFR 1502.9)

340 Review of Environmental Impact Statements

341 Forest Service Environmental Impact Statements

341.1 Draft Environmental Impact Statements

(See 40 CFR 1503.1(a))

Comments on the draft environmental impact statement (EIS) may be received after the review period is closed and before the final EIS is filed. If it is too late to incorporate them in the final EIS, they should be made available to the responsible official for consideration prior to making the decision.

341.2 Final Environmental Impact Statements

(See 40 CFR 1502.9(b) and 1503.4)

When the responsible official determines that a summary of the response is appropriate, the summary must accurately reflect all substantive comments received on the draft environmental impact statement (See Exhibit 7). Comments that are pertinent to the same subject may be aggregated by categories, but the summarization specifically identifies the comment. A general summary should be avoided.

342 Other Agency Environmental Impact Statements

(See 40 CFR 1503.2 and 1503)

When requested to do so because of special expertise, the Forest Service reviews and comments on environmental impact statements (EIS's) prepared by other agencies. Unless otherwise assigned by the Chief, review and comment on legislative or Service-wide policies, regulations, or national program proposals is made by the Wahington Office (WO). All other draft and final EIS's are reviewed by the Regional Forester or Area Director in whose Region or Area the proposal is located. When an EIS affects both Regional and Area program responsibilities, the Area Director determines who will assume the land for responding.

Exhibit 7.—Summary of Substantive Comments [1]

"The concept of scoping was one of the innovations in the proposed regulations most uniformly praised by members of the public ranging from business to environmentalists. There was considerable discussion of the details of implementing the concept. Some commenters objected to the formality of the scoping process, expressing the view that compliance with this provision in every case would be time-consuming, would lead to legal challenges by citizens and private organizations with objections to the agency's way of conducting the process, and would lead to paperwork since every issue raised during the process would have to be addressed to some extent in the environmental impact statement. These commenters stated further that Federal agencies themselves were in the best position to determine matters of scope, and that public participation in these decisions was unnecessary because any scoping errors that were made by such agencies could be commented upon when the draft EIS was issued (as was done in the past) and corrected in the final document. These commenters urged that scoping at least be more open-ended and flexible and that agencies be merely encouraged rather than required to undertake the process. Other commenters said that the Council had not gone far enough in imposing uniform requirements. These commenters urged the Council to require that a scoping meeting be held in every case, rather than only when practicable; that a scoping document be issued which reflected the decisions reached during the process; and that formal procedures be established for the resolution of disagreements over scope that arise during the scoping process. These commenters felt that more stringent requirements were necessary to ensure that agencies did not avoid the process."

Comments on these other EIS's are submitted directly to the appropriate agency by the responsible field unit. One copy of the comments is sent to the WO Director of Environmental Coordination. When another agency's EIS involves more than one Region, the responses are coordinated by the WO Director of Environmental Coordination.

[1] Taken from the preamble to the Council on Environmental Quality Nov. 29, 1978 **Federal Register** notice on the final regulations for implementation of the National Environmental Policy Act.

342.1 Referrals

(See 40 CFR 1504.3)

When it has been determined, after review of another agency's environmental impact statement (EIS) that the proposal would be environmentally unsatisfactory, the matter is referred to the Council on Environmental Quality (the Council) through the Office of Environmental Quality (OEQ), Office of the Secretary. Referrals should reflect a careful determination that the proposed action raises significant environmental issues of national importance. However, referrals are only made to the Council after concerted, timely, but unsuccessful attempts to resolve the differences have been made with the proposing agency.

If an agreement cannot be reached, the lead agency is informed at the earliest possible time, in a letter signed by the Secretary of Agriculture, of the Department's intent to refer a proposal to the Council. Such information is included in Forest Service comments on the lead agency's draft EIS unless the draft EIS contains insufficient information to permit an analysis of the proposal's environmental acceptability. When such needed information is not contained in the draft EIS, the Forest Service identifies the needed information and requests that it be made available by the lead agency at the earliest possible time.

The referral package is sent to the Washington Office Director of Environmental Coordination. It consists of the draft letter to be signed by the Secretary informing the lead agency of the referral and the reasons for it, as well as requesting that the lead agency take no action to implement the proposal until the referral is acted upon by the Council. The letter (to the lead agency) includes a statement supported by evidence as to specific facts, or controverted facts, leading to the conclusion that the proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality (see 40 CFR 1504.3). Also included in the package is a letter to the Council.

The referral is delivered by the Secretary's Office to the Council not later than 25 days after the final EIS is made available to the Environmental Protection Agency, commenting agencies, and the public, except where an extension has been granted by the lead agency. The 25-day time period is extremely short; therefore, referral documentation begins when another agency's draft EIS proposes an environmentally unacceptable action. The Forest Service official responsible for commenting on the statement should notify the originating agency that a referral will be recommended to the Secretary if the condition is not remedied in the final EIS. Upon receipt of the final EIS, if the condition is not remedied, documentation and request for referral should be sent immediately to the Chief for handling.

350 Other Requirements

350.1 Interdisciplinary Approach and Interdisciplinary Teams

(See section 102(2)(A) of the National Environmental Policy Act, (NEPA) as amended and 40 CFR 1502.6)

If appropriate, interdisciplinary teams may be used to do environmental analyses and are required for preparing Regional and Forest Plans (36 CFR 219).

The interdisciplinary approach for preparing an environmental impact statement often begins with the responsible official designating an interdisciplinary team and leader. The team is responsible for conducting the environmental analysis, subject to review and approval of the responsible official, and for preparing the environmental documents. A team can integrate its collective knowledge of the physical, biological, economic, and social sciences and environmental design arts into the decision process. Interaction among team members often provides insight that otherwise would not become apparent.

The manner in which a team operates has a great deal to do with job satisfaction of team members, the relationship of the team to the responsible official, the relationship to out-Service people, efficiency, and the adequacy and quality of the analysis. When teams are used, factors such as those listed below are also important to the success of the analysis effort.

1. the role and leadership style of the team leader,
2. the composition of the team with respect to different disciplines needed and represented,
3. group size,
4. individual team member qualifications, and
5. knowledge of how people react and work in team situations.

Team leadership should be assigned to an individual possessing a working knowledge of the NEPA process and the ability to communicate effectively with team members. Facilitating interaction among team members who are experts in their field toward team goals is an art that is not well defined.

Disciplines to be represented in an interdisciplinary team should be selected on the basis of the nature and complexity of the decision addressed in the analysis effort. Individual team members must have knowledge and experience in the field they represent, should be able to conceptualize problems, seek solutions, communicate in group interaction situations, and must have an understanding of the environmental analysis process.

3550.2 Public Involvement

(See 40 CFR 1506.6)

350.3 Environmental Review and Consultation Requirements

(See 40 CFR 1502.25)

350.4 Elimination of Duplication With State and Local Procedures

(See 40 CFR 1506)

350.5 Federal and Federal-State Agencies With Legal Jurisdiction or Special Expertise

(See 40 CFR 1503.1)

See chapter 440.1 for addresses and recommended document distribution. See chapter 440 for Council on Environmental Quality's list of agencies with jurisdiction by law or special expertise.

350.6 Limitations on Actions During the NEPA Process

(See 40 CFR 1506.1)

"Required" as used in 40 CFR 1506.1 means required by law as opposed to a voluntary or discretionary environmental impact statement.

351 Responsibilities (When applicants and contractors are involved.

Project proponents may be required to provide data and documentation. When an applicant is permitted to conduct environmental analysis or prepare an environmental impact statement, or a contractor is employed, their activities should be limited to those shown as the usual role of participants for the interdisciplinary team in the table shown in Chapter 100 of this handbook. Applicants or contractors may be required to conduct studies which are deemed necessary and appropriate in order to determine the impact of the proposed action on the human environment.

352 Tiering

(See 40 CFR 1502.20)

When an alternative other than the no-action alternative has been selected in a broad program document and a record of decision prepared, that no-action alternative need not be described in subsequent environmental documents

tiered to the parent document unless new information has emerged. These documents may refer to the evaluation of the no-action alternative in the broad program document. However, the decision on site-specific actions must consider the no-action alternative appropriate to that decision.

353 Adoption

(See 40 CFR 1506.3)

354 Lead Agency

(See 40 CFR 1501.5)

A Forest Service request that the Council on Environmental Quality determines which Federal agency shall be the lead agency is sent to the Director of Environmental Coordination in Washington, D.C. for processing. Where National Forest System lands are involved, the Forest Service should exert a strong role in environmental analysis and document preparation.

355 Cooperating Agencies

(See 40 CFR 1501.6)

When National Forest System lands are involved and the Forest Service is not the lead agency, the Regional Forester should request that the Forest Service be a cooperating agency. There may be other circumstances where the Forest Service should be a cooperating agency.

If the Forest Service is requested to be a cooperating agency and other program commitments preclude the requested involvement, a reply to this effect shall be prepared by the Regional Forester, Area Director, or Station Director. A copy of the reply must be sent to the Director of Environmental Coordination in Washington, D.C. within 10 working days of the date that the letter is transmitted. The Director will advise the USDA Office of Environmental Quality.

356 Distribution

356.1 Draft Environmental Impact Statement

When the responsible official is the Regional Forester, Station or Area Director,[1] send:

1. Five (5) copies to the Environmental Protection Agency (EPA) in Washington, D.C., for filing purposes.
2. Fifteen (15) copies to the Washington Office[2] (WO).
3. Two (2) copies of the transmittal letter to EPA to the WO. (See Exhibit 8 of this section for a sample transmittal letter to EPA).

When the responsible official is the Chief, send:

1. Twenty (20) copies to the WO (WO will file 5 copies with EPA).
2. One (1) original and two (2) copies of the transmittal letter to EPA to the WO for the Chief's signature.

(Seventy (70) copies are needed for wild and scenic river studies.)

356.2 Final Environmental Impact Statement

When the responsible official is the Regional Forester, Station or Area Director, send:

1. Five (5) copies to the Environmental Protection Agency (EPA) in Washington, D.C. for filing purposes.
2. Fifteen (15) copies to the Washington Office (WO). (For projects or plans involving RARE II "Further Planning" areas, send an additional five copies to the WO for distribution to congressional committees).
3. Two (2) copies of the transmittal letter to EPA to the WO.

When the responsible official is the Chief, send:

1. Twenty (20) copies to the WO.
2. One (1) original and two (2) copies of the transmittal letter to EPA to the WO for the Chief's signature.

(Seventy (70) copies are needed for wild and scenic river studies.)

356.3 Distribution Lists

Responsible officials should ensure that lists of individuals, groups, organizations, and government agencies which may be interested in reviewing Forest Service environmental impact statements (EIS's) are maintained. Regions should develop specific distribution lists.

State and areawide clearinghouses should be used, by mutual agreement, for securing reviews of the draft EIS. The responsible official may also communicate directly with appropriate State or local officials or agencies if clearinghouses are unwilling or unable to handle this phase of the process. However, clearinghouses should always receive copies of EIS's.

356.31 State and Local Agencies

Regions, Stations, and Areas should develop and maintain lists of State and local agencies as supplements to this section.

356.32 Organizations

Regions, Stations, and Areas should develop and maintain lists of organizations as supplements to this section.

356.33 Individuals

Regions, Stations, and Areas should develop and maintain, as supplements to this section, lists of individuals who have expressed an interest in receiving Forest Service environmental impact statements.

356.34 Federal Agencies

Following is the manadatory distribution list for all environmental impact statements (EIS's) prepared by the Forest Service: (See Section 440.1 for number of copies).

Environmental Protection Agency, Mail Code A–104, Room 2119, Waterside Mall, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Appropriate Regional Offices

Department of the Interior, Interior Building, Room 4256, Washington, DC 20240

Copies of the EIS's sent to the Environmental Protection Agency and the Department of the Interior are always sent by certified mail—return receipt requested, or by other methods of delivery where receipt can be verified. This method may also be desirable for others on the mailing list.

See section 440.1 for lists of addresses, phone numbers, and number of copies. Any other distribution to Federal agencies should be determined according to agency expertise and legal jurisdiction. Regions, Stations, and Areas should use this list and distribute EIS's as appropriate. When review and comments are to be requested from any of these agencies, the indicated number of copies to be provided is shown.

Exhibit 8.—Sample Transmittal Letter

Return Address [1]

1950 [2]

August 4, 1981.

Director, Office of Federal Activities
Environmental Protection Agency
Mail Code A–104, EIS Registration Section
Room 2119, Waterside Mall
401 M Street, SW
Washington, DC 20460

Dear Sir: Five copies of the Draft Environmental Impact Statement on the Snow Top Mountain Ski Area proposed development, Star Mountain National Forest, Summit, Comet, and Garfield Counties, Colorado, are enclosed.

[1] Authority to file statements directly with EPA may be redelegated by Regional Foresters, Area and Station Directors as appropriate (Sec. 362.1).

[2] Washington Office Director of Environmental Coordination.

[1] When the Chief is the responsible official, return address should be the WO address: P.O. Box 2417, Washington, DC 20013.

[2] Use 1950 file designation to ensure proper distribution of EIS's within the Forest Service.

The responsible official is Regional Forester William Watson of the Rocky Mountain Region in Denver, Colorado.

Sincerely,

William Watson,

Regional Forester.

Enclosures

360 Decision

360.1 Record of Decision

(See 40 CFR 1505.2)

A record of decision is a separate document which states the decision of the responsible official. The name, location, and administrative unit, and a statement indicating whether or not the decision is subject to administrative review, (if so, cite 36 CFR 211.19 and include the date the appeal period ends counting from the date the record of decision is signed) are required in addition to the requirements of the Council on Environmental Quality regulations.

For those decisions subject to administrative review (appeal), the record of decision establishes the date of decision and is signed and dated on the date that it and the final environmental impact statement (EIS) are transmitted to the Environmental Protection Agency (EPA) and made available to the public. See Exhibit 9 for a sample record of decision.

For decisions not subject to administrative review, the record of decision is signed, dated and distributed no earlier than 30 days after the EPA publishes the notice of availability of the final EIS in the **Federal Register.** The record of decision is distributed in the same manner as the final EIS.

When joint lead agencies are identified in an EIS, the responsible official from each agency signs and dates the record of decision for those actions within their authority. A separate record of decision may be prepared by each responsible official. See Exhibit 10 in this section for a list of conditions that must be met prior to a decision and implementation.

Exhibit 9.—Sample Record of Decision

Record of Decision—USDA Forest Service (Star Mountain National Forest Land and Resource Management Plan; Summit, Comet, and Garfield Counties, Colorado)

Final Environmental Impact Statement

Based on the analysis in the Final Environmental Impact Statement for the Star Mountain National Forest Land and Resource Management Plan, it is my decision to adopt Alternative A as the plan for management for these National Forest System lands. Alternative A provides for a moderate level increase over the next five years in timber harvest and developed site recreational use. Livestock grazing will remain at the present level.

The other alternatives considered included (1) a continuation of present management direction with no change in outputs or activities; (2) dispersed recreation emphasis; (3) commodity emphasis with maximum development of the Forest transportation system; and, (4) an amenity emphasis alternative with a substantial increase in acreage in visual quality objective classes of preservation and retention. Alternative A is consistent with the Regional Plan and although it will not be the least expensive to implement, it is the most responsive to the social and economic needs of the affected area. It is also environmentally preferable to the other alternatives when the physical, biological, economic, and social factors are weighed on balance.

The decision to adopt Alternative A was made in light of the Forest Service mission as defined by legislative mandate of the Multiple Use Sustained-Yield Act of 1960 and the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA).

The President's Statement of Policy on the RPA Program was transmitted to Congress on June 22, 1980, and established national resource management policies and output and activity targets for the period 1981–85. The Regional Plan is responsive to RPA and provides standards and guidelines for management of the Star Mountain National Forest.

The alternative selected provides adequate mitigation to avoid environmental harm. A monitoring program described in detail in the Final Environmental Impact Statement and the Forest Plan is adopted. State and national standards for ambient air quality over the Star Mountain National Forest will be met or exceeded. Water quality will continue to meet existing State standards.

This decision is subject to administrative review in accordance with the provisions of 36 CFR 211.19. A request for review must be filed no later than December 15, 1983, or within 30 days of the date of receipt of the decision by persons entitled to notification of the decision under 36 CFR 211.19(d)(1).

Implementation of the Plan will take place December 16, 1983.

Dated: October 31, 1983.

William Watson,

Regional Forester.

Exhibit 10

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
I. Land and Resource Management Plans for units of the National Forest System. (36 CFR 219)		
A. That *do not* involve RARE II *Further Planning* areas.	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. (The record of decision accompanies the EIS).
B. That *do* involve RARE II *Further Planning* areas.	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 has been met.
II. Plans (other than land management plans), programs or projects adversely affecting the existing wilderness character of RARE II *Further Planning* areas.	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 above has been met.

Exhibit 10—Continued

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
III. Land management or other plans, programs or projects affecting areas involved in pending legislation for wilderness designation in which either the House or Senate has passed a bill to designate all or any portion of an inventoried roadless area for wilderness or for wilderness study.	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. The WO has notified the responsible official that the Department has no objections and that obligations to the Congress to postpone implementation have been met.
IV. Other plans, programs or projects subject to administrative review (appeal) (36 CFR 211.19).	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA.
V. Actions not subject to administrative review, for example, Regional Plans, State and Private Forestry and Research programs, etc. (36 CFR 211.19).	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared 3. 30 days have elapsed since the notice of availability of the final EIS was published in the FEDERAL REGISTER by EPA[1]	1. A record of decision has been signed and dated.

[1] The 90-day period and the 30-day period may run concurrently if a 45-day period for public comment is provided.

360.2 Distribution

The record of decision is distributed to those who have received or requested to receive the final environmental impact statement. In addition, the public may be notified as indicated in 40 CFR 1506.6.

370 Implementation and Monitoring

370.1 Implementation

(See 40 CFR 1506.10)

Conditions listed in Exhibit 10 must be met prior to implementation of the decision if an environmental impact statement (EIS) is required. Implementation specifically includes responding to any commitments for mitigation or monitoring included in the final EIS and record of decision.

370.2 Monitoring

(See 40 CFR 1505.3)

Actions will be implemented and monitored to ensure that (1) environmental safeguards are executed according to plan, (2) necessary adjustments are made to achieve desired environmental effects, and (3) anticipated results and projections are reviewed.

Chapter 400.—References

Contents

Chapter
410 Definitions.
420 Environmental Factors List.
430 Indexing and Indexes.
440 List of Federal Agencies and Federal-State Agencies With Jurisdiction by Law or Special Expertise on Environmental Quality Issues.
450 List of Federal and Federal-State Agencies for Distribution Purposes.
460 Laws—National Environmental Policy Act of 1969.
470 Regulations and Supplementary Information.
470.1 Council in Environmental Quality (CEQ) NEPA Regulations (40 CFR 1500–1508.28).
470.11 CEQ Supplementary Information (November 29, 1978 Federal Register).
470.12 CEQ 40 Questions.
470.13 CEQ Scoping Guidance.
470.2 Department of Agriculture (USDA) NEPA Policies and Procedures (7 CFR 3100).
480 Executive Orders 11514—Protection and Enhancement of Environmental Quality.
490 Office of Management and Budget Circulars (Reserved).
491 State and Local [Reserved].

Chapter 400.—References

410 Definitions

1. *Categorical exclusion:* (See 40 CFR 1508.4).

2. *Cooperating agency:* (See 40 CFR 1508.5).

3. *Cumulative impact:* (See 40 CFR 1508.7).

4. *Decision notice:* A concise public record of the responsible official's decision.

5. *Effects:* (See 40 CFR 1508.8).

6. *Environmental analysis:* A process necessary for preparation of an environmental assessment or an environmental impact statement. It is an analysis of alternative actions and their predictable short- and long-term environmental effects, which include physical, biological, economic, and social factors and their interactions.

7. *Environmental assessment:* (See 40 CFR 1508.9).

8. *Environmental design arts:* Those disciplines which directly influence the biological and physical environment as a result of the design of projects of all kinds.

9. *Environmental documents:* (See 40 CFR 1508.10).

10. *Environmental impact statement:* (See 40 CFR 1508.11).

11. *Environmentally preferable alternative:* That alternative (or alternatives) that best meets the goals of Section 101 of NEPA.

12. *Finding of no significant impact:* (See 40 CFR 1508.13).

13. *Flood plains:* "Lowland and relatively flat areas adjoining inland and coastal water including as a minimum, that area subject to a one percent or greater chance of flooding in any given year (Executive Order 11988)."

14. *Human environment:* (See 40 CFR 1508.14).

15. *Irreversible:* Applies primarily to the use of nonrenewable resources, such as minerals or cultural resources or to those factors which are renewable only over long time spans, such as soil productivity. Irreversible also includes loss of future options.

16. *Irretrievable:* Applies to losses of production, harvest or use of renewable natural resources. For example, some or all of the timber production from an area is irretrievably lost while an area is being used as a winter sports site. If the use is changed, timber production can be resumed. The production lost is irretrievable, but the action is not irreversible.

17. *Issue:* A point of discussion, debate, or dispute.

18. *Jurisdiction by law:* (See 40 CFR 1508.15).

19. *Lead agency:* (See 40 CFR 1508.16).

20. *Legislation:* (See 40 CFR 1508.17).

21. *Major Federal action:* (See 40 CFR 1508.18).

22. *Matter:* (See 40 CFR 1508.19).

23. *Mitigation:* (See 40 CFR 1508.20).

24. *NEPA process:* (See 40 CFR 1508.21).

25. *Notice of intent:* (See 40 CFR 1508.22).

26. *Opportunities:* Possible actions, measures, or treatments identified which may be taken to address goals and objectives.

27. *Proposal:* (See 40 CFR 1508.23).

28. *Record of decision:* A concise public record of the responsible official's decision on actions for which an

environmental impact statement was prepared. (See 40 CFR 1505.2).

29. *Referring agency:* (See 40 CFR 1508.24).

30. *Scope:* (See 40 CFR 1508.25).

31. *Scoping:* (See 40 CFR 1501.7).

32. *Special expertise:* (See 40 CFR 1508.26).

33. *Significantly:* (See 40 CFR 1508.27).

34. *Substantive comment:* A comment which provides factual information, professional opinion, or informed judgment which is germane to the decision being considered.

35. *Tiering:* (See 40 CFR 1508.28).

36. *Wetlands:* "Areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction" (Executive Order 11990).

440.1 List of Federal and Federal-State Agencies for Distribution Purposes

	Number of copies
Advisory Council on Historic Preservation (ACHP): Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW., Suite 430, Washington, DC 20005, 202-254-3954	1
Agriculture, U.S. Department of (USDA):	
Animal and Plant Health Inspection Service, PPQ (APHIS), U.S. Department of Agriculture, Hyattsville, MD, FP, 202-447-3669	1
Office of Equal Opportunity (OEO), U.S. Department of Agriculture, Room 242-E, Washington, DC 20250, 202-447-4256	1
Rural Electrification Administration (REA), Director, Environment and Energy Division, Washington, DC 20250, (For copies of Regional and Forest Plans only)	1
Rural Electrification Administration (REA), Management Analysis and Services Branch, U.S. Department of Agriculture, Room 4024, Washington, DC 20250, 202-447-4531	1
Science and Education Administration (SEA), U.S. Department of Agriculture, Room 307-A, Washington, DC 20250, 202-447-3801	1
Soil Conservation Service (SCS), Environmental Services Division, U.S. Department of Agriculture, Room 6103, Washington, DC 20250, 202-447-3839	1
Commerce, U.S. Department of (DOC): Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Room 3425, Washington, DC 20230, 202-377-2186 (Commerce will make distribution to its agencies)	5
Defense, U.S. Department of (DOD):	
Deputy Assistant Secretary of Defense, Energy Environment and Safety (M, Ra and L), Room 3D833, Pentagon, Washington, DC 20301, 202-695-7820	2
U.S. Air Force (USAF), Department for Environment and Safety (SAF/MIQ), Washington, DC 20330, 202-697-1147	1
Chairman, Department of Defense, Explosives Safety Board, 2461 Eisenhower Avenue, Alexandria, VA 22331, 703-352-0152	1
Army Corps of Engineers (COE), Headquarters, ATTN: DAEN-ZCE, Washington, DC 20310, 202-694-3434	2
U.S. Navy (USN), Office of Chief of Navy Operations, Environmental Protection Division, OP-45, Room BD766, Pentagon, Washington, DC 20350, 202-697-3689	1
Office of Chief Oceanographer of the Navy, Environment Protection Division, OP-952, Room 4E482, Washington, DC 20350, 202-695-3777	3
Delaware River Basins Commission: Head Environment Unit, Delaware River Basin Commission, P.O. Box 360, Trenton, NJ 08603, 609-883-9500 ext. 268	1
Economic Opportunity, Office of (OEO): Office of the Deputy General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, DC 20506, 202-634-6831	1
Energy, U.S. Department of (DOE): Acting Director, Division of NEPA Affairs, U.S. Department of Energy, Mail Station E-201, GTN, Washington, DC 20545, 202-566-9760	3
Environment Protection Agency (EPA):	
For EIS's pertaining to national programs, regulatory actions, legislation, or programmatic actions, EIS's should also be transmitted to the EPA headquarters office listed below. This is in addition to the five (5) copies transmitted for filing purposes	
Assistant Director, Resource Liaison Development Staff, Office of Environmental Review, Mail Code A-104, Rm. 2119, 401 M Street, SW., Washington, DC 20460	5
In order to fulfill the requirements under Section 309 of the Clean Air Act, five (5) copies of each EIS must be transmitted to each appropriate EPA Regional Office simultaneously with the official filing	
	States
EIS Review Coordinator, Environmental Protection Agency, Region I, John F. Kennedy Federal Bldg., Rm 2303, Boston, MA 02203.	Connecticut, Maine, Massachusetts, Rhode Island, Vermont.
EIS Review Coordinator, Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 908, New York, NY 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
EIS Review Coordinator, Environmental Protection Agency, Region III, Curtis Bldg., 6th Floor, Philadelphia, PA 19106.	Delaware, District/Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
EIS Review Coordinator, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, GA 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, No. Carolina, So. Carolina, Tennessee.
EIS Review Coordinator, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, IL 60606.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
EIS Review Coordinator (6ASAF), Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, TX 75270.	Arkansas, Louisiana, New Mexico, Texas, Oklahoma.
EIS Review Coordinator, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, MO 64105.	Iowa, Kansas, Missouri, Nebraska.
EIS Review Coordinator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80203.	Colorado, Montana, No. Dakota, So. Dakota, Utah, Wyoming.
EIS Review Coordinator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Terr. of Pacific Islands, Wake Island.
EIS Review Coordinator, Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, WA 98101.	Alaska, Idaho, Oregon, Washington.

	Number of copies
Federal Energy Regulatory Commission (FERC): Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20406, 202-357-8118.	Draft 3, final 2.
General Services Administration (GSA): Environmental Affairs Division, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202-566-0405.	3.
Great Lakes Basin Commission: For statements affecting lands within the Basin: Executive Director, Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, MI 48106, 313-769-7243.	Draft 1, final 3.
Health, Education, and Welfare, U.S. Department of (HEW): Director, Office of Environmental Affairs, U.S. Department of Health, Education, and Welfare, Room 524, FS HEW South, Washington, DC 20201, 202-245-7243.	1.
Housing and Urban Development, U.S. Department of (HUD): Statements regarding legislative proposals, regulations, or policy documents of national significance or national or multi-State programmatic EIS's. Director, office of Environmental Quality, U.S. Department of Housing and Urban Development, Washington, DC 20410, 202-755-8910.	2.
Other statements:	
Regional Administrator I, Environmental officer, U.S. Department of Housing and Urban Development, John F. Kennedy Federal Bldg., Rm. 800, Boston, MA 02203, 617-223-4066.	2.
Regional Administrator II, Environmental Officer, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, NY 10007, 212-264-8068.	2.
Regional Administrator III, Environmental Officer, U.S. Department of Housing and Urban Development, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106, 215-597-2560.	2.
Regional Administrator IV, Environmental Officer, U.S. Department of Housing and Urban Development, Richard B. Russell Bldg., 75 Spring Street, SW., Atlanta, GA 30303, 404-526-5585.	2.
Regional Administrator V, Environmental Officer, U.S. Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, 312-353-5680.	2.
Regional Administrator VI, Environmental Officer, U.S. Department of Housing and Urban Development, 222 W. Lancaster Avenue, P.O. Box 2905, Fort Worth, TX 76113, 817-334-2867.	2.
Regional Administrator VII, Environmental Officer, U.S. Department of Housing and Urban Development, Federal Office Bldg., 911 Walnut Street, Rm. 300, Kansas City, MO 64106, 816-374-2661.	2.
Regional Administrator VIII, Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Bldg., Denver, CO 80202, 303-837-4061.	2.
Regional Administrator IX, Environmental Officer, U.S. Department of Housing and Urban Development, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102, 415-556-4752.	2.
Regional Administrator X, Environmental Officer, U.S. Department of Housing and Urban Development, 3003 Arcade Plaza Bldg., 1321 Second Avenue, Seattle, WA 98101, 206-583-5415.	2.
Interior, U.S. Department of the (USDI):	
For projects east of Mississippi	12.
For projects west of Mississippi	18.
Director, Environmental Project Review, U.S. Department of the Interior, Interior Bldg., Rm. 4256, Washington, DC 20240	
Interstate Commerce Commission (ICC): Chief, Section of Energy and Environment, Interstate Commerce Commission, Washington, DC 20423, 202-275-7692.	1.

	Number of copies
Labor, U.S. Department of: Assistant Secretary of Policy Evaluation and Research, Occupational Safety and Health, Rm. N-3673, U.S. Department of Labor, Washington, DC 20210, 202-523-6076	1.
Missouri River Basins Commission: For statements affecting lands within their geographical area. Executive Secretary, Missouri River Basins Commission, 10050 Regency Circle, Suite 403, Omaha, NB 68114.	1.
National Endowment for the Arts: Office of Architectural and Environmental Arts Program, National Endowment for the Arts, 2401 E Street, NW., Washington, DC 20506, 202-634-6369.	1.
New England River Basins Commission: Staff Director, New England River Basins Commission, 55 Court Street, Boston, MA 02108, 617-223-6244.	1.
Ohio River Basin Commission: Executive Director, Ohio River Basin Commission, 35 East 4th Street, Suite 208, Cincinnati, OH 45202, 513-684-3831.	1.
Pacific Northwest River Basins Commission: Planning Director, PNW River Basins Commission, P.O. Box 908, One Columbia River, Vancouver, WA 98666, 206-694-2581.	1.
Susquehanna River Basin Commission: U.S. Commissioner, Susquehanna River Basin Commission, Interior Bldg., Rm. 6246, Washington, DC 20240, 202-343-4091.	1.
Tennessee Valley Authority (TVA): Director, Environmental Planning, Tennessee Valley Authority, 720 Edney Bldg., Chattanooga, TN 37401.	18.
Transportation, U.S. Department of (DOT):	
Assistant Secretary for Systems Development, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, 202-624-4000.	2.
U.S. Coast Guard (USCG), Environmental Impact Branch, Marine Environmental Protection Branch, G-WEP-7/73, 400 7th Street, SW., Washington, DC 20590, 202-426-4357.	2.
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Reader Aids

Federal Register

Vol. 46, No. 123

Friday, June 26, 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
31635-31868.....17
31869-31998.....18
31999-32226.....19
32227-32424.....22
32425-32550.....23
32551-32852.....24
32853-33018.....25
33019-33216.....26

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.

1 CFR

3.....33019

3 CFR

Executive Orders:

May 9, 1898 (Revoked by PLO 5949).....29939
February 25, 1919 (Revoked in part by PLO 5959).....31894
April 4, 1922 (Revoked in part by PLO 5961).....31894
June 13, 1925 (Revoked in part by PLO 5957).....31893
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
5907 (Revoked in part by PLO 5960).....31894
6618 (Revoked in part by PLO 5958).....31893
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
12310.....31869

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
No. 81-10 of June 9, 1981.....31635

5 CFR

Ch. XIV.....30327, 33019
213.....31405
230.....32425
930.....31405
1200.....30999

Proposed Rules:

Ch. I.....31018

7 CFR

2.....31871, 32227, 32853
20.....32227
28.....30073
29.....32590
301.....31999
354.....32006
406.....32853
409.....32853
700.....29453
800.....30322, 32859
907.....29923, 30799, 32425
908.....32007, 32425, 32860
910.....30012, 31249, 32008, 33020
911.....32425
915.....32425
917.....30075, 30077, 32425
918.....32425
923.....32008
925.....32425
945.....32010
953.....29454, 30487
979.....29693
982.....32012
984.....31637
991.....29693
1425.....30327
1464.....32591
1944.....29239
1948.....33020

Proposed Rules:

102.....30620
201.....30780, 31424
226.....32026
907.....32030
921.....32871
922.....32031
948.....32031
989.....30645, 32872
993.....29271
1002.....33008
1125.....31424
1133.....31424
1135.....32873, 32874
1701.....32033

8 CFR

204.....29923, 30078
214.....29456

238 32551

9 CFR

78 30487
82 ..... 29456, 30488, 31249
92 ..... 29239, 29240

10 CFR

2 30328
51 29457
376 29680
390 29680
440 29242
1008 31637
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
1504 33053

12 CFR

Ch. II 31406
204 32426
217 32426
220 31250
265 33022
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:

213 29245
220 ..... 32033, 32592
221 32592
225 32594
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
615 32450
701 ..... 29247, 29482, 31651, 31654, 31660, 32875
720 29248

13 CFR

120 32430
124 29251

Proposed Rules:

105 32259
124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230, 32860, 32862
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233, 32863
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
121 32863
135 ..... 30968, 32863
152 30808
207 31000
208 31000
212 31000
221 32551
222 32552
241 33022
291 32560
302 31001
384 32560
385 ..... 32560, 32563

Proposed Rules:

Ch. I 30352
39 ..... 31268, 31899, 31900, 32265, 32266, 32875
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269, 32876–32879
73 30833
75 ..... 29280, 29281, 31278
121 ..... 32409, 32413
123 32409
127 32409
135 ..... 32409, 32413
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
371 32431
374 32563
376 ..... 31001, 31407, 32563
377 32431
379 32563
385 31407
399 ..... 31407, 32431
806 30336
908 32233
935 32014
936 32014

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

4 32435
13 ..... 29458, 29928, 30337, 32233, 32234
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115, 31901
13 ..... 30646, 32450
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880
285 32879
286 32879
287 32879

Proposed Rules:

Ch. I 29952
270 32595

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256, 32235–32238, 33023, 33024
284 30491
292 ..... 32238, 33025
375 29700
1301 31002
1309 30811

Proposed Rules:

Ch. I 31902
157 30505
271 ..... 30833, 32270, 32596, 32597
292 31663
375 30505

19 CFR

101 ..... 29462, 32436
103 32564
134 30338
152 32564
175 32564
353 32864

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

655 32437

Proposed Rules:

404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
145 33027
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31008, 32239, 32865
314 32016
444 31009
510 33028
520 ..... 29464, 31010, 32017, 32438, 32439, 33028
524 32440
540 33029
558 ..... 32018, 32019
561 ..... 30339, 31637
573 30081
1308 32019

Proposed Rules:

105 33053
145 33055
161 30505
180 ..... 31020, 32453
182 ..... 31020, 32453
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

23 CFR

Proposed Rules:

625 32680
655 32680

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:

20 32598
31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021, 32866
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

Ch. XXVI 32574
92 32214
778 32440
1601 33030
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022
2613 32866

Proposed Rules:

Ch. XIV 33055
530 29485

30 CFR

250 29932

700 31258
716 31258
785 31258
906 33056
920 33056
931 ..... 31638, 33056
934 33056
944 33056
948 33056
950 33056

Proposed Rules:
Ch. II 32885
221 32454
715 32455
816 32455
817 32455

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
706 32023

Proposed Rules:
41 31663
298a 29486
505 33057

33 CFR

25 29933
165 29933
183 32867
204 29934

Proposed Rules:
82 32886
100 29288
110 31278
117 ..... 30354, 30834, 32887
160 30835
162 29954
402 30838

34 CFR

324 31996
773 31866

36 CFR

13 ..... 31836, 33031

Proposed Rules:
1190 30839
272 31021

37 CFR

303 32576

Proposed Rules:
201 30649
202 30651

38 CFR

3 31011
21 ..... 29474, 32023

Proposed Rules:
Ch. I 31903
3 32036
21 31022

39 CFR

111 32578
601 30623

Proposed Rules:
10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258-31261, 31881, 32440
60 29262
61 29262
62 30496
81 ..... 31013, 31886, 32582, 33031
86 ..... 30497, 31411, 32868
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625
761 32868

Proposed Rules:
52 ..... 29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456, 33058
60 ..... 29955, 31904
61 32599
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272, 33059
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457, 33060
192 32458
408 30663
420 32274
430 31028
431 31028
761 32887
773 30300

41 CFR

7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-4 33032
8-14 31262
8-74 31262
Ch. 12 30816
15-1 29709
15-3 31643
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
51-1 33032
51-2 33032
51-3 33032
51-4 ..... 30084, 33032
51-5 ..... 30084, 33032
60-1 33033
60-2 33033
60-4 33033
60-20 33033
60-30 33033
60-50 33033
60-60 33033
60-250 33033
60-471 33033
Ch. 101 ..... 31890, 31891

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
1933 (Revoked by 5956) 31892
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
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:
35 29955
230 32459

44 CFR

1 32583
64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31646
205 32587

Proposed Rules:
55 29292
61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692, 32275, 33060-33062
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
510 32279
524 32460
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039, 32868, 33033-33037
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:
Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909, 32887
87 32280
90 32280
94 30124
97 32888

48 CFR

Proposed Rules:
4 32600
8 32600
47 32600

49 CFR

1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
Ch. X 30092
1000 30502
1003 31016

1011.....32449
1033.....29480, 30502, 30632, 32588
1039.....32025, 32257
1056.....29711, 29945
1090.....32257
1100.....30832
1137.....30832
1300.....32257

Proposed Rules:

171.....29967
172.....29968, 29973
173.....29967, 29968, 29973, 31294
175.....29968
178.....29973
192.....32287
195.....32287
212.....32888
213.....32898
571.....31294, 32899
1004.....30668, 32460
1047.....30668
1048.....31450
1057.....32460
1127.....30156
1201.....30839, 32289
1241.....30839
1248.....30839

50 CFR

17.....29481
36.....31818
91.....30633
219.....31648
301.....30345
371.....32868
611.....33038
651.....30348
661.....29733, 30633
672.....33038
674.....33041

Proposed Rules:

17.....29490, 33063
20.....31030
653.....30674
682.....30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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