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Wednesday
July 1, 1981

Highlights

34305 **Amending the Generalized System of Preferences** Executive order

34303 **National Clean-up and Flag-up America's Highways Week, 1981** Presidential proclamation

34311, 34348 **Housing—Income Taxes** Treasury/IRS issues and proposes temporary regulations on tax-exempt status of interest on mortgage subsidy bonds. (2 documents)

34490 **Budget** OMB reports rescissions and deferrals as of 6-19-81. (Part IV of this issue)

34454, 34462 **Recombinant DNA Research** HHS publishes actions under NIH guidelines for research and issues revised guidelines for research involving recombinant DNA molecules. (Parts II and III of this issue) (2 documents)

34348 **Surface Mining** Interior/SMREO proposes to give States more flexibility in regulating surface coal mining and reclamation operations on non-Federal and non-Indian lands within their borders.

34512 **Health Facilities** HHS/PHS issues cumulative list of qualified Health Maintenance Organizations as of 12-31-80. (Part V of this issue)

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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.

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34330 **Postal Service** PS revises Domestic Mail Manual provisions for submission of address cards for sequencing and correction.

34546 **Prisoners** Justice/PB publishes final rules on control, custody, care, treatment and instruction of inmates, and proposes rule on inmate correspondence. (Part VI of this issue) (4 documents)

34351 **Armed Forces—Health Care** DOD/Sec'y proposes to allow CHAMPUS benefit consideration for surgical treatment of morbid obesity related to severe illness or condition.

34325 DOD/Sec'y clarifies CHAMPUS regulations on Nonavailability Statement requirements for Emergency Maternity admissions.

34328 DOD/Sec'y revises CHAMPUS benefits available to dependents of "NATO members."

34436 **Antidumping—Audio-Visual Games** ITC institutes investigation and issues exclusion order on certain imported coin-operated audio-visual games and components. (2 documents)

34361 **Imports** CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from Colombia.

34450 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4849 of June 27, 1981

National Clean-up and Flag-up America's Highways Week, 1981

By the President of the United States of America

A Proclamation

Americans enjoy the use of our Nation's highway system, which is one of the finest systems in the world, both for business and pleasure. Our highways are a source of pride for this Nation and they directly or indirectly affect and serve every American. Highways are our lifelines—providing us with food and other necessities, the opportunity to explore this vast, beautiful country, and a great freedom of choice in selecting our home and work areas. Highways have contributed significantly to employment, provided us improved lifestyles, and aided in our defense. Our highways should be recognized as a national asset and our citizens should be urged to clean up and rehabilitate them. Clean and litter-free highways will contribute to national pride and road safety.

To remind all Americans of the importance of national pride and road safety, the Congress, by an Act approved June 5, 1981 (Public Law 97–12), has requested the President to proclaim June 28 through July 4 as "National Clean-up and Flag-up America's Highways Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning June 28 through July 4, 1981, as National Clean-up and Flag-up America's Highways Week. I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-19609
Filed 6-30-81; 1:01 pm]
Billing code 3195-01-M

Executive Order 12311 of June 29, 1981

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) as amended, Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries and to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Section 503(a) and 131–134 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463; 88 Stat. 1994, 19 U.S.C. 2515 *et seq.*), it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country is amended:

(a) by adding in numerical sequence the following TSUS item numbers created by Annex I of this Order: 170.12, 170.13 and 170.70,

(b) by deleting TSUS item 408.52, and

(c) by adding in numerical sequence TSUS items 603.45, 687.42 and 727.29.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by deleting TSUS items 603.45, 687.42, and 727.29 therefrom.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified by deleting Mozambique opposite TSUS item 155.20, and also deleting "603.45 . . . Chile", "687.42 . . . Taiwan", and "727.29 . . . Yugoslavia" therefrom.

Sec. 5. In order to provide staged reductions in the rates of duty for the new TSUS items created by Annex I to this Order, Annex III to Proclamation 4768 of June 28, 1980, is amended by Annex II to this Order, attached hereto and made a part hereof.

Sec. 6. (a) The amendment made by Section 2(b) of this Order is effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after December 2, 1980;

(b) The amendments made by sections 2(c), 3, 4, and Annex I(A) are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 31, 1981; and

(c) The amendments made by the remaining sections of this order are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the third day following the date of publication of this Order in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
June 29, 1981.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

(A) 1.(a) Item 138.40 is superseded by:

	[Vegetables...:]		
	[Other:]		
"138.40	Bamboo shoots or water chestnuts, frozen.....	17.5% ad val.	35% ad val."

(b) Conforming change:

The article description for item 903.45 is modified by substituting therein "or 138.40" for ", 138.40 or 138.42".

2. Schedule 3, headnote 10 is modified by deleting the words "regulations" and "Secretary of the Treasury" therefrom and substituting "instructions" and "Commissioner of Customs", respectively, in lieu thereof.

(B) 1.(a) Items 170.10 and 170.15 are superseded by:

	[Wrapper...:]		
	"Mixed or packed with more than 5% of filler tobacco:		
170.08	Not stemmed.....	36c per lb.	$2.275 per lb.
170.09	Stemmed.....	62c per lb.	$2.925 per lb.
	Other:		
170.12	Not stemmed.....	36c per lb.	$2.275 per lb.
170.13	Stemmed.....	62c per lb.	$2.925 per lb."

(b) Conforming changes:

Headnote 2 of schedule 1, part 13 is modified by substituting therein "wrapper or filler" for "wrapper" where it first appears in the headnote, and by substituting therein "such type of" for "wrapper" where it next appears.

2. Item 170.69 is superseded by:

	[Cigars...:]		
"170.68	Cigars each valued 15c or over but less than 23c.....	[See Annex II]	$4.50 per lb. + 25% ad val.
170.70	Cigars each valued 23c or over.....	[See Annex II]	$4.50 per lb. + 25% ad val."

ANNEX II

Annex III to Presidential Proclamation 4768 of June 28, 1980, is amended by deleting from Section B of that Annex TSUS item number 170.69 with its corresponding rates of duty and by inserting the following TSUS item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after --							
		July 1, 1980	July 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
170.68 3/	95¢ per lb. + 5% ad val.	71¢/lb. + 3.7% 3/	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%
170.69 3/	95¢ per lb. + 5% ad val.	71¢/lb. + 3.7% 3/	3/	3/	3/	3/	3/	3/	3/
170.70 3/	95¢ per lb. + 5% ad val.	71¢/lb. + 3.7% 3/	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%	57¢/lb. + 3%

Footnote 3 for items 170.68, 170.69, and 170.70:
3/ Item 170.69 is discontinued and is superseded by items 170.68 and 170.70, effective July 4, 1981, in accordance with Executive Order No.12311 .

[FR Doc. 81-19610
Filed 6-30-81; 1:02 pm]
Billing code 3195-01-M

Rules and Regulations

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

GENERAL ACCOUNTING OFFICE

4 CFR Part 20

Clearance of Proposals by Independent Federal Regulatory Agencies To Conduct or Sponsor the Collection of Information; Revocation of Part

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This rule revokes Part 20 of Title 4, Code of Federal Regulations, setting forth procedures for our review of the reporting requirements of independent regulatory agencies. The Paperwork Reduction Act of 1980, Pub. L. No. 96–511, 94 Stat. 2812, amended Chapter 35 of Title 44, United States Code, to transfer responsibility for review of reporting requirements for independent regulatory agencies from the General Accounting Office to the Office of Information and Regulatory Affairs in the Office of Management and Budget, effective April 1, 1981. Since this Office is no longer involved in regulatory reports review Part 20 is no longer necessary.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard T. Cambosos, Office of General Counsel, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548, (202) 275–5544.

Accordingly, Part 20 of Title 4, Code of Federal Regulations is hereby revoked.

Milton J. Socolar,

Acting Comptroller General of the United States.

[FR Doc. 81–19332 Filed 6–30–81; 8:45 am]
BILLING CODE 1610–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amdt. 20]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is delegating program authority for field personnel to approve or decline Section 503 Certified Development Company guarantees. This authority enables SBA to provide a 100 percent guarantee of the timely payment of principal and interest on debentures issued by qualified 503 development companies. These qualified development companies would be authorized to sell each debenture pertaining to an identifiable small concern with SBA's guarantee.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 L St. N.W., Washington D.C. 20416, Telephone Number: (202) 653–6703.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, Chapter I of Title 13 of the Code of Federal Regulations is amended by adding to Section 101.3–2 a new Section 503 Certified Development Company guaranty authority and retitling Sections A and B thereof as set forth below:

* * * * *

1. Part III, Section A is amended by retitling as indicated and adding at the end thereof a new paragraph 3 as set forth below:

Section A—Sections 501 and 502 Loan Approval Authority and Section 503 Debenture Guaranty Approval Authority (Small Business Investment Act).

3. *Section 503 Certified Development Company Debenture Guaranty Approval Authority (SBI Act).* To approve or decline section 503 guarantees of debentures issued by certified development companies not exceeding the following amounts (SBA share) for each small business being assisted, within the project cost limitations shown below:

Note.—Project cost as used in this part, means the sum of all financial assistance to the small business concern and its affiliates for the construction project under consideration, not just that portion on which the 503 debenture guarantee action is being taken.

a. Overall project cost exceeding $1,500,000.

(1) Regional Administrator, $500,000.

b. Overall project cost not exceeding $1,500,000.

(1) District Director, $500,000.

(2) Deputy District Director, $500,000.

(3) Assistant District Director for F&I, $500,000.

c. Overall project cost not exceeding $1,000,000.

(1) Chief, Financial Division, D/O, $500,000.

2. Part III, Section B is amended by retitling as indicated below:

Section B—Other 501, 502 and 503 Authority.

Dated: June 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–19320 Filed 6–30–81; 8:45 am]
BILLING CODE 8025–01–M

13 CFR Part 107

Small Business Investment Companies; Leverage for Section 301(d) Licensees

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: It has been the Small Business Administration's policy to extend leverage to section 301(d) Licensees which invest in socially or economically small businesses in amounts up to 100 percent of each Licensee's private capital without regard to the Licensee's need therefor. All applications for leverage filed with SBA after the effective date of this regulation must be accompanied by evidence demonstrating to SBA's satisfaction the Liceness's need therefor.

DATE: This regulation is effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Peter F. McNeish, Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (202) 653-6848.

SUPPLEMENTARY INFORMATION:
Anticipated reductions in the funds available to SBA for the purchase of preferred stock and debentures issued by section 301(d) Licensees make it urgently necessary to insure that leverage funds remain available to be currently invested in disadvantaged small business concerns. SBA has determined that an excessive proportion of the capitalization (including leverage) of section 301(d) Licensees is now invested in otherwise eligible "idle funds" investments.

For the foregoing reason, and because this regulation will by its terms affect only those section 301(d) Licensees that have no present investment plans to justify their need for leverage funds, SBA hereby further determines that publication of this rule as a proposed regulation for the purpose of eliciting public comment is unnecessary and impractical. This regulation makes no change in SBA's practice with regard to section 301(c) Licensees, which are presently required to demonstrate a need before any leverage will be granted.

For the purposes of Executive Order 12291, effective February 17, 1981, SBA hereby certifies that this rule is not a "major rule", as defined by section 1(b) of the Executive Order. This rule will not have an annual effect on the economy of $100 million or more; nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions, or significant adverse effects on competition, employment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

SBA further certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C 605(b), that this rule will not have a significant impact upon a substantial number of small entities.

Accordingly, Part 107, Chapter I of Title 13, Code of Federal Regulations is hereby amended by revising the last sentence of § 107.201(a)(2). As revised § 107.201 reads as follows:

§ 107.201 is revised to read as follows:

§ 107.201 Funds to licensee.

(a) *Application procedure*—(1) *General.* A Licensee may apply for Leverage pursuant to section 303(b) of the Act on SBA Form 416 (for purchase) or SBA Form 1022 (for guaranty) in accordance with accompanying instructions. Applications for Leverage must be accompanied by evidence demonstrating to SBA's satisfaction the need therefor. Prior to the extension of any Leverage, an Unincorporated Lincensee must also furnish SBA with a ruling by the Internal Revenue Service that it qualifies as a partnership for tax purposes, *Provided, however,* That where a delay in obtaining an IRS ruling would cause hardship to the Licensee, SBA may, pending receipt of such a ruling, make leverage funds available under interim financial arrangements which, in SBA's judgment, are satisfactory to protect SBA's creditor or guarantor position from an adverse IRS determination.

(2) *Section 301(d) Licensees.* A section 301(d) Lincensee may apply for Leverage pursuant to section 303(c) of the Act[4] on SBA Form 1022A (for purchase of preferred securities and debentures), on SBA Form 1022B (for exchange of debentures for preferred securities, subject to § 107.205(f)) or on SBA Form 1022 (for guaranty of debentures) in accordance with accompanying instructions.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 24, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19284 Filed 6-30-81; 8:45 am]
BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Commodity Pool Operators—Amendment to Rule Governing Certain Prohibited Activities; Delegation of Authority; Final Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: On May 8, 1981 the Commodity Futures Trading Commission published revised Part 4 of its regulations, 17 CFR Part 4, which relates to the operations and activities of commodity pool operators ("CPOs") and commodity trading advisors. That revision added a new § 4.20, which prohibits a CPO from engaging in certain activities. The Commission is now amending § 4.20(a) to provide that the Commission, in appropriate cases, may exempt a corporate CPO from operating such corporation itself as a commodity pool. The Commission also is amending § 140.93 of its regulations by delegating to the Director of the Division of Trading and Markets, and to his designees, the authority to grant an exemption from certain of the prohibitions specified in § 4.20.

EFFECTIVE DATES: The amendments to § 4.20 and § 140.93 are effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Section 4.20: Prohibited Activities.

On May 8, 1981 the Commission published revisions to Part 4 of its regulations, 17 CFR Part 4, which relates to the operations and activities of CPOs and commodity trading advisors. *See* 46 FR 26004. Among other things, by those revisions the Commission adopted new rules that require a CPO to operate its pool as an entity cognizable as a legal entity separate from that of the pool operator, that require pool funds to be received in the pool's name, and that prohibit a CPO from commingling pool property with the property of any other person. (Sections 4.20(a), 4.20(b), and 4.20(c), respectively.) The purpose of these rules is to ensure the protection of pool participants.[1]

Subsequent to the issuance of the revisions to Part 4, the Commission has received several requests for an exemption from the provisions of § 4.20(a). These requests have been made by certain CPOs which are organized as corporations and for which there is no separate pool other than such corporation. Upon consideration of the information contained in the requests and the Commission's further deliberations concerning the rule, the Commission has determined to amend § 4.20 to provide for an exemption therefrom under certain specified conditions.

Specifically, the requirement that a CPO operate its pool as a separate legal entity continues to be specified in § 4.20(a)(1). Under new § 4.20(a)(2),

[1] In proposing § 4.20 the Commission stated:
The Commission, through investigations and enforcement proceedings, is aware of several instances in which the operation of a pool in a CPO's name and the commingling of pool property have resulted in abuses of customers' funds. Therefore, the proposed rules would prohibit a CPO from (engaging in such activities). 45 FR 51600, 51604 (August 4, 1980).

however, the Commission may exempt a corporate CPO from that requirement where (i) the CPO represents that each participant will receive evidence of ownership in the corporation for its capital contributions thereto; [2] (ii) the CPO satisfactorily demonstrates that it has established controls to assure compliance with §§ 4.20(b) and 4.20(c); [3] and (iii) the Commission finds that granting the exemption would not be contrary to the public interest or to the purposes of § 4.20(a). The Commission believes that through the amendment the concerns of those CPOs that have requested an exemption from § 4.20 will be adequately addressed without sacrificing any protections essential to pool participants.

The amendment to § 4.20(a) will become effective July 1, 1981, which is the effective date of the revisions to Part 4. Since the amendment recognizes an exemption from a rule, the Commission finds that notice and opportunity for public comment called for by 5 U.S.C. 553 are unnecessary and that the amendment may become effective immediately upon publication.

II. Section 140.93: Delegation of Authority.

Concurrent with the issuance of the revisions to the Part 4 regulations, the Commission amended Part 140 of its regulations, 17 CFR Part 140, to provide a new § 140.93. This rule delegates to the Director of the Division of Trading and Markets, and to such members of the Commission's staff acting under his direction as he may designate, the authority to perform certain functions reserved to the Commission under Part 4. the Commission adopted § 140.93 because it found that these functions could be performed most efficiently and expeditiously by Commission staff. For the same reason, the Commission has amended § 140.93 to add to the authority delegated thereunder the authority to perform the functions reserved to the Commission under § 4.20(a). This new delegation is specified in § 140.93(a)(4).

[2] By its terms, then, the exemption in § 4.20(a)(2) would not be available to all CPOs organized as a corporation. The Commission also wishes to note that the amendment in § 4.20(a)(2) in no way affects the requirements in § 4.20(a)(1) that a pool must be a legally cognizable entity.

[3] Because the adequacy of the procedures required by § 4.20(a)(2)(ii) depends on the particular facts of each case, the Commission cannot specify without exception what such procedures should be. Moreover, such procedures might be required to be especially stringent where the corporation is not governed by all of its participants collectively because one participant or one limited group of participants has an equity interest sufficient to control, or who otherwise directly or indirectly, controls the corporation.

Section 140.93(a)(4) will become effective July 1, 1981. The Commission finds that the rule relates solely to agency practice and procedure and, thus, that notice of proposed rulemaking and opportunity for public participation are not required and that the rule may become effective immediately upon publication. The foregoing findings are in accordance with the Administrative Procedure Act, 5 U.S.C. 553.

In adopting these rules, the Commission has taken into consideration the public interest to be protected by the antitrust laws ans has endeavored to take the lease anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

In consideration of the foregiong and pursuant to the authority contained in sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 865 *et seq.*, the Commission hereby amends § 4.20 and § 140.93 of Chapter 1 of 17 CFR.

1. Section 4.20 is amended by revising paragraph (a), to read as follows:

§ 4.20 Prohibited Activities.

(a) (1) Except as provided in paragraph (a)(2) of this section, a commodity pool operator must operate its pool as an entity cognizable as a legal entity separate from that of the pool operator.

(2) The Commission may exempt a corporation from the requirements of paragraph (a)(1) of this section if:

(i) The corporation represents in writing to the Commission that each participant in its pool will be issued stock or other evidences of ownership in the corporation for all funds, securities or other property that the participant contributes for the purchase of an ownership interest in the pool;

(ii) The corporation demonstrates to the satisfaction of the Commission that it has estabilshed procedures adequate to assure compliance with paragraphs (b) and (c) of this section; and

(iii) The Commission finds that the exemption is not contrary to the public interest and to the purposes of the provision from which the exemption is sought.

* * * * *

2. Section 140.93 is amended, by adding paragraph (a)(4), to read as follows:

§ 140.93 Delegation of Authority to the Director of the Division of Trading and Markets.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Division of Trading and Markets and to such members of the Commisison's staff acting under his direction as he may designate from time to time: * * *

(4) All functions reserved to the Commission in § 4.20(a) of this chapter.

* * * * *

Issued in Washington, D.C. on June 30, 1981 by the Commisison.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 81-19603 Filed 6-30-81; 10:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7780]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations relating to the tax-exempt status of interest on mortgage subsidy bonds. Changes to the tax law were made by the Mortgage Subsidy Bond Tax Act of 1980. These regulations affect all purchasers and governmental issuers of tax-exempt housing bonds. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATE: These temporary regulations are effective for governmental obligations issued after April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to mortgage subsidy bonds under section 103A of the Internal Revenue Code of 1954, as added by sections 1100-1102 of the Omnibus Reconciliation Act of 1980 and amended by the Act of December 24, 1980, (Pub. L. 96-595, 94 Stat. 3467). Further, a new

Part 6a, Temporary Regulations under Title 11 of the Omnibus Reconciliation Act of 1980, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Section 103A(a) of the Internal Revenue Code of 1954 provides that a mortgage subsidy bond shall be treated as an obligation not described in section 103(a) (1) or (2). As such, the interest on a mortgage subsidy bond is not excludable from gross income. However, under section 103A(b)(2) a qualified mortgage bond and a qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest thereon will not be included in gross income.

A mortgage subsidy bond is defined in § 6a.103A–1(b)(1) as any obligation which is issued as part of an issue a significant portion of the proceeds of which is to be used directly or indirectly to provide mortgages on owner-occupied residences. Section 6a.103A–1(b)(1)(ii) states that a significant portion is provided for mortgages if 5 percent or more of the proceeds are so used. Section 6a.103A–1(a)(5) requires that after December 31, 1981, all qualified mortgage bonds and qualified veterans' mortgage bonds must be issued in registered form. "In registered form" has the same meaning as in § 1.6049–2(d).

Qualified Mortgage Bond

Section 6a.103A–2(b)(1) defines a qualified mortgage bond as one or more obligations issued by a State or political subdivision as part of an issue all the proceeds of which (net of the cost of issuing the obligations and of proceeds invested in a reasonably required reserve fund) are to be used to finance owner-occupied residences and which satisfies all of the requirements of §§ 6a.103A–1 and 6a.103A–2.

Compliance

Pursuant to § 6a.103A–2(c)(1) an issue complies with the mortgage eligibility provisions (*i.e.*, the principal residence, the 3-year, the purchase price, the new mortgage, and the mortgage assumption requirements) if three requirements are met. First, under § 6a.103A–2(c)(1)(i) the issuer must make a good faith effort to satisfy all such requirements of section 103A before the mortgages were executed. Such effort requires that the issuer provide restrictions in all relevant documents that permit financing only in accordance with such requirements and that the issuer establish reasonable procedures to ensure such compliance. Second, pursuant to 6a.103A–2(c)(1)(ii) at least 95 percent of the proceeds of an issue devoted to owner financing must be placed in qualifying mortgages (at the time the mortgages are made). The 5 percent margin for nonqualifying mortgages protects the issuer from inadvertent error or mortgagor fraud. Third, where the good faith and 95 percent requirements are met, pursuant to § 6a.103A–2(c)(1)(iii) any failure to meet such requirements for mortgages comprising less than 5 percent of the proceeds devoted to owner financing must be corrected within a reasonable period after such failure is discovered.

Additionally, § 6a.103A–2(c)(2) requires that, in order for a qualified mortgage bond to meet the nonmortgage eligibility requirements (*i.e.*, the market limitation, arbitrage requirements, targeted area requirement, and registration requirement), the issuer must attempt in good faith to meet such requirements. Further, any failure to meet such requirements must be due to inadvertent error. Inadvertent error is illustrated in the regulations as mathematical error. An erroneous legal opinion is not an inadvertant error since the failure is not the result of an erroneous factual conclusion but is the result of an erroneous interpretation of the statute.

Qualified Home Improvement Loans

Qualified mortgage bond proceeds may be used to finance qualified home improvement loans. Such a loan must meet the requirements of § 1.103A–2 except for the 3-year and purchase price requirements. Section 6a.103A–2(b)(9) defines a qualified home improvement loan as the financing, whether or not secured by a mortgage, in an amount not exceeding $15,000, for alterations, repairs, or improvements on, or in connection with, an existing, single-family owner-occupied residence. Under § 6a.103A–3(f) home improvement loans in excess of $15,000 may be made with the proceeds of qualified veterans' mortgage bonds if such loans are made for the alteration, repair, or improvement of a residence by an owner thereof who is a veteran.

Where one of the owners of a residence had a present ownership interest in such residence when any prior home improvement loan was obtained, the amount of such prior loan is required to be taken into account in determining the $15,000 limit.

Qualified Rehabilitation Loans

Qualified mortgage bond proceeds also may be used to finance qualified rehabilitation loans. Such loans must meet the requirements of § 6a.103A–2 except for the 3-year and new mortgage requirements. Section 6a.103A–2(b)(10) defines a qualified rehabilitation as one where (1) the rehabilitated building is at least 20 years old, (2) 75 percent of the external walls are retained and (3) the rehabilitation expenditures account for 25 percent or more of the mortgagor's adjusted basis in the property.

Residence Requirement

Residences which may be financed with qualified mortgage and qualified veterans' mortgage bonds must be the principal residence of the mortgagor. The term "residence", according to § 6a.103A–2(d)(4), includes stock held by a tenant-stockholder in a cooperative housing corporation and factory-made houses which are permanently attached to real property. Section 6a.103A–2(d)(4) includes within the meaning of "residence" land that is appurtenant to a residence so long as such land reasonably maintains the basic livability of the residence. The term "residence" as defined by the regulations does not include property that is expected to be used in a trade or business, as an investment property, or as a recreational home.

Finally, § 6a.103A–1(b)(6) defines single-family and owner-occupied residences so as to include two-, three-, and four-family residences. However, one of such units must be occupied by the owner of the units, and the units must have been first occupied as a residence at least 5 years before the mortgage is executed.

A special rule set forth in § 6a.103A–2(d)(2) allows the issuer to accept an affidavit to satisfy the requirement of § 6a.103A–2(d)(1)(i) that the property the financing of which is provided by the proceeds of a qualified mortgage bond or a qualified veterans' mortgage is reasonably expected to be used as the mortgagor's principal residence.

Three Year Requirement

Section 6a.103A–2(e) prohibits the financing of residences where the mortgagor had a present ownership interest in a principal residence within the 3 years prior to such financing. However, § 6a.103A–2(e)(2) provides an exception to such requirement for qualified rehabilitation and home improvement loans and for financing provided for targeted area residences. The regulation provides that where there is more than one mortgagor with respect to a residence each mortgagor must meet this 3-year requirement.

Purchase Price

Section 6a.103A–2(f) requires that the acquisition cost of each residence, other than a targeted area residence, may not exceed 90 percent of the "average area purchase price" for a residence in such area. For a targeted area residence, the acquisition cost may not exceed 110 percent of such price. This requirement does not apply to qualified home improvement loans.

Section 6a.103A–2(f)(3) defines "average area purchase price" as the average price of a single-family residence in the statistical area in which such residence is located. Section 6a.103A–2(b)(7) defines statistical area as a standard metropolitan statistical area (SMSA) or any county which is not within an SMSA. A special rule is included in the regulations for Alaska and Louisiana which do not have counties. Section 6a.103A–2(f)(4)(ii) provides that average area purchase price must be determined separately with respect to new and used residences and residences with multiple units.

A safe harbor limitation is contemplated by the regulations. For each statistical area, the Treasury Department will publish a purchase price limitation. However, an issuer may use a limitation different from the published safe harbor limitation if such different limitation is based on more accurate and comprehensive data.

Market Limitation

Section 6a.103A–2(g) provides a ceiling for the amount of qualified mortgage bonds which may be issued within a State within a single calendar year. Section 6a.103A–2(g)(6) sets forth a formula for calculating such ceiling amounts. A minimum ceiling amount of $200,000,000 is provided for each State. A safe harbor limitation is contemplated in § 6a.103A–2(g)(6)(iii) and will be published by the Treasury Department on a yearly basis. In the event that an issuer makes a more accurate and comprehensive determination of such ceiling amount, the issuer is entitled to use such amount.

An allocation of the State market limitation among the issuers of each State is provided by § 6.103A–2(g). Such allocation may be changed by the governor of the State until such time as the State legislature meets and provides or fails to provide a different allocation. A reallocation by the governor or State legislature may not retroactively affect whether any outstanding bond issue complies or fails to comply with the requirements of § 6a.103A–2(g). A State may not directly or indirectly increase the State ceiling amount by providing a different allocation.

Targeted Areas

Under § 6a.103A–2(h) an issuer of qualified mortgage bonds must make a specified portion of the lendable proceeds of the issue available for owner financing of targeted area residences for a period of at least 1 year. Further, the issuer must attempt with reasonable diligence to place such portion in qualifying mortgages. The specified portion is the lesser of 20 percent of the lendable proceeds of an issue or 40 percent of the average annual aggregate principal amount of mortgages executed in targeted areas within the issuer's jurisdiction during the preceding 3 years. Section 6a.103A–2(h)(3) provides a safe harbor formula for determining the 40 percent market share amount, where such amount applies.

A targeted area residence is defined in § 6a.103A–2(b)(3) as a residence located in either a qualified census tract or an area of chronic economic distress. A "qualified census tract" is an area defined by the Bureau of the Census in which at least 70 percent of the families have an income that is 80 percent or less of the State-wide median family income. An "area of chronic economic distress" is an area designated by the State and approved by the Secretary of the Treasury and the Secretary of Housing and Urban Development as meeting certain criteria which are set forth in § 6a.103A–2(b)(5)(iii).

Arbitrage

In addition to meeting the requirements of section 103(c) and the regulations thereunder, an issue of qualified mortgage bonds must meet the arbitrage restrictions of section 103A(i) and § 6a.103A–2(i).

Section 6a.103A–2(i)(2) restricts the effective rate of interest on mortgages provided with the proceeds of a qualified mortgage bond to 1 percentage point over the yield on the issue of qualified mortgage bonds. The effective rate of interest is defined in § 6a.103A–2(i)(2)(ii) as taking into account all amounts borne by the mortgagor either directly or indirectly.

A convention is provided in § 6a.103A–2(i)(2)(ii)(E)(*1*) which allows regular monthly mortgage payments to be treated as received at the end of each semiannual debt service period. Such convention does not apply to prepayments of principal.

Section 6a.103A–2(i)(2)(iv) provides that in calculating the effective rate of interest on mortgages financed by bonds, the mortgage prepayment rate shall be based on the maturity experience table published by the Federal Housing Administration. For qualified home improvement loans or shorter term qualified rehabilitation loans, however, the prepayment rate shall be based upon the reasonable expectations of the issuer.

Further, pursuant to § 6a.103A–2(i)(2)(v), such calculation may take into consideration the projected net losses on the mortgage pool based on the issuer's most recent default experience. Where actual losses exceed such projected losses, moreover, arbitrage earned on nonmortgage assets may be used to recover such excess losses.

Pursuant to § 6a.103A–2(i)(2)(vi), yield on a qualified mortgage bond shall be calculated on the basis of issue price and the prepayment assumption described in § 6a.103A–2(i)(2)(iv). Issue price has the same meaning as described in section 1232(b)(2).

Section 6a.103A–2(i)(3) provides a maximum amount which may be invested in nonmortgage investments at an unrestricted yield during the term of the bonds. Such amount is equal to 150 percent of the debt service on the issue for the bond year. Further, such amount must be promptly and appropriately reduced as mortgages are repaid and actual monthly mortgage payments are reduced. Proceeds invested for certain temporary periods are excepted from the 150 percent rule.

Finally, § 6a.103A–2(i)(4)(i) requires that all arbitrage earned on nonmortgage investments be paid or credited to the mortgagors are rapidly as practicable. Section 6a.103A–2(i)(4)(v) provides that, in lieu of making rebates to the mortgagors, the issuer may elect to pay the arbitrage earned on nonmortgage investments to the United States. The election must be made before the bonds are issued. If the election is made, 90 percent of the cumulative arbitrage earnings must be paid to the United States at least once every 5 years. The balance of the arbitrage must be paid within 30 days after the redemption of the last obligation.

Section 6a.103A–2(i)(4)(iii) permits the payment of a limited amount of arbitrage earnings on nonmortgage investments to the issuer. The amount that can be paid to the issuer is the amount computed on the yield determination date which results in the effective rate of interest on mortgages being equal to 1 percentage point above the yield on the issue. This fixed dollar amount may be paid to the issuer at any time, but is not adjusted for the time of payment.

Other Requirements

Section 6a.103A-2(j)(1) prohibits the use of the proceeds of qualified mortgage bonds to acquire or replace existing mortgages. All proceeds must be used to provide loans for new mortgages. An exception to this general rule allows for the refinancing of construction period loans, bridge loans, and, in the case of a qualified rehabilitation loan, an existing mortgage. Further, § 6a.103A-2(j)(3) provides that, in the event that a mortgage provided by such proceeds is assumed, the principal residence requirement, 3-year requirement, and purchase requirement must be met.

Qualified Veterans' Mortgage Bonds

Section 6a.103A-3(b) defines a qualified veterans' mortgage bond as an obligation substantially all of the proceeds of which are to be used to provide financing for single-family, owner-occupied residences for veterans. As in the case of qualified mortgage bonds, a residence must be the principal residence of the mortgagor. In addition to the requirements of § 6a.103A-1, the obligations must meet the requirements of § 6a.103A-2(d) and (j) (1) and (2) and must be general obligations. The term "veteran" has the same meaning as set forth in 38 U.S.C. 101(2).

A special rule set forth in § 1.103A-3(d) provides that if a residence is to be owned by a husband and wife and one spouse is a veteran then financing provided to both spouses satisfies the requirement that financing only be provided to veterans. Finally, the term "substantially all", as used in § 6a.103A-3, has the same meaning as set forth in § 1.103-8.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

The principal author of these temporary regulations is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new Part 6a, Temporary Regulations under Title 11 of the Omnibus Reconciliation Act of 1980, is added to Title 26 of the Code of Federal Regulations. Part 6a reads as follows:

PART 6A—TEMPORARY REGULATIONS UNDER TITLE II OF THE OMNIBUS RECONCILIATION ACT OF 1980

Sec.
6a.103A-1 Interest on mortgage subsidy bonds.
6a.103A-2 Qualified Mortgage bond.
6a.103A-3 Qualified veterans' mortgage bonds.

Authority: Sec. 7805, Internal Revenue Code of 1954(68A Stat. 917; (26 U.S.C. 7805)).

§ 6a.103A-1 Interest on mortgage subsidy bonds.

(a) *In general*—(1) *Mortgage subsidy bond.* A mortgage subsidy bond shall be treated as an obligation not described in section 103 (a)(1) or (a)(2). Thus, the interest on a mortgage subsidy bond is includable in gross income and subject to Federal income taxation.

(2) *Exceptions.* Any qualified mortgage bond and any qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond. See § 6a.103A-2 with respect to requirements of qualified mortgage bonds and § 6a.103A-3 with respect to requirements of qualified veterans' mortgage bonds.

(3) *Additional requirement.* In addition to the requirements of § 6a.103A-2, § 1a.103A-3, and this section, qualified mortgage bonds and qualified veterans' mortgage bonds shall be subject to the requirements of section 103(c) and the regulations thereunder.

(4) *Advance refunding.* On or after December 5, 1980, no tax-exempt obligation may be issued for the advance refunding of a mortgage subsidy bond (determined without regard to section 103A(b)(2) or § 6a.103A-1(a)(2)). An obligation issued for the refunding of a mortgage subsidy bond will be considered to be an advance refunding obligation if it is issued more than 180 days before the prior issue is discharged.

(5) *Registration.* Any obligation that is part of a qualified mortgage bond issue or qualified veterans' mortgage bond issue and which is issued after December 31, 1981, must be in registered form. The term "in registered form" has the same meaning as in § 1.6049-2(d). Thus, in general, an obligation is issued in registered form if it is registered as to both principal and interest and if its transfer must be effected by the surrender of the old instrument to the issuer and by either the reissuance of the old instrument to a new holder or the issuance of a new instrument to a new holder.

(b) *Definitions.* For purposes of § 6a.103A-2, § 6a.103A-3, and this section the following definitions apply:

(1) *Mortgage subsidy bond.* (i) The term "mortgage subsidy bond" means any obligation which is issued as part of an issue a significant portion of the proceeds of which is to be used directly or indirectly to provide mortgages on owner-occupied residences.

(ii) For purposes of subdivision (i), a significant portion of the proceeds of an issue is used to provide mortgages if 5 percent or more of the proceeds are so used.

(2) *Mortgage.* The term "mortgage" includes deeds of trust, conditional sales contracts, pledges, agreements to hold title in escrow, and any other form of owner financing.

(3) *Bond.* The term "bond" means any obligation. The term "obligation" means any evidence of indebtedness.

(4) *State.* (i) The term "State" includes a possession of the United States and the District of Columbia.

(ii) For purposes of subdivision (i), obligations issued by or on behalf of any State or local governmental unit by constituted authorities impowered to issue such obligations are the obligations of such governmental unit. See § 1.103-1(b).

(5) *Proceeds.* The term "proceeds" includes original proceeds and investment proceeds. The terms "original proceeds" and "investment proceeds" shall have the same meaning as in § 1.103-13(b)(2). Unless otherwise provided in § 6a.103A-2 or this section, however, amounts earned from the investment of proceeds which are derived from qualified mortgage bonds in nonmortgage investments may not be commingled for the purposes of accounting for expenditures with other non-bond amounts, and such proceeds are investment proceeds even though not treated as investment proceeds for purposes of section 103(c). Repayments of principal or mortgages shall be treated as proceeds of an issue. Amounts (such as State appropriations or surplus funds) which are provided by the issuer or a private lender in conjunction with a qualified mortgage bond or a qualified veterans' mortgage bond shall not treated as proceeds of a mortgage subsidy bond under this section. Such amounts may be treated as proceeds of the issue pursuant to section 103(c).

(6) *Single-family and owner-occupied residences.* Except for purposes of § 6a.103A–2 (g) and (h)(2)(ii), the terms "single-family" and "owner-occupied," when used with respect to residences, include two-, three-, and four-family residences—

(i) One unit of which is occupied by the owner of the units, and

(ii) Which were first occupied as a residence at least 5 years before the mortgage is executed.

§ 6a.103A–1 Qualified mortgage bond.

(a) *In general*—(1) *Qualified mortgage bond.* A qualified mortgage bond shall not be treated as a mortgage subsidy bond, and the interest on a qualified mortgage bond will be exempt from Federal income taxation.

(2) *Termination date.* No obligation issued after December 31, 1983, shall be treated as part of a qualified mortgage bond issue.

(b) *Definitions and special rules.* For purposes of this section and § 6a.103A–1, the following definitions apply:

(1) *Qualified mortgage bond.* The term "qualified mortgage bond" means one or more obligations issued by a State or any political subdivision thereof (hereinafter referred to as "governmental unit") as part of an issue—

(i) All of the original proceeds of which, net of the costs of issuing the obligations and proceeds invested in a reasonably required reserve fund (such net amount hereinafter in this section referred to as "lendable proceeds"), are to be used to finance owner-occupied residences, and

(ii) Which meets each of the requirements of § 6a.103A–1 and this section.

A qualified mortgage bond does not include any bond that is an industrial development bond under section 103(b).

(2) *Constitutional home rule city.* The term "constitutional home rule city" means, with respect to any calendar year, any political subdivision of a State which, under a State constitution which was adopted in 1970 and effective on July 1, 1971, had home rule powers on the 1st day of the calendar year.

(3) *Targeted area residence.* The term "targeted area residence" means a residence in an area which is either—

(i) A qualified census tract, or

(ii) An area of chronic economic distress.

(4) *Qualified census tract.* (i) The term "qualified census tract" means a census tract in which 70 percent or more of the families have an income which is 80 percent or less of the State-wide median family income.

(ii) The determination under subdivision (i) shall be made on the basis of the most recent decennial census for which data are available. With respect to any particular bond issue, such determination may be based upon the decennial census data available 3 months prior to the date of issuance and shall not be affected by official changes to such data during or after such 3-month period.

(iii) The term "census tract" means a census tract as defined by the Secretary of Commerce.

(5) *Areas of chronic economic distress.* (i) The term "area of chronic economic distress" means an area designated by a State as meeting the standards established by that State for purposes of this subparagraph and approved by the Secretary and by the Secretary of Housing and Urban Development in accordance with the criteria set forth in (iii) of this subparagraph A State may withdraw such designation at any time, with reasonable cause. Such withdrawal shall be effective upon notification by the State to the Assistant Secretary for Housing/Federal Housing Commissioner of the Department of Housing and Urban Development. Such withdrawal shall not affect the tax-exempt status of any outstanding issue of obligations.

(ii) For purposes of making a designation under this subparagraph, withdrawing a designation, or making any other submission, "State" means the governor of a State, or a State official commissioned by the governor or by State statute for such purposes.

(iii) The following criteria will be used in evaluating a proposed designation of an area of chronic economic distress:

(A) The condition of the housing stock, including the age of the housing and the number of abandoned and substandard residential units. Data pertinent to this criterion include the number and percentage of housing units that were constructed prior to 1940, the average age of the housing stock, the number and percentage of abandoned housing units, and the number and percentage of substandard residential units.

(B) The need of area residents for owner financing under a qualified mortgage bond issue as indicated by low per capita income, a high percentage of families in poverty, a high number of welfare recipients, and high unemployment rates. Data pertinent to this criterion include the per capita income of the population in the area, the number and percentage of families eligible to receive food stamps from a program pursuant to 7 U.S.C. 2011, the number and percentage of families eligible to receive payments under the Aid to Families with Dependent Children program, and the unemployment rate.

(C) The potential for use of owner financing under a qualified mortgage bond issue to improve housing conditions in the area. Data pertinent to this criterion include the number and percentage of owner-occupied homes that are substandard, the number and percentage of families that are low- or moderate-income renters, and the number and percentage of substandard units in the area that will be improved through the use of owner financing provided by the proceeds of a qualified mortgage bond issue.

(D) The existence of a housing assistance plan which provides a displacement program and a public improvements and services program (similar to the Housing Assistance Plan (HAP) required by the Department of Housing and Urban Development under the Community Development Block Grant program (42 U.S.C. section 5301 *et seq.*)).

For purposes of giving appropriate weight to these criteria within a State, the population in all areas of chronic economic distress may not exceed 20 percent of the total population of the State, excluding the population in qualified census tracts. This determination shall be based upon the most recent data availabe. The certification described in subdivision (iv)(C) shall satisfy the criteria set forth in subdivisions (C) and (D). A certification described in (iv)(D) shall satisfy the criteria set forth in subdivisions (A) and (B): *Provided,* That the majority of the households in the proposed area have incomes less than 80 percent of the median income for the standard metropolitan statistical area (SMSA) in which the proposed area is located or, if the proposed area is not within a SMSA, less than 80 percent of the median income for the State.

(iv) A proposal by the State that an area be approved as an area of chronic economic distress shall contain the following information:

(A) A description of the proposed area by its geographical limits.

(B) Maps of the State and of areas within the State that are qualified census tracts and existing or proposed areas of chronic economic distress.

(C) Where applicable, a certification of the local Area Manager of the Department of Housing and Urban Development in which the proposed area is located that the proposed area is a Neighborhood Strategy Area (NSA) under 24 CFR 570.301(c) promulgated

pursuant to the Community Development Block Grant program or an area comparable to a NSA which has been reviewed and approved by the Area Manager as meeting the standards for an NSA.

(D) Where applicable, a certification from the HUD Area Manager with jurisdiction over the proposed area that the proposed area is within a geographic area which has been declared eligible for grants under the Urban Development Action Grant Program, Pursuant to 24 CFR 570.452, by the Secretary of Housing and Urban Development.

(E) Statistical and descriptive information pertinent to the criteria enumerated in subdivision (iii) of this subparagraph, and a succinct statement of how the information furnished satisfies those criteria. Such statistical information shall be based upon the most recent data available.

(F) If the State so desires, a written request for a conference prior to any adverse decision on the proposed designation.

(G) A certification by the Governor or designated official that the proposed designation conforms to these regulations.

(v) The proposed designation and the information furnished with it as required by subdivision (iv) of this subparagraph shall be submitted in triplicate to the Assistant Secretary for Housing/Federal Housing Commissioner of the Department of Housing and Urban Development (Attention: Office of State Agency and Bond Financed Programs, Rm. 6138, 451 7th Street, SW., Washington, D.C. 20410).

(vi) Only those areas of chronic economic distress that have been previously designated by the State and approved in accordance with this subparagraph at least 3 months prior to the date of issuance need to be taken into account for any particular bond issue.

(6) *Standard metropolitan statistical area.* A standard metropolitan statistical area ("SMSA") is an area in and around a city of 50,000 inhabitants or more (or equivalent area) and defined by the Secretary of Commerce as an SMSA.

(7) *Statistical area.* The term "statistical area" means—

(i) An SMSA,

(ii) Any county (or portion thereof) which is not within an SMSA, or

(iii) If there is insufficient recent statistical information with respect to a county (or portion thereof) described in subdivision (ii) of this subparagraph, such other area as may be designated by the Commissioner, upon proper application, as a substitute for such county (or portion thereof). For purposes of subdivisions (ii) and (iii) of this subparagraph, in Alaska, the entire State, and in Louisiana, a parish, shall be treated in a manner similar to a county.

(8) *Acquisition cost.* (i) The term "acquisition cost" means the cost of acquiring a residence from the seller as a completed residential unit. Acquisition cost includes the following:

(A) All amounts paid, either in cash or in kind, by the purchaser (or a related party or for the benefit of the purchaser) to the seller (or a related party or for the benefit of the seller) as consideration for the residence.

(B) If a residence is incomplete, the reasonable cost of completing the residence whether or not the cost of completing construction is to be financed with bond proceeds. For example, where a mortgagor purchases a building which is so incomplete that occupancy of the building is not permitted under local law, the acquisition cost includes the cost of completing the building so that occupancy of the building is permitted.

(C) Where a residence is purchased subject to a ground rent, the capitalized value of the ground rent. Such value shall be calculated using a discount rate equal to the yield on the issue (as defined in § 6a.103A–2(i)(2)(vi)).

(ii) The term "acquisition cost" does not include the following:

(A) The usual and reasonable settlement or financing costs. Settlement costs include titling and transfer costs, title insurance, survey fees, or other similar costs. Financing costs include credit reference fees, legal fees, appraisal expenses, "points" which are paid by the buyer (but not the seller, even though borne by the mortgagor through a higher purchase price) or other costs of financing the residence. However, such amounts will be excluded in determining acquisition cost only to the extent that the amounts do not exceed the usual and reasonable costs which would be paid by the buyer where financing is not provided through a qualified mortgage bond issue. For example, if the purchaser agrees to pay to the seller more than a pro rata share of property taxes, such excess shall be treated as part of the acquisition cost of a residence.

(B) The value of services performed by the mortgagor or members of the mortgagor's family in completing the residence. For purposes of the preceding sentence, the family of an individual shall include only the individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants. For example, where the mortgagor builds a home alone or with the help of family members, the acquisition cost includes the cost of materials provided and work performed by subcontractors (whether or not related to the mortgagor) but does not include the imputed cost of any labor actually performed by the mortgagor or a member of the mortgagor's family in constructing the residence. Similarly, where the mortgagor purchases an incomplete residence the acquisition cost includes the cost of material and labor paid by the mortgagor to complete the residence but does not include the imputed value of the mortgagor's labor or the labor of the mortgagor's family in completing the residence.

(C) The cost of land which has been owned by the mortgagor for at least 2 years prior to the date on which construction of the residence begins.

(iii) The following examples illustrate the provisions of subparagraph (8):

Example (1). A contracts with B, a builder of single-family residences, for the purchase of a residence. Under the terms of the contract, B will deliver a residential unit to A that contains an uncompleted recreation room and an unfinished third floor and which lacks a garage. Normally, a completed recreation room, a finished third floor and a garage are provided as part of the residence built by B. The contract price for the residence is $58,000. At the same time, A contracts with C, an affiliate of B, to complete the recreation room and third floor and to construct the garage for a contract price of $10,000. C will perform this work after A receives title to the unit from B. Under § 6a.103A–2(b)(8)(i)(A), the acquisition cost of A's completed residential unit is $68,000, which represents the contract price of the residence plus the cost of completion of the recreation room and third floor and construction of the garage.

Example (2). E owns a single-family residence which E has listed for sale. D contracts to purchase E's residence, and the contract provides for a selling price of $30,000. D also agrees to pay an unsecured debt in the amount of $5,000, which E owes to X, a local bank. D further agrees to purchase from E the refrigerator, stove, washer, and dryer located in E's residence for $500. Such amount is equal to the fair market value of such personalty. D also agrees to purchase the light fixtures, curtain rods, and wall-to-wall carpeting for a fair market value price of $700. Under § 6a.103A–2(b)(8)(i)(A), the acquisition cost of D's completed residential unit is $35,700. Such amount includes the $5,000 unsecured debt paid off by D. The $500 paid for the refrigerator, stove, washer, and dryer are not included because such items are not included within the definition of a residence under § 6a.103A–2(d)(4). Such definition does include, however, the light fixtures, curtain rods, and wall-to-wall carpeting purchased by D.

Example (3). F contracts with G to purchase G's home for $40,000. After

purchasing the residence, F pays a party unrelated to G $3,000 for painting, minor repairs, and refinishing the floors. Under § 6a.103A-2(b)(8)(i)(A), the acquisition cost of the residence is $40,000. Such fix-up expenses are not treated as part of the acquisition costs. If G had incurred such fix-up expenses, however, F may not reduce his acquisition cost of the residence by such amounts.

(9) *Qualified home improvement loan.* (i) The term "qualified home improvement loan" means the financing (whether or not secured by a mortgage), in an amount which does not exceed $15,000 with respect to any residence, of alterations, repairs, and improvements on, or in connection with, an existing single-family, owner-occupied residence by the owner thereof, but only if such items substantially protect or improve the basic livability or energy efficiency of the residence.

(ii) Alterations, repairs, or improvements that satisfy the requirement of subdivision (i) of this subparagraph include the renovation of plumbing or electric systems, the installation of improved heating or air conditioning systems, the addition of living space, or the renovation of a kitchen area. Items that will not be considered to substantially protect or improve the basic livability of the residence include swimming pools, tennis courts, saunas, or other recreational or entertainment facilities.

(iii) If—

(A) Two or more qualified home improvement loans are provided for the same residence, whether or not by the same lender, and

(B) Any person who had a present ownership interest in such residence at the time the previous qualified home improvement loan or loans were made has a present ownership interest in the residence at the time the subsequent qualified home improvement loan is made,

then the allowable amount of the subsequent qualified home improvement loan shall be reduced by the amount, at origination, of any previous qualified home improvement loan, so that the sum of such loans does not exceed $15,000.

(iv) The following example illustrates the provisions of subparagraph (9):

Example. A and B jointly own a residence located in Town M. They obtain a qualified home improvement loan for $10,000 from Town M. A acquires B's interest in the residence. A applies to State X for a qualified home improvement loan. The maximum amount of a qualified home improvement loan which may be made by State X is $5,000, the amount that when added to the $10,000 previous loan from Town M does not exceed $15,000.

(10) *Qualified rehabilitation loans.* (i) The term "qualified rehabilitation loan" means any owner financing provided in connection with—

(A) A qualified rehabilitation, or

(B) The acquisition of a residence with respect to which there has been a qualified rehabilitation,

but only if the mortgagor to whom such financing is provided is the first resident of the residence after completion of the rehabilitation. Where there are two or more mortgagors of a rehabilitation loan, the first residency requirement is met if any of the mortgagors meets the first residency requirement.

(ii) The term "qualified rehabilitation" means any rehabilitation of a residence if—

(A) There is a period of at least 20 years between the date on which the building was first used and the date on which physical work on such rehabilitation begins,

(B) 75 percent or more of the existing external walls of such building are retained in place as external walls in the rehabilitation process, and

(C) The expenditures for such rehabilitation are 25 percent or more of the mortgagor's adjusted basis in the residence (including the land on which the residence is located).

(iii) For purposes of (A) and (B), the rules applicable to the investment tax credit for qualified rehabilitated buildings under section 48(g)(1) (A)(iii) and (B) shall apply. However, unlike section 48(g)(1)(B), once a building meets the 20-year test, more than one rehabilitation of that building within a 20-year period may qualify as a qualified rehabilitation.

(iv) The adjusted basis to the mortgagor is the mortgagor's adjusted basis for purposes of determining gain or loss on the sale or exchange of a capital asset (as defined in section 1221). The mortgagor's adjusted basis shall be determined as of the date of completion of the rehabilitation, or, if later, the date the mortgagor acquires the residence, *i.e.*, the date on which the mortgagor includes in basis any amounts expended for rehabilitation that are expended for capital assets.

(v) The amounts expended by the mortgagor for rehabilitation include all amounts expended for rehabilitation regardless of whether the amounts expended were financed from the proceeds of the loan or from other sources, and regardless of whether the expenditure is a capital expenditure, so long as the expenditure is made during the rehabilitation of the residence and is reasonably related to the rehabilitation of the residence. The value of services performed by the mortgagor or members of the mortgagor's family (as used in § 6a.103A-2(b)(8)(ii)(B)) in rehabilitating the residence will not be included in determining the rehabilitation expenditures for purposes of the 25-percent test.

(vi) Where a mortgagor purchases a residence that has been substantially rehabilitated, the 25-percent test is determined by comparing the total expenditures made by the seller for the rehabilitation of the residence with the acquisition cost of the residence to the mortgagor. The total expenditures made by the seller for rehabilitation do not include the cost of acquiring the building or land but do include all amounts directly expended by the seller in rehabilitating the building (excluding overhead and other indirect charges).

(c) *Good faith compliance efforts*—(1) *Mortgage eligibility requirements.* An issue of qualified mortgage bonds which fails to meet one or more of the requirements of paragraphs (d), (e), (f), and (j) of this section shall be treated as meeting such requirements if each of the following provisions is met.

(i) The issuer in good faith attempted to meet all such requirements before the mortgages were executed. Good faith requires that the trust indenture, participation agreements with loan originators, and other relevant instruments contain restrictions that permit the financing of mortgages only in accordance with such requirements. In addition, the issuer must establish reasonable procedures to ensure compliance with such requirements. Such procedures include reasonable investigations by the issuer or its agent to determine that the mortgages satisfy such requirements.

(ii) Ninety-five percent or more of the lendable proceeds (as defined in § 6a.103A-2(b)(1)) that were devoted to owner financing were devoted to residences with respect to which, at the time the mortgages were executed or assumed, all such requirements were met. Where a particular mortgage fails to meet more than one of these requirements, the amount of the mortgage will be taken into account only once in determining whether the 95-percent requirement is met. However, all of the defects in that mortgage must be corrected pursuant to subdivision (iii).

(iii) Any failure to meet such requirements is corrected within a reasonable period after such failure is discovered. For example, where a mortgage fails to meet one or more of such requirements those failures can be corrected by calling the nonqualifying mortgage or by replacing the

nonqualifying mortgage with a qualifying mortgage.

(iv) *Examples.* The following examples illustrate the application of this subparagraph (1):

Example (1). State X issues obligations to be used to provide mortgages for owner-occupied residences. X contracts with bank M to originate and service the mortgages. The trust indenture and participation agreement require that the mortgages meet the mortgage eligibility requirements referred to in paragraph (c)(1). In addition, pursuant to procedures established by X, M obtains a signed affidavit from each applicant that the applicant intends to occupy the property as his or her principal residence within 60 days after the final closing and thereafter to maintain the property as his or her principal residence. Also in accordance with X's procedures, M obtains from each applicant a signed affidavit as to facts that are sufficient for M to determine whether the residence is located within X's jurisdiction and that the 3-year, the purchase price, and the new mortgage requirements have been met. M follows up by independently investigating the accuracy of those facts. Further, the mortgage instrument provides that the mortgage may not be assumed by another person unless X determines that the principal residence, 3-year, and purchase price requirements are met at the time of the assumption. These facts are sufficient evidence of the good faith of the issuer and meet the requirements of paragraph (c)(1)(i).

Example (2). State Y issues obligations to be used to provide mortgages for owner-occupied residences. Y contracts with bank N to originate and service the mortgages. The trust indenture and participation agreement require that the mortgagor certify compliance with the requirements referred to in paragraph (c)(1). By itself, this certification is not sufficient evidence of the good faith of the issuer to meet the requirements referred to in paragraph (c)(1).

Example (3). The facts are the same as in Example 1, except that M discovers through a verification procedure required by X that, at the time of closing, A fraudulently executed the residencey affidavit. Instead of occupying the propery as a principal residence, A leased the property to B for one year. A did not use the property as his residence during the lease term. Thus, at the time that A's mortgage was executed the residence failed to meet the requirements of paragraph (d) of this section.

More than 95 percent of the lendable proceeds of the issue were devoted to residences which met all the requirements referred to in paragraph (c)(1) at the time the mortgages were executed. Furthermore, pursuant to a provision in the mortgage instrument M called the loan. Any failures with respect to other mortgages are corrected by M. Based on these facts, the issue meets the requirements of subparagraph (c)(1).

(2) *Nonmortgage eligibility requirements.* An issue of qualified mortgage bonds which fails to meet one or more of the requirements of paragraphs (g), (h), and (i) of this section and § 1.103A–1(a)(5) shall be treated as meeting such requirements if each of the following provisions is met.

(i) The issuer in good faith attempted to meet all such requirements. This good faith requirement will be met if all reasonable steps are taken by the issuer to ensure that the issue complies with these requirements.

(ii) Any failure to meet such requirements is due to inadvertent error, *e.g.*, mathematical error, after taking reasonable steps to comply with such requirements.

(iii) The following examples illustrate the application of this subparagraph (2):

Example (1). City X issues obligations to finance owner-occupied residences. However, despite taking all reasonable steps to determine accurately the size of the market share limitation, as provided in paragraph (g)(3), the limit is exceeded because the amount of the mortgages originated in the area during the past 3 years is incorrectly computed as a result of mathematical error. Such facts are sufficient evidence of the good faith of the issuer to meet the requirements of paragraph (c)(2).

Example (2). City Y issues $25 million of bonds to finance single-family, owner-occupied homes. Attorney A gives an opinion that the bonds satisfy the arbitrage requirements of § 6a.103A–2(i) and § 6a.103A–1(a)(3). In fact, however, the legal conclusion reached by A is erroneous, and the bonds do not meet the requirements of § 6a.103A–2(i). The issue does not meet the requirements of subparagraph (c)(2) because the erroneous opinion does not constitute inadvertent error.

(d) *Residence requirements*—(1) *In general.* An issue meets the requirements of this paragraph only if all of the residences for which owner financing is provided under the issue meet the requirements of this paragraph. A residence meets the requirements of this paragraph only if—

(i) It is a single-family residence (as defined in § 6a.103A–1(b)(6)) which, at the time the mortgage is executed or assumed, can reasonably be expected by the issuer to become the principal residence of the mortgagor within a reasonable time after the financing is provided; and

(ii) It is located within the jurisdiction of the authority issuing the obligation.

(2) *Affidavit.* The requirements of subparagraph (1)(i) of this paragraph may normally be met if the mortgagor executes an affidavit of his intent to use the residence as his principal residence within a reasonable time (*e.g.*, 60 days) after the financing is provided.

(3) *Principal residence.* Whether a residence is used as a principal residence depends upon all the facts and circumstances of each case, including the good faith of the mortgagor. Except for certain owner-occupied residences described in paragraph (b)(6) of § 1.103A–1, a residence which can reasonably be expected to be used in a trade or business, as an investment property, or as a recreational home does not satisfy the requirements of this subparagraph.

(4) *Residence.* (i) The term "residence" includes stock held by a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b) (1) and (2)). It does not include property such as an appliance, a piece of furniture, a radio, *etc.*, which, under applicable local law, is not a fixture. The term also includes factory-made housing which is permanently fixed to real property. The determination of whether factory-made housing is permanently fixed to real property shall be made on the basis of the facts and circumstances of each particular case.

(ii) *Land.* Land appurtenant to a residence shall be considered as part of the residence only if such land reasonably maintains the basic livability of the residence and does not provide, other than incidentally, a source of income to the mortgagor.

(5) *Examples.* The following examples illustrate the application of this paragraph (d):

Example (1). A contracts to purchase a new residence from B. Since B is unable to move from the residence until 1 month after the scheduled closing date, A agrees to lease the residence to B for 1 month at a rent equal to the fair rental value. A applies for a mortgage to be provided from the proceeds of a qualified mortgage bond. In light of all the facts and circumstances in the case, the fact that A temporarily leases the residence to B does not prevent the residence from being considered as property that can reasonably be expected to be used as A's principal residence within a reasonable period of time after financing is provided.

Example (2). C contracts to purchase a new residence located on 2 acres of land in city X. City X has a zoning regulation which prevents the subdividing of any lot in that part of the city for use as a private residence into parcels of less than 2 acres. In light of all the facts and circumstances in the case, the fact that the residence is located on 2 acres of land appurtenant to the residence does not prevent the entire property from being considered as property to be used by C as a residence.

Example (3). D contracts to purchase a new residence located on 40 acres of land that D intends to farm. Any financing provided for the purchase of that portion of the property intended to be farmed will not be considered as financing provided for an owner-occupied residence.

(e) *3-year requirement*—(1) *In general.* An issue meets the requirements of this paragraph only if each of the mortgagors

to whom owner financing is provided under the issue meets the requirements of this paragraph. A mortgagor meets the requirements of this paragraph only if the mortgagor had no present ownership interest in a principal residence at any time during the 3-year period prior to the date on which the mortgage is executed. For purposes of the preceding sentence, the mortgagor's interest in the residence with respect to which the financing is being provided shall not be taken into account.

(2) *Exceptions.* Subparagraph (1) shall not apply with respect to—

(i) Any financing provided with respect to a targeted area residence (as defined in § 6a.103A–2(b)(3)),

(ii) Any qualified home improvement loan (as defined in § 6a103A–2(b)(9)), and

(iii) Any qualified rehabilitation loan (as defined in § 6a103A–2(b)(10)), and

(3) *Multiple mortgagors.* In the event that there is more than one mortgagor with respect to a particular residence, each of such mortgagors must meet the 3-year requirement. A person who is liable under a note secured by the mortgage but who does not have a present ownership interest in a residence subject to the mortgage need not meet the 3-year requirement. For example, where a parent of a home purchaser cosigns the note for a child but the parent takes no interest in the residence, it is not necessary that the parent meet the 3-year requirement since the parent is not a mortgagor of the residence.

(4) *Included interests.* Examples of interests which constitute present ownership interests are the following:

(i) A fee simple interest;

(ii) A joint tenancy, a tenacy in common, or tenancy by the entirety;

(iii) The interest of a tenant-shareholder in a cooperative;

(iv) A life estate;

(v) A land contract (*i.e.*, a contract pursuant to which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time); and

(vi) An interest held in trust for the mortgagor (whether or not created by the mortgagor) that would constitute a present ownership interest if held directly by the mortgagor.

(5) *Excluded interests.* Examples of interests which do not constitute present ownership interests are the following:

(i) A remainder interest;

(ii) A lease with or without an option to purchase;

(iii) A mere expectancy to inherit an interest in a principal residence;

(iv) The interest that a purchaser of a residence acquires on the execution of a purchase contract; and

(v) An interest in other than a principal residence during the previous 3 years.

(f) *Purchase price requirements*—(1) *In general.* An issue meets the requirements of this paragraph only if the acquisition cost (as defined in § 6a.103A–2(b)(8)) of each residence, other than a targeted area residence, for which owner financing is provided does not exceed 90 percent of the average area purchase price applicable to such residence. In the case of a targeted area residence (as defined in § 6a.103A–2(b)(3)), the acquistion cost may not exceed 110 percent of the averdge area purchase price applicable to such residence.

(2) *Exception.* Paragraph (1) shall not apply with respect to any qualified home improvement loan (as defined in § 6a.103A–2(b)(9)).

(3) *Average area purchase price.* The term "average area purchase price" means, with respect to any residence, the average purchase price of all single-family residences in the statistical area (as defined in § 6a.103A–2(b)(7)) in which the residence being financed is located for the most recent 12-month period for which sufficient statistical information is available. The determination whether a particular residence meets the purchase price requirement shall be made as of the date on which the commitment to provide the financing is made or, if earlier, the date of purchase of the residence.

(4) *Special rules.* (i) In the case of a qualified rehabilitation loan, the requirements of this paragraph are met if the mortgagor's adjusted basis in the property as of the completion of the rehabilitation (including the cost of the rehabilitation) meets the requirements of paragraph (f)(1). For this purpose, a rehabilitated residence is to be treated as a residence which has been previously occupied.

(ii) The determination of average area purchase price shall be made separately with respect to—

(A) Residences which have not been previously occupied;

(B) Residences which have been previously occupied; and

(C) One-family, two-family, three-family, and four-family residences.

(5) *Safe harbor limitation.* (i) For purposes of meeting the requirements of this paragraph, an issuer may rely upon average area purchase price limitations published by the Treasury Department for the statistical area in which a residence is located. These safe harbor limitations will be effective for the period stated at the time of publication. An issuer may use a limitation different from such safe harbor limitation for any statistical area (as defined in § 6a.103A–2(b)(7)) for which the issuer has more accurate and comprehensive data.

(ii) The following example illustrates the application of subparagraph (5)(i):

Example. The average area purchase price safe harbor limitation for new single-family residences published by the Treasury Department for the second half of 1981 for the jurisdiction of governmental unit X is $41,500. However, on July 1, 1981, X determines that its average area purchase price for new single-family residences is actually $43,000. Such determination is based on a comprehensive survey of residential housing sales in the jurisdiction over the previous calendar year. The data accumulated are based on records maintained by the county clerk's office in X's jurisdiction, which enables X to compute average area purchase prices separately for new and used residences and for one-, two-, three-, and four-family residences. X cannot reasonably update such data more often than once a year. X may use average area purchase prices computed from these data for mortgages made from July 1, 1981, through June 30, 1982, rather than the safe harbor published by the Treasury Department.

(g) *Limitation on aggregate amount of qualified mortgage bonds issued during any calendar year*—(1) *In general.* An issue meets the requirements of this section only if the aggregate amount of bonds issued pursuant thereto, when added to the aggregate amount of qualified mortgage bonds previously issued by the issuing authority during the calendar year, does not exceed the applicable limit for such authority for such calendar year. Such combined aggregate amount is the issuing authority's "market limitation" for the calendar year.

(2) *State housing finance agency.* Except as provided in paragraph (g)(4) of this section, the market limitation for any State housing finance agency for any calendar year shall be 50 percent of the State ceiling for such year. For purposes of the preceding sentence, if any State has more than one housing finance agency all such agencies shall be treated as a single agency.

(3) *Other issuers.* Except as provided in paragraph (g)(4), the market limitation for any issuing authority (other than a State housing finance agency) for any calendar year is an amount equal to that authority's proportionate share of 50 percent of the State ceiling amount for such calendar year. The proportionate share is an amount which bears the same ratio to 50 percent of the State ceiling for such year as—

(i) The average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences located within the jurisdiction of such issuing authority, bears to

(ii) An average determined in the same way for the entire State.

(4) *Constitutional home rule city.* (i) In determining the market limitation for any constitutional home rule city (as defined in paragraph (b)(2) of this section), subparagraph (3) shall be applied by substituting "100 percent" for "50 percent."

(ii) In a State with one or more constitutional home rule cities, in computing the market limitation for issuers other than constitutional home rule cities, the State ceiling amount for any calendar year shall be reduced by the aggregate market limitation for such year for all constitutional home rule cities in the State.

(5) *Overlapping jurisdictions.* (i) For purposes of subparagraph (3) of this paragraph, if an area is within the jurisdiction of two or more governmental units, such area shall be treated as only within the jurisdiction of the unit having jurisdiction over the smallest geographical area. However, the governmental unit with jurisdiction over the smallest geographical area may enter into a written agreement to allocate all or a designated portion of such overlapping area to the governmental unit having jurisdiction over the next smallest geographical area.

(ii) Where two governmental units have authority to issue mortgage subsidy bonds and both governmental units have jurisdiction over the identical geographical area, the aggregate principal amount of mortgages on residences located within that area shall be allocated to the governmental unit having broader sovereign powers.

(6) *State ceiling.* (i) The State ceiling applicable to any State for any calendar year shall be the greater of—

(A) 9 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences located within the jurisdiction of such State, or

(B) $200,000,000.

Only single-family owner-occupied residences (without regard to the definition of such term under § 6a.103A-1(b)(6)) may be used in determining the market limitation regardless of whether or not residences with up to four family units are to be financed by the program. First and second mortgages or mortgages used to refinance an existing mortgage shall be used in making such determination. Liens, special assessments, and similar encumbrances may not be taken into consideration.

(ii) For mortgages on residences with more than one family unit, the full amount of the mortgage shall be applied toward the market limitation and not merely that portion allocable to the owner-occupied unit.

(iii) For purposes of determining the State ceiling amount applicable to any State for any calendar year an issuer may rely upon the State ceiling amount published by the Treasury Department for such calendar year. An issuer may rely on a different State ceiling amount than such safe-harbor limitation where the issuer has made a more accurate and comprehensive determination of such amount.

(iv) The following example illustrates the application of subparagraphs (3) and (6) of this paragraph (g):

Example. Pursuant to the allocation rule provided in subparagraph (3), City Y determines that its maximum market limitation in 1981 is $15,000,000. This determination is based on records maintained by the county clerk's office from which data for the preceding 3 years have been accumulated by City Y as to the number of sales of single-family homes in City Y's jurisdiction, the purchase price in each such sales transaction, the number of such sales that were financed by mortgages and the volume of second mortgages and refinancing on previously purchased owner-occupied single-family residences. This information, combined with estimates made by City Y of the average mortgage-loan-to-purchase-price ratio and the ratio of sales of single-family, owner-occupied residences to all sales of single-family residences from a representative sample of sales transactions, enables Y to estimate the preceding 3 years' annual aggregate mortgage volume by using the following formula:

$$v = \tfrac{1}{3} \sum_{i=t-3}^{t-1} (u_i \cdot w_i \cdot x_i \cdot y_i \cdot z_i) + a_i, \text{ where}$$

v = the preceding 3 years' average annual aggregate volume of mortgages on single-family, owner-occupied residences in City Y,
u_i = number of sales of single-family residences,
w_i = average purchase price of all sales,
x_i = percent of all sales transactions that were financed with mortgages,
y_i = estimated average mortage-loan-to-purchase-price ratio,
z_i = estimated percent of sales that were owner-occupied residences,
a_i = total volume of second mortgages and refinancing on previously purchased owner-occupied, single-family residences,
i = the annual period of calculation, and
t = the current year.

City Y determines its applicable limit for 1981 based on the following formula:

L = 0.5 (v/s) r, where
L = market limitation for City Y for the current year,
s = the preceding 3 years' average annual aggregate volume of mortgages on single-family, owner-occupied residences in State X, and
r = ceiling for State X (*i.e.*, r = the greater of .09s or $200,000,000).

City Y may use the Treasury estimate of s which will be published with the mortgage volume safe harbor limitation. City Y may rely on its determination of its market limitation for obligations issued during 1981.

(7) *Excess obligations.* Where an issue of obligations when added to the aggregate amount of bonds issued by the same issuing authority in the same calendar year exceeds the market limitation determined in accordance with this paragraph (g), no portion of the issue will be treated as a qualified mortgage bond issue, and interest on such obligations shall be subject to Federal income taxation. However, previously issued qualified mortgage bond issues which met the market limitation at the time of their issuance will not cease to be qualified mortgage bond issues even though a subsequent issue causes the aggregate amount of obligations to exceed such limitation for a calendar year.

(8) *Transitional rule obligations.* In applying this paragraph (g) to any calendar year, there shall not be taken into account any bond which, by reason of section 1104 of the Mortgage Subsidy Bond Tax Act of 1980 (94 Stat. 2670) (relating to transitional rules), receives the same tax treatment as bonds issued on or before April 24, 1979.

(9) *Procedure for providing a different allocation.* (i) A State may, by law enacted after December 5, 1980, provide a different formula for allocating the State ceiling amount among the governmental units in such State (other than constitutional home rule jurisdictions) having authority to issue qualified mortgage bonds.

(ii) The governor of any State may proclaim a different formula than provided in subparagraphs (g)(2) and (g)(3) for allocating the State ceiling amount among the governmental units in such State having authority to issue qualified mortgage bonds. The authority of the governor to proclaim a different formula shall not apply after the earlier of—

(A) The 1st day of the 1st calendar year beginning after the 1st calendar year after 1980 during which the legislature of the State met in regular session, or

(B) The effective date of any State legislation dealing with such ceiling enacted after December 5, 1980.

If, on or before either date, the governor of any State exercises the authority to provide a different allocation, such allocation shall be effective until the date specified in (B).

(iii) Unless otherwise provided in a State constitutional amendment or by law changing the home rule provisions adopted in the manner provided by the State constitution, the allocation of that portion of the State ceiling which is allocated to any constitutional home rule city may not be changed by the governor or State legislature unless such city agrees to such different allocation.

(iv) Where a State elects to make a different allocation in accordance with subdivision (i) or (ii) of this subparagraph, the determination as to whether a particular bond issue meets the requirements of paragraph (g) of this section will be based upon the allocation in effect at the time such bonds were issued. Moreover, the authority to provide for a different allocation may not be used directly or indirectly to increase the State ceiling amount.

(h) *Portion of loans required to be placed in targeted areas*—(1) *In general.* An issue meets the requirements of this paragraph only if—

(i) The portion of the lendable proceeds (as defined in § 6a.103A-2(b)(1)) of the issue specified in subparagraph (2) is made available for owner financing of targeted area residences (as defined in § 6a.103A-2(b)(3)) for at least 1 year after the date on which owner financing is first made available with respect to targeted area residences, and

(ii) The issuer attempts with reasonable diligence to place such proceeds in qualified mortgages.

Proceeds are considered first made available with respect to targeted area residences on the date on which any financing of mortgages with the lendable proceeds of an issue first becomes available. Reasonable diligence requires that the issuer and the loan originators use reasonable efforts in trying to place mortgages in targeted areas, such as by advertising that mortgage funds are available for targeted areas. Reasonable diligence is not shown by merely providing in the governing instruments that the required amount be set aside for targeted areas.

(2) *Specified portion.* The specified portion of lendable proceeds of an issue required to be made available in targeted areas is the lesser of—

(i) 20 percent of the lendable proceeds, or

(ii) 40 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences in targeted areas within the jurisdiction of the issuing authority.

(3) *Safe harbor.* For purposes of computing the required portion of proceeds specified in subparagraph (2)(ii) of this paragraph, where such provision is applicable, an issuer may rely upon the amount produced by the following formula:

$P = .2[X/Y \times Z]$, where

P = Required portion to be made available in targeted areas,
X = Average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences within the State in which the issuing jurisdiction is located,
Y = The total population within the State, based on the most recent decennial census for which data are available, and
Z = The total population in the targeted areas located within the issuer's jurisdiction, based on the most recent decennial census for which data are available.

The issuing jurisdiction may use the Treasury Department estimate of X which will be published with the mortgage volume safe harbor limitation.

(4) *Minimum amount.* (i) The specified portion required to be made available in targeted areas is a minimum amount. More than the minimum amount may be (but need not be) made available in targeted areas.

(ii) With respect to any proceeds not required to be made available in targeted areas, the requirements of this paragraph do not abrogate the requirement of the arbitrage rules that due diligence be used in placing lendable proceeds into mortgages.

(i) *Arbitrage and investment gain*—(1) *In general.* An issue meets the requirements of this paragraph only if such issue meets the requirements of subparagraphs (2), (3), and (4) of this paragraph. For purposes of these requirements, all determinations of yield, effective interest rates, and amounts required to be paid or credited to mortgagors under paragraph (i)(4)(i) of this section shall be made on an actuarial basis taking into account the present value of money. The requirements of section 103A(i) and this paragraph are applicable in addition to the requirements of section 103(c) and §§ 1.103-13, 1.103-14, and 1.103-15.

(2) *Effective rate of mortgage interest not to exceed bond yield by more than 1 percentage point*—(i) *Maximum yield.* An issue of qualified mortgage bonds shall be treated as meeting the requirements of this subparagraph only if the excess of—

(A) The effective rate of interest on the mortgages financed by the issue, over

(B) The yield on the issue,

is not greater over the term of the issue than 1 percentage point.

(ii) *Effective rate of interest.* (A) In determining the effective rate of interest on any mortgage for purposes of this subparagraph, there shall be taken into account all fees, charges, and other amounts borne by the mortgagor which are attributable to the mortgage or to the bond issue. Such amounts include points, commitment fees, origination fees, servicing fees, and prepayment penalties paid by the mortgagor.

(B) Items that shall be treated as borne by the mortgagor and shall be taken into account in calculating the effective rate of interest also include—

(*1*) All points, commitment fees, origination fees, or similar charges borne by the seller of the property;

(*2*) The excess of any amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable costs incurred by a person acquiring like property where owner financing is not provided through the use of qualified mortgage bonds.

(C) The following items shall not be treated as borne by the mortgagor and shall not be taken into account in calculating the effective rate of interest:

(*1*) Any expected rebate of arbitrage profit (as required by § 6a.103A-2(i)(4)).

(*2*) Any application fee, survey fee, credit report fee, insurance fee or similar settlement or financing cost to the extent such amount does not exceed amounts charged in such area in cases where owner financing is not provided through the use of qualified mortgage bonds. For example, amounts paid for FHA, VA, or similar private mortgage insurance on an individual's mortgage need not be taken into account so long as such amounts do not exceed the amounts charged in the area with respect to a similar mortgage that is not financial with qualified mortgage bonds. Premiums charged for pool mortgage insurance will be considered amounts in excess of the usual and reasonable amounts charged for insurance in cases where owner financing is not provided through the use of qualified mortgage bonds.

(D)(*1*) Where amounts other than those derived from the proceeds of a

mortgage subsidy bond are used to finance single-family residences such amounts will not be treated as the proceeds of a qualified mortgage bond issue and will not be subject to the limitations set forth in subparagraphs (2), (3), and (4) of this paragraph (i). Such amounts may, however, be treated as proceeds for purposes of the requirements of section 103(c) and the regulations thereunder. Thus, the portion of the mortgage pool financed by the proceeds of a qualified mortgage bond issue will be subject to the limitations of subparagraphs (2), (3), and (4) of this paragraph (i), while the portion not provided with bond proceeds will not be subject to such limitations. The interest rate, points, origination fees, servicing fees, and other amounts charged with respect to that portion of a mortgage loan financed with non-bond amounts may not exceed the reasonable and customary amount which would be charged where financing is not provided through a qualified mortgage bond issue. Where the charge does exceed such reasonable and customary amount, any excess will be taken into account in computing the effective interest rate on the portion of the loan provided with the proceeds of the qualified mortgage bond issue. Furthermore, where such fees and other charges are less than the reasonable and customary charges, the issuer may not allocate that portion of the charges on the loan amounts made with bond proceeds which is equal to such differential to loan amounts made with non-bond proceeds.

(*2*) If any mortgage is allocated to two or more sources of funds, the receipt of amounts which are described in paragraph (i)(2)(ii) (A) and (B) of this section, repayments of principal, or payments of interest on such mortgage must be allocated to each source of funds.

(E) The effective rate of interest on any mortgage shall be determined in a manner consistent with actuarial methods and shall take into account the discounted value of all amounts from the time received (except as provided in (*1*) and (*2*)) to an amount equal to the "purchase price" of the mortgage. Such discount rate is the effective rate of interest on the mortgages. The "purchase price" of a mortgage means the net amount loaned to the mortgagor. For example, if a mortgage loan is in the amount of $30,000 and the mortgagor is charged one point ($300) as an origination fee which amount is deducted from loan proceeds available to the mortgagor, the purchase price is $29,700.

(*1*) If interest on an issue is paid semiannually, all regular monthly mortgage payments may be treated as being received at the end of each semiannual debt service period.

(*2*) Prepayments of principal shall be treated as being received on the last day of the month in which the issuer reasonably expects to receive such prepayments.

(F) The rate shall be determined on a composite basis for all mortgages financed by the issue.

(iii) *Example.* The following example illustrate the provisions of subparagraph (2)(ii) of this paragraph:

Example. Purchaser A contracts with seller B, who is represented by real estate agent C, for the purchase of B's residence for $65,000. A applies to County X for a mortgage provided by the proceeds of a qualified mortgage bond. County X requires that agent C provide it with a principal residence affidavit as well as verify the purchase price of the residence and the location of the purchasers previous residences. Due to the increased administrative burden imposed on agent C by County X, C charges B a real estate commission of 8 percent ($5,200), rather than 6 percent ($3,900). The normal real estate commission is 6 percent. Since the 8 percent commission charged by C and paid by B is in excess of the usual and reasonable real estate commission where owner financing is not provided through the use of qualified mortgage bonds, 2 percent ($1,300) shall be treated as borne by A and taken into account in calculating the effective rate of interest on the mortgage.

(iv) *Prepayment assumption* In determining the affective rate of interest on mortgages, it shall be assumed that the mortagage prepayment rate for mortgages made out of both original proceeds and mortgages that the issuer expects with reasonable certainty to be made out of prepayments of principal will be equal to 100 percent of the rate set forth in the most recent mortgage maturity experience table for mortgages having the same term insured under section 203 of the National Housing Act and published by the Federal Housing Administration in "Survivorship and Decrement Tables for HUD/FHA Home MORTGAGE Insurance Program" for the region, or, if available, the State in which the residence is located. For purposes of applying these tables, either the original balance method or the declining balance method of calculating mortgage loan prepayments may be used. For proceeds used to finance qualified home improvement loans or shorter term qualified rehabilitation loans for which there are no comparable FHA mortgage maturity experience tables, the assumption used by the issuer as to the rate of prepayment shall be based upon the reasonable expectations of the issuer, as reflected, where applicable, by the issuer's prior experience with such loans.

(v) *Net losses.* The projected net losses on the mortgage pool (after foreclosure and payment of insurance proceeds), based on the most recent default experience for the area in which the residences are located, shall be taken into consideration in calculating the effective rate of interest on the mortgages. However, where mortgages provided under an issue are insured with FHA, VA, or private mortgage insurance, in conjunction with pool mortgage insurance, the expected net losses will be presumed to be zero. In the event that the actual losses on the mortgage pool exceed the projected net losses which were taken into consideration in calculating the effective rate of interest on the mortgages, investment proceeds earned from nonmortgage assets may be used to recover the excess losses and need not be paid or credited to the mortgagors under § 6a.103A-2(i)(4).

(vi) *Yield on the issue.* (A) The yield on an issue of qualified mortgage bonds shall be calculated on the basis of—

(*1*) The issue price, and

(*2*) An expected maturity for the bonds which is consistent with the prepayment assumption required under subparagraph (2)(iv) of this paragraph. The expected maturity will be considered consistent with such prepayment assumption if all prepayments are assumed to be used to call bonds proportionately (*i.e.*, a "strip" call). The preceding sentence shall not apply to prepayments of mortgages provided from original proceeds to the extent such prepayments are used to provide mortgages.

(B) For purposes of (*1*) of this subdivision (vi), the term "issue price" shall have the same meaning as in section 1232(b)(2). Thus, in general, such term means the initial offering price to the public, not including bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers, at which price a substantial amount of such obligations were sold or, if privately placed, the price paid by the first buyer of such obligations or the acquisition cost of the first buyer.

(3) *Nonmortgage investments*—(i) *Maximum investment.* Except as provided in subdivision (ii) of this subparagraph, an issue meets the requirements of this subparagraph only if—

(A) At no time during any bond year does the aggregate amount invested in nonmortgage investments, *e.g.*,

reasonably required reserve funds, with a yield materially higher than the yield on the issue exceed 150 percent of the debt service on the issue for the current bond year, and

(B) Such aggregate amount invested in nonmortgage assets with a yield materially higher than the yield on the issue is promptly and appropriately reduced as mortgages are repaid.

The amount subject to the maximum investment rule in subdivision (i)(A) of this subparagraph includes the original bond proceeds, investment proceeds and repayments of principal on the mortgages. For purposes of subdivision (B), the amount described in subdivision (A) shall be considered promptly and appropriately reduced if beginning in the first bond year after the expiration of the temporary period for original proceeds described in subdivision (ii)(A) of this subparagraph, such amount is reduced within 30 days of the beginning of each bond year by an amount equal to the difference between the average scheduled monthly mortgage receipts for the bond year (excluding any receipts that were scheduled with respect to mortgages that were discharged in the preceding bond year) and the average scheduled monthly mortgage receipts for the preceding bond year.

(ii) Temporary periods. Subparagraph (3)(i) of this paragraph shall not apply to—

(A) Proceeds (including prepayments of principal designated to be used to acquire additional mortgages) of the issue invested for an initial temporary period not to exceed 1 year (1½ years for proceeds required to be set aside for placing mortgages in targeted areas) until such proceeds are needed for mortgages, and

(B) Repayments of principal and interest on mortgages that are contributed to a bona fide debt service fund (as defined in § 1.103–13(b)(12)) and invested for a 13-month temporary period as provided in § 1.103–14(b)(10).

(iii) *Debt service defined.* For purposes of subparagraph (3)(i)(A) of this paragraph, the debt service on the issue for any bond year is the scheduled amount of interest and amortization of principal payable for such year with respect to such issue. There shall not be taken into account amounts scheduled with respect to any bond which has been retired before the beginning of the bond year.

(iv) *Nonmortgage investment.* A nonmortgage investment is any investment other than an investment in a qualified mortgage. For example, a mortgage-secured certificate or obligation is a nonmortgage investment. In addition, fees paid by a participating financial institution and retained by an issuer due to the failure of such institution to place bond proceeds in mortgages in accordance with the agreement with the issuer are treated as investment proceeds on nonmortgage investments. Any investment earnings on such fees, whether or not such fees are retained by the issuer, are treated as investment proceeds on nonmortgage investments.

(4) *Arbitrage and investment gains to be used to reduce costs of owner financing*—(i) *Rebate requirement.* An issue shall be treated as meeting the requirements of this subparagraph only if an amount equal to the sum of

(A) The excess of—

(*1*) The net amount earned on all nonmortgage investments pursuant to subparagraph (3)(i) and (ii) of this paragraph (other than investments attributable to an excess described in this subdivision (A)) over

(*2*) The amount which would have been earned if the investments were invested at a rate equal to the yield on the issue, plus

(B) Any income attributable to the excess described in subdivision (A).

shall be paid or credited to the mortgagors as rapidly as practicable. Such amount may be disproportionately distributed to the mortgagors if the larger portion of such amount is distributed to lower income mortgagors. The determination of the excess described in subdivision (A) shall take into account any reinvestment of nonmortgage investment receipts and any gain or loss realized on the disposition of nonmortgage investments. In addition, where nonmortgage investments are retained by the issuer after retirement of an issue, any unrealized gains or losses as of the date of retirement of such issue must be taken into account, in calculating the amount to be rebated to the mortgagors. The amount described in subdivision (A)(*2*) is the amount that would have been earned if the investments in nonmortgage obligations were invested at a rate equal to the yield on the issue calculated in the same manner as provided in § 6a.103A–2(i)(2)(vi) and by using the same compounding method. For purposes of subdivision (B), any income attributable to the excess described in subdivision (A) shall be taken into account whether or not such income exceeds the yield on the bonds.

(ii) *Computation period.* Whether earnings are amounts described in subdivision (i) (A) or (B) of this subparagraph shall be determined by making computations on an annual basis. For example, if at the end of the first year the earnings on nonmortgage investments exceed the amount that could have been earned if such investments were invested at the bond yield, the amount of earnings equal to such difference constitutes an excess described in subdivision (i)(A) of this subparagraph. In the following year, investment proceeds earned on such excess must be taken into account, whether or not such earnings exceed the yield on the bonds, and may not be treated as "negative arbitrage".

(iii) *Paid or credited.* For purposes of subdivision (i) of this subparagraph, amounts are paid or credited to mortgagors as rapidly as practicable if such amounts are paid or credited to such mortgagors at the time the mortgagor discharges the mortgage, for example, through prepayment of the entire principal amount or through making the last regular payment on the mortgage. The amount paid or credited to the mortgagors must have a present value at least equal to the present value of the amount described in subdivision (i) of this subparagraph, using the yield on the bonds as the discount rate. In the case of prepayments, the cumulative amount required to be rebated under subparagraph (4)(i) of this paragraph may be determined as of a date before the actual prepayment but not more than 1 year earlier than the date of prepayment. Except as provided in subparagraph (2)(v) or subparagraph (4)(iv) of this paragraph, such amount may not be subject to the claim of any party, *e.g.*, a bondholder, and may not be paid over to any party other than the mortgagor or the United States.

(iv) *Reduction where issuer does not use full 1 percentage point.* (A) The amount required to be paid or credited to mortgagors under subparagraph (4)(i) of this paragraph shall be reduced by the amount which (if it were treated as an interest payment made by mortgagors) would result in the excess referred to in subparagraph (2)(i) of this paragraph being equal to 1 percentage point. Such amount shall be fixed and determined as of the yield determination date. This fixed dollar amount may be received by the issuer at any time but may not be adjusted for the time of payment. Such fixed dollar amount shall be equal to the difference between the purchase price of mortgages financed by the proceeds of the issue and the present value of expected payments of principal and interest on such mortgages, using a discount rate equal to the bond yield plus 1 percentage point.

(B) The following example illustrates the provisions of subparagraph (4)(iv)(A) of this paragraph:

Example. In 1981, County X issues obligations to provide mortgages for owner-occupied residences. The yield paid on the obligations is 10 percent, and the effective rate of interest on the mortgages provided by the proceeds of such obligations is 9.75 percent. X maintains a reasonably required reserve fund which is invested at 15 percent and intends to recover that additional amount computed in the manner described in subparagraph (4)(iv) which could have been earned from investment of the proceeds in mortgages with an effective interest rate of 11 percent from the arbitrage earned from the reserve fund nonmortgage assets. X plans to recover such amount from the arbitrage over a period of 3 years; thus, X will not recover such amount until 1984. X may not adjust the amount to be received to account for the time when such amount will be received.

(v) *Election to pay United States.* Subparagraph (4)(i) of this paragraph shall be satisfied with respect to any issue if the issuer elects in writing before issuing the obligations to pay over to the United States—

(A) Not less frequently than once each 5 years after the date of issue, an amount equal to 90 percent of the aggregate amount described in subdivision (i) earned during such period (and not theretofore paid to the United States), and

(B) Not later than 30 days after the redemption of the last obligation, 100 percent of such aggregate amount not theretofore paid to the United States.

(j) *New mortgages*—(1) *In general.* An issue meets the requirements of this paragraph only if no part of the proceeds of such issue is to be used to acquire or replace an existing mortgage. All of the lendable proceeds must be used to provide mortgage loans to persons who did not have a mortgage (whether or not paid off) on the residence securing the mortgage note at any time prior to the execution of the mortgage.

(2) *Exceptions.* For purposes of this paragraph (j), the replacement of—

(i) Construction period loans,

(ii) Bridge loans or similar temporary initial financing, and

(iii) In the case of a qualified rehabilitation, an existing mortgage,

shall not be treated as the acquisition or replacement of an existing mortgage. Generally, temporary initial financing is any financing which has a term of 6 months or less.

(3) *Assumptions.* An issue meets the requirement of this paragraph only if a mortgage with respect to which owner financing has been provided under such issue may be assumed only if the requirements of paragraphs (d), (e), and (f) of this section are met with respect to such assumption. The determination of whether these requirements are met is based upon the facts as they exist at the time of the assumption as if the loan were being made for the first time. For example, the purchase price requirement is to be determined by reference to the average area purchase price at the time of the assumption and not when the mortgage was originally placed. If the bond documents and relevant mortgage instruments provide that a mortgage may be assumed only if the issuer has determined that the conditions stated in this subparagraph are satisfied, the good faith and 95-percent requirements of paragraph (c)(1) (i) and (ii) of this section will be considered satisfied with respect to the requirements of this subparagraph at the time the mortgages were executed. However, any failure to meet the requirements of this subparagraph at the time a mortgage is assumed is subject to the remedy requirement in paragraph (c)(1)(iii) of this section.

(4) *Examples.* The following examples illustrate the application of this paragraph (j):

Example (1). In June 1981 mortgagor A obtained a mortgage from a private lending institution in order to construct a house on land which A purchased without a mortgage in May 1981. In January 1982 A applies to obtain permanent financing on the residence from a program sponsored by State housing finance agency Y. Such program is funded with the proceeds of qualified mortgage bonds. If A meets the other requirements of this section, A qualifies for such permanent financing since the replacing of construction financing is not treated as the acquisition or replacement of an existing mortgage.

Example (2). In June 1981 mortgagor B purchased a new residence in a targeted area but was unable to sell his former residence. Therefore, B obtained temporary financing for his new residence until his former residence was sold. In October 1981 B applies to County Z to obtain financing from a program funded with proceeds of qualified mortgage bonds. Such financing is needed by B to replace the temporary financing for his new residence. If B meets the other requirements of this section, the mortgage qualifies for such permanent financing since the permanent financing replaces temporary initial financing.

Example (3). In 1979 mortgagor C purchased a residence but was unable to obtain financing from a program sponsored by County W because such program prohibited loans from the program which were in excess of 80 percent of the fair market value of the property. Therefore, in 1979 C obtained financing from a private lending institution with the intention of refinancing when he accumulated sufficient equity in the property. In 1981 C has accumulated sufficient equity in the property so as to comply with the requirements of the program. C applies to County W to refinance under the program, which is funded with the proceeds of qualified mortgage bonds. Even if C met the other requirements of this section, the mortgage would fail to meet the requirement of paragraph (j) since such a mortgage would replace an existing mortgage.

Example (4). In 1969 mortgagor D purchased a residence and obtained financing from a private lending institution. In 1981 D applies to County U for a loan for the rehabilitation of the property and for the refinancing of the existing mortgage. The program is funded with qualified mortgage bonds. If D meets the other requirements of this section the mortgage qualifies for such permanent financing since the replacement of the mortgage is not treated as the replacement or acquisition of an existing mortgage.

Example (5). In 1950 mortgagor E purchased a residence, obtaining a mortgage from a private lending institution to finance the purchase price. In 1980 E completed repaying the mortgage. In 1981 E applies for a loan from a program sponsored by State housing finance agency X and funded with the proceeds of qualified mortgage bonds. The mortgage does not meet the requirements of paragraph (j) since E had a previous mortgage on his residence, even though such mortgage was previously released.

§ 6a.103A–3 Qualified veterans' mortgage bonds.

(a) *In general.* A qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest shall be exempt from Federal income taxation.

(b) *Qualified veterans' mortgage bond.* The term "qualified veterans' mortgage bond" means any issue of obligations—

(1) Which meets the requirements of § 6a.103A–1, § 6a.103A–2(j) (1) and (2), and this section;

(2) Substantially all of the proceeds of which are to be used to provide financing for single-family, owner-occupied residences (which meet the requirements of § 6a.103A–1(b)(6) and § 6a.103A–2(d)) for veterans; and

(3) Payment of the principal and interest on which is secured by a pledge of the full faith and credit of the issuing State.

A qualified veterans' mortgage bond does not include any bond that is an industrial development bond under section 103(b).

(c) *Veteran.* The term "veteran" shall have the same meaning as in 38 U.S.C. 101(2), that is, a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(d) *Husband and wife.* For purposes of this section, if a residence is to be owned by a husband and wife as joint

tenants, as tenants by the entirety, or as community property, and if one spouse is a veteran, then both spouses shall be treated as satisfying the requirements of paragraph (c) of this section.

(e) *Substantially all.* For purposes of this section, the term "substantially all" shall have the same meaning as in § 1.103–8.

(f) *Qualified home improvement loan.* The term "qualified home improvement loan" means the financing (whether or not secured by a mortgage) of alterations, repairs, and improvements on, or in connection with, an existing single-family, owner-occupied residence by a veteran who is the owner thereof. The alterations, repairs, and improvements, however, must substantially protect or improve the basis livability or energy efficiency of the property, such as the renovation of plumbing or electric systems, the installation of improved heating or air conditioning systems, the addition of living space, or the renovation of a kitchen area. Items that will not be considered to substantially protect or improve the basic livability of the property include swimming pools, tennis courts, saunas, or other recreational or entertainment facilities.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: June 23, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-19338 Filed 6-29-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8–R, Amdt. No. 6]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule and statement of policy admissions.

SUMMARY: This amends the comprehensive CHAMPUS Regulation DOD 6010.8–R which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This technical amendment corrects an oversight and clarifies that a Nonavailability Statement is not required for maternity-related inpatient care when the care meets the definition of a maternity medical emergency.

DATE: The provisions of this technical change and Statement of Policy are applicable to Regulation 6010.8–R, and effective retroactively to 1 June 1977, the date the regulation was initially implemented.

ADDRESS: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, Office of the Assistant Secretary of Defense (Health Affairs), telephone (202)–697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DOD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)" as part 199 of this title. Amendment No. 1 was published in FR Doc 79–9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661), and Amendment No. 2 was published in FR Doc 79–31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58709). Amendment No. 3 was published in FR Doc 80–6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034), and Amendment No. 4 was published in FR Doc 80–19463, appearing in the **Federal Register** on June 27, 1980 (45 FR 43407). Amendment No. 5 was published in FR Doc 81–11440, appearing in the **Federal Register** on April 15, 1981 (46 FR 21992).

In accordance with the annual Department of Defense Appropriations Acts, enacted since Fiscal Year 1976, if a beneficiary resides within a 40-mile radius of a Uniformed Services hospital, CHAMPUS funds cannot be expended for nonemergency inpatient care unless the Uniformed Services Hospital Commander issues the beneficiary a Nonavailability Statement. Maternity care is considered inpatient care if the mother-to-be *intends* to deliver on an inpatient basis. § 199.8(b) (103) defines *Medical Emergency* but through an oversight, the effect on maternity care was omitted from the definition. §§ 199.10(b)(5)(iii), and 199.10(c)(3)(xiii) contain language which encourage a maternity patient residing within a 40-mile radius to obtain a Nonavailability Statement as protection against incurring expenses with unforeseen patient maternity care. Because of the omission in the definition of *Medical Emergency*, however, this language has been interpreted to mean that the requirement for a Nonavailability Statement could not be waived on the basis of an emergency because it was assumed that the appropriate Uniformed Services Hospital Commander could analyze the case and issue a retroactive Nonavailability Statement if one would have been issued in advance of need. This assumption was in error and put the CHAMPUS Regulation in contradiction with Uniformed Service rules governing the issuance of Nonavailability Statements. Service regulations neither require nor provide for issuance of a Nonavailability Statement for civilian inpatient medical care that arises from emergency situations, whether maternity or other type of case. This has caused a dilemma for the beneficiary who experienced an emergency maternity admission. The CHAMPUS Fiscal Intermediary could not pay for the maternity claim without a Nonavailability Statement and on the other hand, Uniformed Services Hospital Commanders have been refusing to issue retroactively a statement because their Service rules do not provide for it. Certification of other medical emergencies generally emanates from the attending physician, subject to review and verification by the CHAMPUS Fiscal Intermediaries. To alleviate this problem with maternity cases, the Regulation is being technically amended to clarify that the principle of medical emergency should also be applied to emergency maternity admissions and to include maternity care within the definition of "medical emergency."

Accordingly, 32 CFR Chapter 1, Part 199 is technically amended reading as follows:

1. § 199.8 is amended by adding two sentences to (b)(103), the definition of *Medical Emergency*, as follows: "In the case of a pregnancy, again a medical emergency must involve a sudden and unexpected medical complication which puts the mother, or baby, or both, at risk. Pain would NOT, however, qualify a maternity case as an emergency; nor would insipient birth after the 34th week of gestation, unless an otherwise qualifying medical complication is present. Examples of medical emergencies related to pregnancy and/or delivery are hemorrhage, ruptured

membrane with prolapsed cord, placenta previa, abruptio placenta, presence of shock or unconsciousness, suspected heart attack or stroke or trauma (such as injuries received in an automobile accident)."

Accordingly § 199.8(b)(103) is revised to read as follows:

§ 199.8 Definitions.

* * * * *

(b) * * *

(103) *Medical Emergency.* "Medical Emergency" means the sudden and unexpected onset of a medical condition or the acute exacerbation of a chronic condition which is life-threatening to life, limb or sight, and requires immediate medical treatment and/or which manifests painful symptomatology requiring immediate palliative efforts to alleviate suffering. Medical emergencies include heart attacks, cardiovascular accidents, poisoning, convulsions, kidney stones and such other acute medical conditions as may be determined to be medical emergencies by the Director, OCHAMPUS (or a designee). In the case of a pregnancy, again a medical emergency must involve a sudden and unexpected medical complication which puts the mother, or baby, or both, at risk. Pain would NOT, however, qualify a maternity case as an emergency; nor would insipient birth after the 34th week of gestation, unless an otherwise qualifying medical condition is present. Examples of medical emergencies related to pregnancy and/or delivery are hemorrhage, ruptured membrane with prolapsed cord, placenta previa, abruptio placenta, presence of shock or unconsciousness, suspected heart attack or stroke, or trauma (such as injuries received in an automobile accident).

* * * * *

Section 199.10(b)(5)(iii), introductory text, and (c)(3)(iii) are revised to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(b) *Institutional benefits.* * * *

(5) *Extent of institutional benefits.*

* * *

(iii) *Nonavailability statement related to maternity care.* If a beneficiary received services and supplies as a registered inpatient from a hospital or other authorized institution, related to maternity care and/or the actual delivery, without securing a required Nonavailability Statement, CHAMPUS benefits are not available for any costs related to that maternity care except in the event of a bona fide medical emergency.

* * * * *

(c) *Professional services benefit.*

* * *

(3) *Extent of professional benefits.*

* * *

(iii) *Nonavailability statements related to maternity.* When a beneficiary resides in an area where Nonavailability Statements are required and receives inpatient maternity care from a civilian source without having secured the required Nonavailability Statement, CHAMPUS benefits are not available for any services and supplies related to that maternity case, except in the event of a bona fide medical emergency.

* * * * *

Section 199.10 (a)(10) and (a)(11) of the CHAMPUS Regulation (Part 199 of this title) authorizes the Director (or a designee), to issue such other instructions, procedures, guidelines, standards, norms and criteria, as may be necessary to implement the intent of the Regulation.

Accordingly, the following statement of policy provides guidelines for payment of claims for maternity emergency admissions in accordance with § 199.8(b)103, § 199.10(b)(5)(iii) and § 199.10(c)(3)(xiii).

Statement of Policy

A. *Background.* Since Fiscal Year 1976, the Defense Appropriations Acts have limited the use of CHAMPUS-appropriated funds for nonemergency inpatient stays if the beneficiary resides within 40 miles of a Uniformed Service Hospital that had the space and professional capability to provide the care. This restriction applies equally to inpatient admissions for injury, illness (both physical and mental) and maternity cases. In order to assure compliance with Appropriations Act requirements, those CHAMPUS beneficiaries residing within 40 miles of a Uniformed Service Hospital are required to obtain a Certificate of Nonavailability (CNA) from that facility before utilizing civilian hospitals for nonemergency inpatient care. If a CNA is not obtained, either through negligence or because it was denied by the Uniformed Services Hospital, CHAMPUS benefits cannot be extended regardless of whether the stay and related care is otherwise covered.

B. *Purpose.* Because there appears to be wide variance in the understanding of what constitutes a maternity emergency, the purpose of this Statement of Policy is to clarify when a maternity admission can be considered also to qualify as an emergency admission under CHAMPUS.

C. *Maternity Emergency.* Generally speaking, a maternity emergency must involve a *sudden and unexpected medical complication* which puts either the life of the mother or baby, or both, at risk, and where time is of the essence.

1. *Examples of Medical Complications in Maternity Cases.* The following are examples of complications, the presence of which could qualify a maternity admission as an emergency.

(1) Hemorrhage;

(2) Ruptured membrane with prolapsed cord;

(3) Placenta previa;

(4) Abruptio placenta;

(5) Presence of shock and/or unconsciousness;

(6) Suspected heart attack or stroke; or

(7) Trauma (such as injuries in an automobile accident).

2. *Other Factors.* In addition to medical complications there are two other factors which can be considered in qualifying a maternity admission as an emergency, as follows:

a. *Weather.* Severe inclement weather which makes it impossible for a pregnant beneficiary to get from her residence to the Uniformed Services Hospital where she has been receiving her prenatal care—for example, heavy snow or flooding.

b. *Transportation Barriers.* Occurrences which make it impossible to use the transportation route from her residence to the Uniformed Services Hospital where the pregnant beneficiary has been receiving her prenatal care—for example, unavailability of a ferry due to breakdown or high winds, or a landslide blocking the road.

3. *Pregnant Beneficiary in Travel Status.* The guidelines for emergency maternity admissions described in C.1. and C.2. above, assume the emergency situation occurred while the pregnant beneficiary was located in her residence area. It is recognized, however, that she may be in travel status which requires additional guidelines.

a. *General Guideline: Exercise of Prudence.* The pregnant beneficiary is expected to exercise prudence in engaging in travel away from her residence area and the Uniformed Services Hospital where she is receiving her prenatal care. This is particularly indicated during the last six weeks of gestation (35th through 40th weeks) or when the patient has experienced problems with the pregnancy or had a history of complications with prior pregnancies.

b. *Travel Status: Emergencies.* Delivery or other maternity-related care which would qualify as a medical emergency while in the residence area, as described in C. and C.1. of this

Statement of Policy, would also qualify as an emergency while in travel status. In addition, any delivery or maternity care which occurs during or preceding the 34th week of gestation qualifies as an emergency when in travel status. (If a baby is delivered weighing five pounds or less at birth, it will be assumed that delivery occurred before the 35th week.) A case of insipient birth during or after the 35th week of gestation would not qualify as an emergency, even in travel status.

D. *Claims Screening Criteria.*

1. *General.* CHAMPUS is required to be in compliance with the provisions of the Defense Appropriations Acts from Fiscal Year 1976 through Fiscal Year 1981 (and subsequent fiscal years if the Congress retains the current language) which precludes the use of Program funds for nonemergent inpatient stays when the beneficiary resides within 40 miles of a Uniformed Services Hospital with the space and professional capability of providing the required care. In order to assure compliance with this limitation, the beneficiary/patient seeking nonemergency inpatient hospital care, and who resides within 40 miles of a Uniformed Service Hospital, must obtain a Certificate of Nonavailability (CNA) from that facility which certifies that the Uniformed Service Hospital cannot provide the required inpatient care. Therefore, a CNA must be attached to any CHAMPUS claim for inpatient care (whether institutional or professional) rendered a beneficiary residing within 40 miles of a Uniformed Services Hospital, *unless the inpatient admission qualifies as a medical emergency.*

2. *Applicability.* The claims screening criteria outlined below apply equally to all emergency admissions—that is, medical, surgical, psychiatric, or maternity—unless otherwise specified.

3. *Claim Submission: Routine Documentation.* The determination of an emergency generally emanates from the attending physician, subject to review and verification by the CHAMPUS Fiscal Intermediary serving the geographic area where the admission occurred. In order to conduct such review and verification, the following information is required:

a. *Claim Form.* The information provided on the claim form(s) itself should be as explicit and detailed as possible concerning the medical circumstances resulting in the emergency admission. Instead of automatically denying the claim because a CNA is not attached, more complete information on the claim form will permit the CHAMPUS Fiscal Intermediary to identify the case as a potential emergency. This detailed information should be provided regardless of the admitting diagnosis or type of case. If the case involves an emergency maternity admission, the physician must also certify that he/she had not been seeing the patient during her pregnancy prior to the admission.

4. *Claims Review.* The CHAMPUS claim form(s) and physician's statement asserting an emergency admission are reviewed in the same manner as all other claims.

a. *Routine.* If it is found that the admitting diagnosis on the claim form, and the attached physician's statement, indicate a type of case that, without question, qualifies as a medical emergency (such as a heart attack), the claim(s) can be entered into processing without further review.

b. *Additional Documentation.* If the emergency admission does not fall within that limited number of diagnoses that automatically qualify as medical emergencies, the CHAMPUS Fiscal Intermediary will obtain a copy of the admitting history and physical and doctor's initial orders. The case will then be referred to medical review for a determination as to whether the case falls within the Program's definition of *Medical Emergency.* Medical review may determine additional information is required, and request the complete hospital record and/or contact the attending physician.

5. *Limitations.* The following limitations apply in determining whether or not CHAMPUS benefits can be extended for an emergency admission.

a. *Prior Care.* In the case of an emergency maternity admission, if it is determined the attending physician was seeing the patient during her pregnancy (whether or not she was being provided prenatal care from a Uniformed Services facility), CHAMPUS benefits will not be provided for the inpatient stay/care, regardless of any other circumstances.

b. *Planned Admission.* If it is determined the inpatient admission being claimed as an emergency was a planned admission, regardless of any other circumstances, CHAMPUS benefits will not be provided for the inpatient stay/care.

c. *CHAMPUS-determined Allowance.* In the case of an emergency maternity admission, the CHAMPUS-determined allowance for the maternity case will be limited to the delivery only. No CHAMPUS benefits will be extended for pre or post natal care since that care would not be considered part of the emergency.

d. *Distance.* In order to be considered an emergency admission, the civilian hospital must be significantly closer (that is, in either distance or time, depending on the circumstances) than the Uniformed Services hospital in relation to the location of the beneficiary/patient at the time the emergency occurred.

e. *Consultation: Duplication of Services.* Wherever possible, when an emergency admission occurs in the beneficiary's residence area, the admitting and/or attending physician is expected to consult with the Uniformed Services hospital/physician concerning the patient's medical history, recent tests results, etc. To the extent possible, Uniformed Services medical records will be made available to the civilian hospital/attending physician to avoid duplication of diagnostic procedures.

f. *Transfer May Be Required.* Beneficiary/patients are alerted that even where an emergency admission occurs, the Program may subsequently exercise its right to require transfer to the nearest Uniformed Services hospital (assuming space and professional capability is available) when it is determined the emergency has passed. Whether or not the beneficiary/patient accepts transfer, CHAMPUS benefits terminate within 24 hours of the time the transfer request is initiated.

g. *Fraudulent Information.* Beneficiaries are cautioned that falsifying information (for example, providing an incorrect residence address, creating information concerning a medical emergency, etc.) in order to circumvent the requirements to use a Uniformed Services hospital, is considered fraud. Upon detection, the least that will occur is to recoup Program funds paid in error. Criminal prosecution is also an option.

h. *Appeals.* Beneficiaries have the right to appeal any adverse decision relative to what constitutes a medical emergency and/or when that emergency ceases. The administrative appeal system may not be used to challenge the 40-mile rule, however.

i. *All Review Guidelines Apply.* Notwithstanding the special requirements related to a medical emergency, all standard claims review guidelines apply to such cases—that is, eligibility, covered services, authorized provider, etc.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 25, 1981.

[FR Doc. 81-19144 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

32 CFR Part 199

[DoD Regulation 6010.8-R; Amdt. No. 7]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment No. 7 to final rule.

SUMMARY: This amends DoD Regulation 6010.8-R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment revises benefits available to dependents of military members of an armed force of a foreign NATO nation who are on active duty and who, in connection with official duties, are stationed in or passing through the United States. This amendment is a result of Public Law 96-527.

EFFECTIVE DATE: This amendment is effective retroactive to December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas J. Osoba, Chief, Program Policy Branch, OCHAMPUS, telephone (303) 341-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." Amendment No. 1 was published in FR Doc. 79-9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661), and Amendment No. 2 was published in FR Doc. 79-31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58708). Amendment No. 3 was published in FR Doc. 80-6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034), and Amendment No. 4 was published in FR Doc. 80-19463, appearing in the **Federal Register** on June 27, 1980 (45 FR 4307).

Section 199.8, paragraph (b)(111) of this regulation defines a "NATO Member" as a military member of an armed force of a foreign NATO nation who is on active duty and who, in connection with official duties, is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. This paragraph also expands on the definition, by inclusion of a "NOTE", to clarify that spouses and children of NATO members are eligible for CHAMPUS benefits while officially accompanying the NATO member who is stationed in or passing through the United States on official business.

Additionally, § 199.9, paragraph (b)(2) and its subparts sets forth the CHAMPUS eligibility requirements for those spouses and children. Thus, in accordance with the regulation, dependents of NATO members are eligible for both inpatient or outpatient benefits under the CHAMPUS Program.

The Department of Defense Appropriation Act, 1981, (Public Law 96-527, Section 767) specifically prohibits CHAMPUS coverage of medical care provided on an inpatient basis in the United States to dependents of foreign military personnel. Therefore, a change to the regulation is required.

This amendment is effective for claims paid on or after December 15, 1980. Since the amendment is made necessary as a result of a provision of the annual Department of Defense Appropriation Act, the availability of benefits for inpatient care for NATO dependents after September 30, 1981, will depend on the specific language of future Appropriation Acts.

Accordingly, 32 CFR, chapter I, is amended as follows: Section 199.8 is amended by deleting the "NOTE" in paragraph (b)(111). (This is basically a technical change as it is determined that inclusion of eligibility information within a definition is inappropriate.) Section 199.8(b)(111) is revised as set out below. Section 199.9 is amended by revising paragraph (b)(2), introductory text, as set out below.

§ 199.8 Definitions.

* * * * *

(b) *Specific Definitions* * * *

(111) *NATO Member.* "NATO Member" means a military member of an armed force of a foreign NATO nation who is on active duty and who in connection with official duties is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

* * * * *

§ 199.9 Eligibility.

* * * * *

(b) *Persons Eligible* * * *

(2) *Dependent.* A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less), to a retiree, to a NATO member who is stationed in or passing through the United States on official business, or to a deceased person who, at the time of death, was an active duty member or a retiree.

Note.—According to section 767 of the Department of Defense Appropriation Act, 1981, (Public Law 96-527), from December 15, 1980 through September 30, 1981, spouses and children of NATO members are eligible only for *outpatient* CHAMPUS benefits while officially accompanying the NATO member who is stationed in or passing through the United States on official business. Availability of benefits after September 30, 1981, will depend on the language of future Appropriation Acts.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 25, 1981.

[FR Doc. 81-19145 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 2200

National Security Agency

AGENCY: National Security Agency, DOD.

ACTION: Final rule.

SUMMARY: In Title 32, Chapter XXII, National Security Agency/Central Security Service, is removed.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of the General Counsel, National Security Agency, Ft. George Meade, MD 20755. Telephone: 301/688-6054.

SUPPLEMENTARY INFORMATION: The removal of the text of Chapter XXII of Title 32 was noticed at 46 FR 11659, 10 February 1981.

June 24, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 81-19143 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Chapters I and XII

Redesignation of Chapter XII to Chapter I, Part 60–69

SUMMARY: On February 19, 1981, the Secretary of the Interior issued Order No. 3060 to consolidate Heritage Conservation and Recreation Service (HCRS) functions into the National Park Service (NPS) in order to achieve economy in the utilization of funds, personnel, equipment, and improve program services.

As of May 31, 1981, HCRS is no longer a separate entity of the Department of the Interior. Their major functions were transferred and consolidated into NPS and the residual functions terminated.

EFFECTIVE DATE: May 31, 1981.

Authority: This order was issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

FOR FURTHER INFORMATION CONTACT:
Thelma D. Wood, Management Consulting Division, U.S. Department of the Interior, National Park Service, Washington, D.C., 20240, (202) 523–5133.

SUPPLEMENTARY INFORMATION:

Title 36 of the Code of Federal Regulations is amended as follows:

A. Chapter XII is removed, and its Parts 1201, 1202, 1204, 1205, 1207, 1208, 1212, 1226, 1227, and 1228 are redesignated as Parts 60 through 69 of Chapter I as follows:

Old Part	New Part
1201	61
1202	60
1204	63
1205	65
1207	68
1208	67
1212	62
1226	64
1227	66
1228	69

B. Wherever the name "Heritage Conservation and Recreation Service" appears within the new Parts 60 through 69, change it to read "National Park Service".

Dated: June 23, 1981.

Russell E. Dickenson

Director, National Park Service.

[FR Doc. 81-19586 Filed 6-30-81; 10:16 am]

BILLING CODE 4310-70-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

Catalog of Copyright Entries; Preparation of Catalog Card; Recordation of Agreements Between Copyright Owners and Public Broadcasting Entities; Copyright Notice; Pictorial, Graphic, and Sculptural Works

Correction

In FR Doc. 81–19129, appearing on page 33248 in the issue of Monday, June 29, 1981 make the following correction. On page 33249, paragraph (a)(1) of § 202.2 should have appeared as set forth below:

§ 202.2 Copyright notice.

(a) *General.*

(1) With respect to a work published before January 1, 1978, copyright was secured, or the right to secure it was lost, except for works seeking ad interim copyright, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time. The adequacy of the copyright notice for such a work is determined by the copyright statute as it existed on the date of first publication.

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Parts 2, 211, 221, 224, 225, 232, 233

Miscellaneous Organizational and Administrative Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: These amendments make a series of conforming changes to the published organizational and administrative regulations of the Postal Service to reflect previously implemented changes in organization and reporting relationships and in the directives system, including the replacement of the Postal Service Manual with functional manuals.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Neva Watson, (202) 245–4642.

SUPPLEMENTARY INFORMATION: The specific changes made are to revise § 211.2 to include specific references to the functional manuals in the list of regulations of the Postal Service; amend § 225.2 to reflect that the Regional Postmasters General now report to the Deputy Postmaster General rather than to the Senior Assistant Postmaster General, Operations Group; clarify the statement of Law Department functions in § 224.6(b)(9) and make the statement in § 224.6(b)(12) consistent with § 2.2; delete certain portions of Part 232 relating to postal losses and offenses which are internal operating procedures now appearing in the Administrative Support Manual; and make certain other corrections and clarifying changes and rearrangements.

Accordingly, the Postal Service adopts the following amendments to 39 CFR:

PART 2—GENERAL AND TECHNICAL PROVISIONS [ARTICLE II]

1. Revise § 2.2 to read as follows:

§ 2.2 Agent for receipt of process.

Except in garnishment cases where the postmaster acts as agent for the receipt of legal process, the General Counsel of the Postal Service shall act as agent for the receipt of legal process against the Postal Service, and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees. The General Counsel shall also issue public certifications concerning closed meetings of the Board as appropriate under 5 U.S.C. 552b(f).

PART 211—APPLICATION OF REGULATIONS

2. In § 211.2 revise paragraph (a)(2) and the first sentence in paragraph (a)(3) to read as follows:

§ 211.2 Regulations of the Postal Service.

(a) * * *

(2) The Domestic Mail Manual, the Postal Operations Manual, the Administrative Support Manual, the Employee and Labor Relations Manual, the Financial Management Manual, the Postal Contracting Manual, Publication 42 (International Mail), and those portions of chapter 2 of the former Postal Service Manual and chapter 7 of the former Postal Manual retained in force;

(3) Headquarters Circulars, Management Instructions, Regional Instructions, handbooks, delegations of authority, and other regulatory issuances and directives of the Postal Service or the former Post Office Department. * * *

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

§ 221.6 [Amended]

3. In § 221.6 amend paragraph (a) by striking out "Senior Assistant Postmaster General, Operations," and

inserting in lieu thereof "Deputy Postmaster General".

PART 222—DELEGATIONS OF AUTHORITY

§ 222.1 [Amended]

4. In § 222.1 amend paragraph (d) by striking out "§§ 3.9 and 5.3" and inserting "§§ 3.5 and 4.3" in lieu thereof.

PART 224—GROUPS AND DEPARTMENTS

5. In § 224.6, revise paragraphs (b)(9) and (b)(12) to read as follows:

§ 224.6 Law Department.

* * * * *

(b) * * *

(9) Renders legal services concerning employee and labor relations matters;

* * * * *

(12) Except in garnishment cases where the postmaster acts as agent for the receipt of legal process, acts as agent for the receipt of legal process against the Postal Service and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees.

PART 225—POSTAL REGIONS

6. In § 225.2 amend paragraph (a) by striking out "Senior Assistant Postmaster General, Operations" and inserting "Deputy Postmaster General" in lieu thereof.

PART 232—CONDUCT ON POSTAL PROPERTY

7. In Part 232:

a. Revise the heading to read as above:

§§ 232.1-232.4 [Removed]

b. Remove §§ 232.1, 232.2, 232.3 and 232.4.

§ 232.6 [Redesignated as § 232.1]

c. Redesignate § 232.6 as § 232.1.

§ 232.1 [Amended]

d. Revise the last sentence in paragraph (f) of redesignated § 232.1 to read as follows:

"(See Domestic Mail Manual 123.351 and 123.42; Administrative Support Manual 221.42; Regional Instructions, Part 782, section IV G 2c)."

PART 233—INSPECTION SERVICE AUTHORITY

8. In Part 233:

§§ 233.1-233.4 [Redesignated as §§ 233.2-233.5]

a. Redesignate §§ 233.1–233.4 as §§ 233.2–233.5.

§ 232.5 [Redesignated as § 233.1]

b. Redesignate § 232.5 as § 233.1.

§ 233.2 [Amended]

c. Change the reference at the end of redesignated § 233.2(b)(2) to read as follows: "(See 273.14 of the Administrative Support Manual)."

(39 U.S.C. 401(2), 402)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-19319 Filed 6-30-81; 8:45 am]

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39 CFR Part 111

Address Cards; Arrangement in Sequence of Carrier Delivery

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule makes a general revision of the Domestic Mail Manual provisions for submission of address cards to the Postal Service for sequencing and correction. In the past there were some complaints about the timeliness and accuracy of the information provided, as well as some confusion over what services were available. Accordingly, the Postal Service undertook this broad revision of the rules, with the intent of clarifying and streamlining the address card sequencing services.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald A. Mumma, (202) 245–4353.

SUPPLEMENTARY INFORMATION: A proposed rule was published on August 5, 1980, (45 FR 51846) amending and clarifying the provisions concerning submission of address cards by mailers to the Postal Service for sequencing in order of carrier route delivery and correction. The Postal Service received detailed written comments in response to the proposal from one association that represents existing and potential users of the carrier sequencing service and two business organizations that use the service. Those comments are discussed below in order of the section numbers of the proposed rule to which the comments applied:

945.32a

Two commenters suggested changes to the size and format requirements of address cards submitted for sequencing.

One of the commenters proposed that the Postal Service accept metal address plates, paper stencils, or other cards which are similar, but not identical to standard computer cards. These are presently used by many smaller volume mailers who do not have computer generated lists.

Experience has shown that many of these types of cards are difficult to handle by the carriers doing the sequencing. A prime example is metal address plates which are attached to cards with the addresses stenciled on them. These cards are difficult to handle. When sequencing these types of cards, carriers must spend additional time, thus decreasing their productivity. If the Postal Service is to meet its commitment to return sequenced cards to the mailer within 15 working days after receipt, it is necessary to maintain card size standards which will enable the carriers to handle them efficiently. The Postal Service, however, can sequence address cards which are identical or similar to computer cards without impairing carrier efficiency. Section 945.32a, therefore, is revised to allow an acceptable variance to the 80 column computer size cards. The allowed variance will be: length—6 5/16 to 8 5/16 inches and height—2¼ to 4¼ inches for addresses on standard card stock. Standard 3 x 5 inch file cards are not acceptable.

945.32c

One commenter suggested that the Postal Service provide the blank cards which are required for customers requesting levels of list sequencing service offered under 945.34 and 945.35 (i.e., "Sequencing of Address Cards with Total Possible Deliveries Shown" and "Sequencing of Address Cards with Missing Addresses Added").

Adoption of this suggestion would increase costs to the Postal Service for purchasing computer cards and inventory maintenance for the sole benefit of the mailer, thus increasing overall costs to provide this service. There would be no accrued benefits to the Postal Service. This suggestion therefore is not adopted.

945.32e

One commenter suggested that the Postal Service allow the address to be printed in the upper-half area of the card, instead of restricting it to not more than ½ inch from the top of the address card.

In order to maintain carrier efficiency in sequencing cards, it is necessary to establish standards for the placement of the address on the cards. In order to be

as flexible as possible without impairing carrier efficiency, however, section 945.32e, is revised to *recommend* that the address be positioned within ½ inch from the top of the card. However it *must* be within one inch from the top of the card.

One commenter suggested that the Postal Service not require mailers to include the ZIP Code and carrier route on the address card, since this information is provided on the header card for each route. The commenter stated that the inclusion of ZIP Codes and carrier routes on the address cards is not a standard practice of mailers who presently use list sequencing service. Therefore, it would create an extreme cost burden on the mailers to revise their cards.

The primary purpose for including the ZIP Code and carrier route information on individual address cards is to provide operational controls for both the mailer and the post office. It is especially important for mailers using the level of list sequencing service provided for in 945.35, which enables mailers to receive hard copy scheme changes from Management Sectional Centers automatically as they occur. When mailers receive these scheme change notifications, mailers are expected to put the affected address cards in the correct decks of cards for a specific route before submitting the cards for resequencing. The inclusion of the ZIP Code and carrier route on individual address cards can help the mailer to sort affected address cards to the correct route before submitting them for resequencing. The post office also can use specific carrier route information on the cards to determine if these changes are not made by the mailer to its address cards before submitting them to the post office for resequencing. If these changes are not made by the mailer, the post office must do this sorting also, thus increasing the time and operating costs to provide list sequencing service.

The Postal Service, however, recognizes the additional cost burden which may be incurred by mailers who do not presently include ZIP Codes and carrier routes on address cards. For this reason, the final regulations have been written so that this information is not mandatory, but is strongly recommended. In addition, if it is found that the exclusion of this information results in additional sorting (workhours) to provide the service, the Postal Service may make the inclusion of ZIP Codes and carrier routes on individual address cards mandatory at a later date.

One commenter suggested that mailers be allowed to abbreviate street names in order for them to fit on standard computer cards.

The computer card size (7⅝ inches in length) is adequate to accommodate the complete address without abbreviating street names. Mailers should not attempt to reduce key punch operating costs by unnecessarily abbreviating street names, since carriers can frequently confuse abreviated street names with other streets on their routes which are spelled similarly. For example, the Milpas station scheme of Santa Barbara, California includes the following set of streets which, if abbreviated, could be mistaken for other streets: Rancheria/Ranchita; Winther/Winthrop; Camino Meleno/Camino Molinera; Corona/Coronado. Although the Postal Service does not see a need for abbreviating street names, with the exception of reducing mailers' key punch costs, the final rule is revised to not require full street names. However, it is strongly recommended that mailers not abbreviate street names. In addition, when street names are abbreviated there are no assurances that these abbreviated street addresses will not be confused with other streets within the delivery area and thus be considered as an undeliverable address by carriers performing the sequencing service.

One commenter expressed concern that mailers may be required to verify that address street designators supplied by the Postal Service comply with those approved abbreviations listed in section 2 of Publication 65, *U.S. Postal Service National ZIP Code and Post Office Directory*.

The proposed rule does not require mailer verification or the specific use of approved designators. This wording in the final rule, therefore, is not changed.

945.32f

One commenter requested that mailers be allowed to abbreviate column headings on the carrier route header cards (945.32f), so all required information can fit on standard size computer cards. In addition, this commenter requested that those headings which would not be applicable to mailers using the sequencing service provided under 945.33 and 945.34 be deleted for the submitted cards when these levels of service are requested.

Mailers will be allowed to abbreviate column headings in order to accommodate the space available on the computer cards. However, all column headings must be included, whether or not they are applicable to a specific level of service requested. This will enable carriers to work with standard forms and minimize postal training and administrative requirements. It also will eliminate the possibility of mailers presenting the wrong type of header cards for the level of service desired which could result in postal carriers miscalculating appropriate charges.

945.32h

One commenter suggested that mailers submit address cards directly to each post office rather than submitting them to the appropriate Management Sectional Center (MSC) manager first. It was suggested that this would save time and reduce postal operating costs associated with the rehandling of cards by the MSC's. In order to make sure the requested service is accomplished in a timely manner, it was suggested that an informational memo could be sent to the MSC manager, by the mailer, providing notification that cards were submitted on a specific date to a local post office within the MSC's jurisdiction for sequencing.

The control mechanism for ensuring that post offices perform the appropriate level of list sequencing requested within the required time is more efficiently administered by the MSC manager for all post offices within a specific geographical area designated by 3-digit ZIP Code prefixes. The operating controls built into the list sequencing service are therefore dependent on the MSC's involvement. Mailer submitted address cards received at the MSC's will be sent to local post offices daily. This procedure will also help ensure that lists are not misplaced by local post offices, which is more likely to occur if lists were submitted directly to local post offices.

The final rule does provide an exception to this procedure in order to benefit mailers who normally use local mailing lists only. Address cards which relate only to those addresses in the city in which the mailer is located may be submitted to the postmaster of that city for sequencing, thus bypassing the MSC involvement. In all other cases, cards must be submitted to the appropriate MSC manager. This is necessary to maintain management controls for ensuring cards are sequenced and returned to the customer within 15 working days after receipt. This suggestion therefore is not adopted in the final rule.

One commenter suggested that cards which are sent to the MSC manager be directed to a specific office responsible for sequencing. This would avoid situations where customer address cards are inadvertently confused with computer card supply orders, which would be sent to supply areas without ever being opened.

This suggestion is adopted. Mailers must send address cards to the MSC Director of Customer Services, LIST SEQUENCING SERVICE. In addition, mailers must also submit cards for each 5-digit ZIP Code area in separate containers which are suitable for postal handling within the MSC area and return mailing to the customer. An envelope, which contains appropriate packing lists and "Delivery Unit Summary" sheets for the 5-digit ZIP Code area must be affixed to each container. This will enable the post office to handle and distribute address cards efficiently and quickly to the appropriate 5-digit delivery units and return sequenced cards to the mailer in a timely manner.

945.33

One commenter said that addresses of units which are temporarily vacant should not be removed from the list as undeliverable whereas addresses for demolished buildings would be removed.

In providing sequencing service, carriers will not make arbitrary or subjective decisions regarding the temporarily vacant status of a building or other delivery address. These address cards will not be removed from a mailers list as "undeliverable". Applicable instructions will be included in internal postal operating instructions.

One commenter asked if the presently allowed time extension for the post office to return sequenced cards to the customer which are submitted between November 16 and January 1, was intentionally omitted from the proposed rule.

This extension was inadvertently left out of the proposed rule and is included in the final regulation. The post office will require additional time for sequencing customer cards submitted between November 16 and January 1, to accommodate carriers' heavyworkload schedules during the holiday mailing season.

945.33, 945.34 and 945.35 1d

One commenter opposed the provision which would make the removal of a nonexistent or undeliverable address a non-chargeable item. These are chargeable services under existing list sequencing regulations. It was suggested that mailers could build a mailing list from scratch by providing the post office with cards containing all possible street addresses within a 5-digit ZIP Code area. This would be time consuming for postal clerks with no reimbursement for their effort. It was said this would also circumvent the intent of the law which prohibits the post office from providing mailing lists to customers.

The proposal not to charge for these removals was incorporated to allow small volume mailers an opportunity to use list sequencing services cost effectively and to reduce the volume of "undeliverable as addressed" mail to help keep postal operating costs down. In light of the potential abuse and loss of postal revenues if there were no charge for the removal of nonexistent or undeliverable addresses, the final rule continues the charge for this service. In addition, the final rule precludes a mailer from submitting address cards for any 5-digit ZIP Code area for sequencing if the mailer presents more address cards than 110% of the possible delivery points within that 5-digit area. This will provide safeguards against the possibility of the Postal Service creating a list for a mailer.

945.35

One commenter opposed the reference to and criteria for providing "complete correction of address cards". The commenter suggested that the procedures which instruct carriers to correct addresses with "transposed house numbers, misspelled street names, etc." is seriously undefined and unworkable, will increase undue hardships and be costly to the post office and mailers alike. It was suggested that transposed house numbers continue to be considered a non-deliverable or nonexistent address. Furthermore, the commenter suggests that the procedure is unnecessary since mailers are and should be held responsible for making such corrections as misspelled street names, missing street designators, etc., in their normal course of business (within specific time limits) after being notified of these errors by the post office. The commenter also suggests that the procedures would create ongoing disagreement about contested charges such as:

"1. Should mailers be charged for post office unintentional errors?

"2. Should mailers be charged for correcting addresses which were provided by the post office in the past?

"3. Is there an equitable method of verifying the corrections made?

"4. Do you have a safeguard against the ever present threat of 'double jeopardy' charges?"

Undeliverable-as-addressed mailing pieces continue to be a major postal operating problem costing the Postal Service in excess of $300 million annually. Although the Postal Service cannot expect total elimination of this problem, we must try to deal with it as changes are made to available mailing list services, including "List Sequencing". The options available to the Postal Service for addressing this problem in these revisions are:

1. include corrections as chargeable items under provisions of 945.35, or

2. allow mailers to incorporate these corrections during their name list maintenance cycles after notification by the Postal Service of specific errors detected during the sequencing of the mailers' address cards.

Experience has shown that the second option, although preferable in some respects, is not always a viable approach for helping resolve the problem. Not all mailers incorporate the corrections in their files, when notified of address errors, since corrections do represent an operating cost factor to the address list owner, who may not always be willing to absorb it. Furthermore, it would be too costly for the post office to administer accounting procedures to ensure that all mailers have incorporated address correction changes in their lists within a specific time period before resubmitting them for list sequencing. At the same time, Postal Service carriers are not intended to serve as experts for the purpose of correcting misspelled street names or designators.

Taking these factors into consideration, the proposed regulations are revised to eliminate the reference to complete correction of address cards. Address cards with the following errors will be treated as undeliverable-as-addressed, and will be removed from the list with the appropriate charge assessed:

(1) street addresses with transposed numbers;

(2) street names which are not decipherable enough to the carrier responsible for delivering the mail to effect delivery; and,

(3) addresses which do not include an appropriate street designator which is necessary to identify a specific delivery point. (e.g., the Santa Barbara, California Goleta Scheme includes the following streets, each of which would require the complete street name to specifically identify a delivery point: Avenida Gorrion, Avenida Garea, and Avenida Garza).

Under provisions of 945.352, a new address card with the correct address will be inserted in the correct sequenced position in the list to replace the addresses removed as "undeliverable-as-addressed". If address cards are found to include misspelled street names or designators, the post office will attempt to note these changes on the address cards submitted, without

charge, when the misspelling does not result in carrier misunderstanding regarding the specific delivery address intended. Address cards bearing such notations will be identified by the post office by: 1) affixing a paper clip to the card, or 2) wrapping a rubber band around the card. These cards will be placed in their proper carrier route sequence order in the deck of address cards returned to the customer. It will be incumbent on the mailer to make these corrections to its list before resubmitting the list for sequencing.

Our answers to the specific questions about contested charges follow: (1) The mailer is not to be charged for unintentional address correction errors provided by the post office. We believe the procedures provide the necessary documentation and controls to identify post office errors. (2) The mailer will not be charged for documented address errors provided by the post office previously under list sequencing; however, since administrative controls are not presently included as part of the list sequencing service offered under 945.3, the mailer will have to provide sufficient documented proof that the address errors were the fault of the Postal Service. (3) The MSC manager is responsible for ensuring that corrections were made to mailer-submitted lists by post offices under his jurisdiction. The documentation requirements included as part of the final rule are intended to provide the necessary verification controls. (4) An example of a major "double jeopardy" charge would be an assessed charge for a correct address card identified as undeliverable by one carrier when that address is deliverable on another route within the delivery area. Under the level of service provided in 945.35, the second carrier would also assess this same customer a charge for including this address to his deck of carrier address cards. This major source of "double jeopardy" charges can be avoided if the mailer incorporates scheme changes in its list upon notification by the post office, before it submits them for resequencing. If these "double jeopardy" charges are assessed, as a result of mailers not incorporating scheme changes in their lists prior to submitting them for resequencing, the "Delivery Unit Summary" can be used as a basis for correcting "double jeopardy" charges assessed.

Seasonal Addresses

One commenter stated that no provision was included in the proposed rule for correcting, changing, updating, and handling of seasonal addresses. The commenter suggested the following:

"1. If an existing address card being sequenced is subject to seasonal vacancy and is missing its seasonal indicator, please rewrite the entire address on a blank card checking the seasonal box as indicated in the sample card.

"2. If an existing address card being sequenced is not subject to seasonal vacancy and the seasonal indicator is shown on the card, please rewrite the entire address on a blank card omitting the seasonal indicator.

"3. If a new address is added to the list, carrier will check seasonal column if applicable.

"4. Seasonal changes made to existing addresses which are otherwise correct should be corrected at no charge to the mailer."

The final rule includes section 945.36 regarding the treatment of seasonal addresses (section 945.36, .37, and .38 in the proposed rule are changed to sections 945.37, .38, and .39 respectively in the final rule). Correct address cards which are subject to seasonal occupancy but which do not indicate seasonal treatment will be marked with an "S" on the address card. If the address is included in a series card, such as those cards used specifically for apartment buildings, trailer parks, and seasonal delivery areas in general, the appropriate "seasonal" indicator box will be checked. (See exhibit under 945.353). When correct address cards are submitted which are not subject to seasonal occupancy, but include seasonal treatment notations, the carrier will obliterate or mark through the seasonal indicator. These cards will be specifically identifyed by: (1) affixing a paper clip to the card, or (2) wrapping a rubber band around the card. These cards will be placed in their proper carrier route sequence order in the deck of address cards returned to the customer. No charges are assessed for these services. Since no charge is assessed for these changes, the Postal Service will not prepare new address cards.

When mailers request the level of service provided under 945.35, address additions which are subject to seasonal treatment will be specifically noted as seasonal. A charge of $0.10 per addition will be assessed in these cases.

945.351c

One commenter said that mailers who mail to rural routes always use simplified addresses as outlined in section 122.4, Domestic Mail Manual (DMM), and that when rural conversions occurred, post offices have refused to convert the rural route list since there was no list to convert. The commenter suggested "that third-class bulk mailers who mailed rurals as a simplified address are entitled to all rural conversions to city delivery".

Most occupant/resident mailers who mail to rural routes use simplified address as outlined in section 122.4. When simplified addressing is used, there is no list to sequence. In addition, these mailers do not meet the 90% criteria for obtaining list sequencing service provided under 945.35.

Although it is permissible for mailers to use simplified addresses for rural route customers, rural customers generally have specific delivery addresses also, usually assigned box numbers. Some mailers, generally name list owners, mail to rural customers using specific designated addresses. In these cases, mailers are considered to have an address list and therefore are entitled to any address or scheme changes or conversions which affect specific rural addresses when they are initiated by the Postal Service. Therefore, if a mailer includes correct rural addresses as part of its mailing lists and submits them with city delivery lists for sequencing, the post office will provide the mailer with all affected addresses converted to city delivery at no cost when the list is sequenced.

Mailers who use simplified addressing are not entitled to these conversions free of charge or automatically, since they have no specific rural address list to correct or sequence. In these cases, the rural address conversion is handled as a new address for which the mailer is charged. The mailer also must meet the 90% criteria as required in 945.352(c). We believe that providing these conversions automatically to simplified address users without regard to section 945.352(c) would be legally prohibited because it would assist mailers in developing a mailing list. This recommendation, therefore is not adopted.

945.352c

Two commenters provided comments to section 945.352c. One suggested that the requirement that lists submitted for sequencing under section 945.352c contain at least 90% of all delivery addresses be amended to permit a 5% variance. The commenter stated that the post office applies the 90% rule to total possible deliveries, which include permanent vacancies; boarding and rooming houses; uninhabitable dwellings; addresses scheduled for demolition; vacant trailer lots; and rural conversions to city delivery. The comment said these types of addresses typically account for 6–8% of all possible

deliveries within a 5-digit ZIP Code area. It also said that address lists generally exclude these types of delivery addresses for two reasons: first, that retail clients do not wish them included in their mailings, since they represent a wasted promotional effort and cost; and second, that carriers generally provide list owners with "actual deliveries" when sequencing lists to minimize the amount of undeliverable-as-addressed mail which is generated from these mailings. The commenter also asked if lock boxes will be included in the possible delivery count and suggested that if they are, it would represent a duplicate address. The commenter raised concerns that the new regulations may result in an MSC determining that a mailer does not qualify for complete address correction service because its list does not meet the 90% criteria even though the mailer has had the list sequenced within the past year. The commenter suggests that the MSC be required to provide this service if the mailer can provide sufficient evidence that the list has been sequenced within the past 12 months.

The terms "Actual Deliveries", "Actual Carrier Deliveries", and "Actual Resident Deliveries" to which the commenter referred are not generally-used postal terms with a common understanding throughout the Postal Service. The Postal Service is reluctant to use such terms for operating instructions, since they would put postmasters and carriers in the position of subjectively determining the value of a deliverable address to the needs of the mailer requesting the sequencing service. Therefore, no attempt is made in the regulations to define "Actual Deliveries" as suggested.

Mailers are expected, as part of their list maintenance procedures, to take all necessary steps to maintain their resident/occupant lists as near as possible to 100% correct. The Postal Service also understands that a mailer may not wish to have certain types of possible delivery addresses included in a specific list. However, it is the mailers' responsibility to purge such addresses from their lists based on individual customer needs before preparing a mailing. Before submitting a deck of address cards for the level of service provided under 945.35, the mailer must reinsert these cards in the submitted deck presented to the post office in order to avoid the possibility of being charged for the addition of these addresses. In addition, if the mailer does not include these addresses in his submitted deck of address cards, the list may not meet the 90% criteria for obtaining the level of service provided for in 945.35.

Experience has shown that this 90% rule (which is not changed from existing regulations), provides a sufficient variance for those mailers who maintain accurate and updated mailing lists to enable them to meet the 90% criteria consistently and receive the level of list sequencing service provided under section 945.35. Therefore, no change is made to the proposed rule outlined in 945.352c. However, until September 1, 1982, MSC managers will authorize list sequencing service provided under 945.35 to mailers whose submitted lists may not meet the 90% rule if the mailer can provide sufficient evidence, such as a postal receipt, that the specific list which the mailer has submitted for sequencing met the 90% criteria and was sequenced by the post office within the preceeding 12 months.

The second commenter suggested that if a city or town is being numbered or renumbered, then the 90% rule should be waived during that process.

The decision to number or renumber streets is the responsibility of local community jurisdictions, and not the Postal Service. Since the Postal Service is not responsible for disruptions in mailing lists which occur as a result of these changes, it is incumbent on mailers to monitor such changes in local jurisdictions where they occur as part of their list maintenance procedures to ensure the 90% criterion is maintained. In nearly all cases, these changes are scheduled so that changes affecting entire jurisdictions are not made simultaneously. The Postal Service will consider requests for exceptions in very unusual cases on a case-by-case basis. The final rule, however, is not changed to incorporate this commenter's suggestion.

945.353 and 945.36

Three commenters provided suggested revisions to these sections.

One commenter stated that section 945.353 represents a radical departure from existing procedures, since it would treat each apartment unit as a separate address in determining whether a submitted mailing list contains at least 90% of all delivery addresses in a 5-digit ZIP Code area for purposes of qualifying for sequencing service under provisions of 945.35. The commenter suggested that this change would represent a major hardship to list owners, since the construction of just a few large apartment buildings could result in a mailing list having less than 90% of the total addresses in a 5-digit ZIP Code area. The commenter suggested that if this rule were adopted, mailers would submit their lists more frequently than necessary, causing more work for the post office.

The Postal Service recognizes that the inclusion of individual apartment units in calculating the total number of delivery addresses in a 5-digit ZIP Code area will require mailers to review their lists more frequently to ensure they meet the 90% criteria. Mailers will likely submit lists more frequently for sequencing and address correction. This in itself should benefit postal operations and delivery service by keeping lists up-to-date. Since mailers are expected to maintain their resident/occupant lists at close to 100% accuracy, it is felt that the 10% variance allowed is sufficient to account for missing addresses (in a submitted list) which are the result of newly constructed apartment buildings. The Postal Service does not feel that this requirement places a major hardship on mailers. Therefore, the suggested change is not adopted in the final rule.

One commenter suggested that a one year grace period be allowed for mailers to include individual apartment units in their address lists (section 945.353) and that no charge be assessed for apartment unit corrections during that period (section 945.36).

Certain 5-digit ZIP Code areas have an unusually large number of apartment buildings. Mailing lists for these areas which presently comply with the 90% criteria could be out of compliance if mailers were required to include individual apartment units in their lists in order to have 90% of all addresses represented. Therefore, a grace period of approximately one year (until September 1, 1982) will be allowed for mailers to include individual apartment units in submitted lists, if these lists qualified under the 90% rule previously. Furthermore, mailers will not be charged $0.10 for each apartment unit address which is added to a submitted list during this grace period.

For example, if the mailer includes an address card in its deck for an apartment complex with 50 separate units, if the street address is correct, and if the mailer identifies the range or number of individual units (i.e., 1–50 or 50), the apartment numbers will be provided free of charge in their appropriate delivery sequence. [The mailer may also submit 50 separate cards each with the identical street address.] If the mailer does not have an address card for the apartment complex, the post office will add an address card to the mailer's list under provisions of 945.35 and will note the delivery sequence of all 50 units on the card or cards, (i.e., apts. 1–20; apts. 35–50; apts.

21–33; apt. 51). A charge of $0.10 for each apartment number provided will be assessed (e.g., 50 X $0.10=$5.00).

Two commenters suggested that the proposed charge of $0.10 per possible delivery unit added, corrected, or deleted be revised to exclude the addition of individual apartment units or offices within a building (section 945.36). The post office provides these additions by inserting a card showing a range of apartment or office numbers. The commenter suggests that one $0.10 charge be assessed for each card included whether it contains a single address or range of individual delivery addresses, since it would better reflect postal costs for providing the information. The $0.10 charge per addition or deletion is intended to cover a wide variety of postal costs associated with providing this service. It does not reflect only the carrier's time required to complete the information cards. We do not believe it would be prudent to attempt to identify postal costs for each specific activity required to provide this service and charge mailers accordingly. The administrative costs to do so would outweigh the benefits. Therefore, assessed charges are based on estimated overall costs to provide the service and translated to the specific benefits derived by the mailers. In this case, the benefits are not cards corrected, deleted or provided, but specific address information corrected, deleted, or provided which is independent of the mechanism to do this.

Except during the grace period provided (i.e., until September 1, 1982), mailers will be assessed the charges as outlined in the proposed rule.

945.355

One commenter suggested that an additional grace period of 30 days (total of 90) be allowed for mailers to incorporate changes in submitted mailings since production schedules often require preparation of mailings 5–6 weeks in advance of mailing.

The period allowed for incorporating these changes is increased to 75 days. This conforms with existing requirements for mailers to incoroprate carrier route information (provided in the Carrier Route Information System (CRIS) tapes) to qualify for the third-class carrier route rate.

945.356

One commenter made two specific suggestions to help mailers determine when to resubmit their address cards for sequencing to ensure a list meets the 90% criteria:

1. Supply route inspection dates twice annually, and
2. Supply quarterly reports with residential delivery counts by ZIP Code and route.

The first proposal would limit local management flexibility by requiring adherence to prescheduled route inspection dates. This would result in less efficient postal operations. Local postal managers must retain maximum flexibility in scheduling route inspections to meet their work flow schedules and operating needs. This proposal, therefore, is not adopted.

The second proposal would increase post office printing and operating costs to maintain mailing lists in order to provide this extra service.

In instances where this information may be helpful to mailers, such as in fast growth areas, the mailer can presently request residential delivery counts for a specific ZIP Code area from the appropriate MSC manager. The mailer must still be held responsible for determining when its mailing list must be submitted for sequencing to meet the 90% criterion to be eligible for the service provided for in 945.35. This suggestion is not adopted.

One commenter did not understand the meaning of this section and suggested some clarification. Section 945.356 has been rewritten to clarify what specific charges are assessed to the mailer.

945.37 (Renumbered as 945.38 in the Final Rule)

One commenter offered the following comments to support the contention that section 945.37 loses perspective of the "address correction" function and therefore is impractical and should be deleted:

1. Sequencing is not required by any regulation and mailers do not receive a special rate for sequenced mail.
2. The deletion of incorrect addresses or inclusion of missing addresses to submitted lists, which are auxiliary services of list sequencing, provide the Postal Service benefits independent of list sequencing by reducing costs for handling "nixies" or increasing revenues. This is a benefit realized even if the walk sequence integrity of a mailing is not maintained.
3. List owners cannot be held responsible for the mail preparation quality of the ultimate user, and therefore, should not be penalized for unsequenced mailings prepared by the mailer who has purchased and is using the sequenced list.
4. A mailing prepared from a sequenced list can be partially out of sequence at times because of inadvertent mistakes, such as dropping a tray or tipping over a hamper of mail. It would be virtually impossible to rearrange these mailing pieces in proper walk sequence without incurring additional costs.
5. If an out-of-sequence mailing were accepted on a one time basis only as proposed, the mailer would be under severe hardship to get a list resequenced before future mailings prepared from that list would be used in preparing other mailings during the time period required to have the sequencing accomplished.

The Postal Service appreciates the constraints on list owners which are raised by this commenter. Inadvertent mail room errors will at times cause a mailing to be prepared out-of-sequence. These errors, however, should be brought to the attention of the accepting bulk mail unit when the mail is presented to the post office.

The Postal Service also understands that list owners cannot totally control the use of their lists by their customers. However, the list owner is best able to monitor the use of its lists by its customers and is expected to take appropriate steps to identify users who prepare improper mailings from them and take action to correct the problems as a part of its business operations.

The post office cannot refuse to accept an out-of-sequence mailing if postage has been prepaid and all other regulations pertaining to the specific mailing are adhered to. The reference to accepting an out-of-sequence mailing "on a one-time only basis" therefore has been deleted in the final rule.

List sequencing is provided as a free service to customers only on the basis that the associated postal costs to provide this service will be recovered through reduced carrier handling when the mailings are prepared in proper sequence. The auxiliary services which are provided along with list sequencing do provide additional benefits to the mailer and Postal Service alike. The derived postal benefits from these auxiliary services, by themselves, would not justify providing list sequencing service. Therefore, the Postal Service must take certain minimum steps to ensure that mailings prepared from mailing lists which have been sequenced by the post office are submitted in proper sequence. When it is determined that a mailer is not taking appropriate steps to correct the problems which result in out-of-sequence mailings, the postmaster will be required to cease providing list sequencing service to that customer. The customer may reapply for sequencing service upon showing to the

satisfaction of the postmaster that all appropriate steps have been taken to correct previously identified problems.

945.371 (Renumbered as 945.381 in the Final Rule)

One commenter asked that it be made clear to post offices that many mailers maintain both customer (name) lists which are not normally submitted for sequencing and resident/occupant lists which are. When unsequenced mailings prepared from name lists are submitted, the post office should not cease sequencing service for the mailers' resident/occupant lists. The commenter also asks what the reinstatement procedures are for a mailer who has had list sequencing service stopped by a local postmaster.

The Postal Service will differentiate between name and resident/occupant lists. Post offices will not cease sequencing service to a mailer when name lists (which have not been submitted for sequencing) are not entered as a sequenced mailing. Conforming operating instructions will be issued to all post offices after this rule becomes effective.

Mailer appeal and reinstatement procedures have been included as section 945.375. The appropriate MSC manager will be the final ruling postal official.

945.372 (Renumbered as 945.382 in the Final Rule)

One commenter suggested that mailers cannot be held responsible for the integrity of sequenced mailings when the post office supplies No. 1 mail sacks, because of an insufficient quantity of No. 3 or No. 2 sacks. Since the No. 1 sack is larger than the normally used No. 2 or No. 3 sacks, packages of mail do not fit as securely in the sack and result in packages becoming untied.

The mailer is responsible for properly securing individual packages of mail in order to maintain the integrity of those packages regardless of the mail container supplied by the post office or used by the mailer. The Postal Service, however, will make every attempt to provide mailers with the proper container. This suggestion is not adopted.

945.374 (Renumbered as 945.384 in the Final Rule)

One commenter suggested that there are no "enforcement guarantees in these rules to ensure the post office has properly sequenced the mailers' submitted lists".

The "Delivery Unit Summary" is intended to provide the necessary postal management controls and customer documentation to help ensure that a mailer's list has been properly sequenced. The "Summary" provides the mailer with the total number of changes (address additions and deletions) to each carrier route. It would not be prudent to check the accuracy of the actual sequencing done by each carrier. To do so would unnecessarily increase postal workhour costs for providing this service. It would require a second employee or postal supervisor to be versed in walk sequence scheme knowledge which is not pertinent to his primary functional responsibility and therefore, would place an additional training burden on post office personnel.

Two commenters suggested that a specific time limit (e.g. 90 days) be allowed for mailers to present a list for resequencing and incorporate changes in future mailings. In addition, one of the commenters suggested that the post office be allowed no more than three days to inform the mailer that its list is out of sequence.

The Postal Service realizes that mailers may already have several mailings which are generated from the same list in various stages of preparation. Therefore, the reference in the proposed rule to accepting an out-of-sequence mailing "on a one-time only basis" has been deleted in the final rule. However, mailers are expected to resubmit their out-of-sequence lists to the post office for resequencing as soon as possible. Changes should be reflected in all future mailings within 90 days after notification. This time reference is included in the final rule. However, it is intended as a guide only, with which mailers are expected to comply. If the Postal Service finds that there is noncompliance, action will be taken to establish a mandatory compliance period.

Post offices will make every attempt to notify mailers as soon as practical that their mailings are out of sequence. A specific mandatory time limit however is not established at this time. If mandatory time periods are established in the future for mailers to incorporate sequence changes in their mailings, consideration will be given to establishing specific time constraints on post offices for informing mailers that their lists are out of sequence.

Two commenters suggested that some margin of acceptable error be allowed for out-of-sequenced pieces in a mailing (e.g., 10%), since occasionally a label will become detached during the mailers' processing and these will be manually inserted in the mailing, not always in the proper walk sequence position.

The mailer must be held responsible for controlling its production lines to minimize this type of occurrence. At the same time, the Postal Service realizes that occasionally mailing pieces will be out of sequence in a mailing due to production-line problems. The mailer will not be penalized for such occurrences, so long as they do not result in significant rehandling of these pieces at the delivery unit. A specific allowed error rate is not established in the final rule, because doing so would require establishing specific verification procedures. This would increase the operating costs for providing the service without providing an equivalent operational savings. Generally, the Postal Service establishes specific mail preparation error rates and verification procedures only for mailings which must be prepared in a prescribed manner to qualify for a specific lower rate, such as carrier route third-class mail. A 10% allowed error rate, suggested by one of the commenters, is much too high and would significantly increase postal rehandling costs, and thus more than negate the operational benefits which sequenced mail is intended to provide. A more acceptable level of errors would be 1%–2%. No specific allowable error rate is included in the final rule.

945.382 (Renumbered as 945.392 in the Final Rule)

One commenter suggested that the procedures for providing scheme changes to mailers automatically should be revised to show the number of addresses per change. The commenter contends this would enable mailers to determine the extent of changes, so that if they were minimal, mailers could process corrections internally.

This information is not readily available. In addition, the mailer would still not know the walk sequence of the corrections and would still have to submit the list for resequencing. This change is not adopted.

945.382 and 945.384 (945.382 Is Renumbered as 945.392 in the Final Rule. Section 945.384 is Deleted in the Final Rule)

One commenter suggested that these sections be clarified to avoid the possible conclusion by postal employees that scheme changes can only be provided to mailers meeting the requirements of 945.35. The commenter contends that these sections could be interpreted as being in conflict with section 352, "Freedom of Information Act", Administrative Support Manual (39 CFR 265).

Any mailer may request and receive carrier route scheme information or changes from individual post offices. This same information also is available to mailers through the Carrier Route Information System. (Requests should be sent to: CRIS; P.O. BOX 14950; MEMPHIS, TN 38114.) The provisions of 945.392 enable mailers, who meet the requirements of 945.352c, to obtain this information automatically and on a continuing basis. It does not preclude any other mailer from obtaining this information upon request. Section 945.392 does include clarifying language as suggested by the commenter.

945.383 (Renumbered as 945.393 in the Final Rule)

Two commenters suggested that the requirement for mailers to sort address cards to the proper carrier route before submitting a list for resequencing is virtually impossible to comply with and represents a "new and redundant" requirement on the mailer, which should be the responsibility of the post office.

The Postal Service included this requirement for two reasons, both of which were intended to meet mailers' operating needs: (1) to eliminate past problems in which the mailer was charged for address additions for one carrier route even though those address cards were included in the submitted list of cards for another carrier route. (In some instances, carriers removed these correct address cards for another route as undeliverable-as-addressed—not deliverable to any route), and (2) to help ensure sequenced cards were returned promptly to the mailer (i.e., within 15 working days).

When carriers are provided a list of address cards to sequence for their respective routes, the sequencing for the entire 5-digit ZIP Code delivery unit is not accomplished necessarily on the same day. The scheduling is dependent on available carrier time, which varies from carrier to carrier. When a carrier sequences a mailing list for his route, he pulls those addresses which are not included on his route and either tags them as undeliverable to any route, or deliverable to another route. Those deliverable to another route within the 5-digit ZIP Code delivery area are given to the appropriate carrier. This carrier, however, may have already completed his route sequencing and inserted correct addresses for those which were missing, although they may have been included in another carrier's list of address cards. In order to account properly for the charges assessed to the mailer for additions and deletions, the second carrier would have to duplicate his initial efforts after he was given address cards from other carriers. This practice results in charge accounting errors and delays in returning sequenced lists to the mailer. It also increases postal operating costs for providing the service.

Since mailers have indicated this requirement is "virtually impossible" to comply with, the final rule does not make it mandatory to provide cards by the proper carrier route. However, the Postal Service cannot provide assurances that it will meet its commitment to return sequenced address cards within 15 working days of receipt when those submitted cards are not separated by carrier routes.

General Comments

One commenter suggested that a one year grace period be allowed for mailers to make necessary adjustments to computer programs to provide the new carrier route header cards and Delivery Unit Summaries.

A one year grace period would delay implementation of the list sequencing control mechanism, which has been a primary concern of mailers. In meeting the service needs of mailers for implementing postal operational controls (i.e., Delivery Unit Summary), a grace period of six months is allowed. This provides sufficient time for mailers to prepare the required documentation forms using private printers if they cannot generate them through their reprogrammed computers.

One commenter stated that on occasion a mailer may reverse the carrier route walk sequence (i.e., the carrier's last stop would be the first piece in the mailing). The commenter suggests that in these cases the regulations should state that a facing slip should be placed on the carrier bundle noting this error in mail preparation.

The mailer must be responsible for properly preparing sequenced mailings with the pieces arranged in a manner to accommodate the carrier's actual walk sequence. The proposed rule includes no approved procedure for allowing mailers to present mailings otherwise. However, if a mailing is inadvertently prepared in reverse order, facing slips should be placed on individual carrier packages noting the error in mail preparation to enable the carrier to accommodate the errors without working the individual pieces if possible.

One commenter noted that the Postal Service cites reasons for ceasing to provide list sequence service to the mailer with no appeal procedures.

When a postmaster stops list sequencing service for any reason, the mailer can appeal that decision to the MSC manager responsible for the service area affected.

The MSC manager will be the final ruling authority. This appeal procedure is included as section 945.385 in the final rule. In addition, reinstatement procedures for mailers who have had list sequencing service withdrawn are also outlined in this section.

After full consideration of each of the issues raised by the three commenters, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

The changes adopted in the final rule reflect many of the commenters' suggestions outlined in the Supplementary Information. Because these changes constitute substantial revisions to the existing regulations, these changes and the supplementary postal operating instructions may require additional revision after mailers and post offices have gained operating experience in implementing these changes. Therefore, the Postal Service invites further comments on this final rule from interested mailers.

PART 945—MAIL LIST SERVICES

In part 945, revise 945.3 to read as follows:

945.3 Address Cards Arranged in Sequence of Carrier Delivery

.31 General. Upon request, the Postal Service will provide one of the three levels of address card sequencing service under the conditions set forth in 945.32–945.39.

.32 Presentation of Address Cards. When address cards are submitted to the Postal Service, they must be faced in the same direction. In addition, the following conditions must be met:

a. *Size.* All cards must be standard card stock, identical size, and within the following dimensions: Length 6⅛ inches to 8⅞ inches; Height 2¼ inches to 4¼ inches. It is recommended that all cards be the size of a standard 80 column computer card (i.e., 7⅜ inches in length by 3¼ inches in height). Standard 3x5 inch file cards are not acceptable.

b. *Color.* All address cards must be either white or buff colored.

c. *Blank Cards Submitted.* Customers must submit blank cards of a different color from the color used with their address cards so post offices can insert missing or new addresses as provided in 945.34–945.35. Each customer who submits address cards for correction under 945.34 and 945.35 must supply an adequate number of blank cards for the

total corrections to be made or blank cards to be added. In all cases the number of cards must be at least 10% of the number of address cards submitted.

d. *Number of Addresses.* Each address card must bear only one address. The mailer must not submit address cards in excess of 110% of the possible deliveries for a specific 5-digit delivery area.

e. *Address Format.* The customer's current address information must be computer generated, typed, or printed along the top of the card. It is recommended that the address be positioned within ½ of an inch from the top edge of the address card. However, it *must* be within one inch from the top edge. Each card must include a complete address, except that the identification of the correct carrier route and ZIP Code is optional. It is strongly recommended, however, that this information be included on individual cards. Street names should not be abbreviated. However, street designators may be abbreviated using the abbreviations listed in section 2 of Publication 65, *U.S. Postal Service National ZIP Code and Post Office Directory.* The address must be placed in approximately the same location on each card submitted. An example of the desired card format is shown in Exhibit 945.32e.

f. *Header Cards.* Carrier route header cards on standard 80 column computer card stock or other approved address card size (see 945.32a) must be prepared by typewriter or computer or printed by the customer. They must be submitted whenever address cards are submitted. A route header card must be placed in front of the cards for each route and be the same size as the address cards. Mailers may abbreviate column headings so all required information can be fit on the card. However, all columns must be provided on the header cards, regardless of the level of service requested. The route header card format must be as shown in Exhibit 945.32f.

g. *Delivery Unit Summary.* A Delivery Unit Summary must be prepared by typewriter or computer or printed by the customer. An original and one copy must be submitted for each 5-digit ZIP Code delivery area whenever address cards for that 5-digit ZIP Code delivery area are presented for sequencing. This form, which will be used by the Postal Service to provide summary information to the customer, is necessary for the calculation of total charges for the level of service provided. The original will be returned to the customer along with the cards, and the copy will be retained by the Postal Service. The required format for the Delivery Unit Summary form is shown in Exhibit 945.32g.

h. *Submission of Cards.* Customers must submit the containers of address cards to the manager of the Management Sectional Center (MSC) for carrier routes within the area served by the MSC. Address cards for each 5-digit ZIP Code area must be submitted in a separate container or containers. Each container must have an envelope affixed to it which includes appropriate packing lists and *Delivery Units Summary* sheets for that 5-digit ZIP Code area. Containers of address cards must be addressed as follows: MSC DIRECTOR OF CUSTOMER SERVICES; LIST SEQUENCING SERVICE; (Street Address); (City, State, ZIP Code). The mailer must identify the number of shipping containers which are submitted for each 5-digit ZIP Code delivery area on the *Delivery Unit Summary.* In addition, each of these containers must be sequentially numbered to show the total number of containers for that 5-digit ZIP Code area. For example, if three containers are submitted for a specific 5-digit ZIP Code area, the containers must be marked as follows: *1 of 3, 2 of 3,* and *3 of 3.* The MSC will distribute the cards to the appropriate post office(s) for sequencing and correction. *Exception:* Address cards that relate only to those addresses in the city in which the mailer is located may be submitted to the postmaster of that city for sequencing and correction.

.33 Sequencing of Address Cards. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of $0.10 is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. The MSC will return the cards to the customer within 15 working days after receipt of a properly prepared request for address sequencing. *Exception:* The 15-working-day time limit will not apply to mailing lists received for sequencing between November 16 and January 1. Mailing lists received between these dates will be sequenced at the convenience of post offices, but as early as possible.

.34 Sequencing of Address Cards with Total Possible Deliveries Shown. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of $0.10 is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. In addition, postal emloyees will insert a blank card for each existing address that is not included in the customer's address cards. If several addresses in a series are missing, a single blank card will be inserted for the series showing the number of missing addresses. No charge is assessed for inclusion of blank cards. The MSC will return all cards to the customer within 15 working days after receipt of a properly prepared request for address sequencing except for cards received between November 16 and January 1, as noted in 945.33.

.35 Sequencing, of Address Cards with Missing and New Addresses Added.

.351 General. This service involves:

a. The arrangement of unsequenced address cards in carrier route delivery sequence;

b. The inclusion of new or omitted addresses from the customer's list including rural address conversions to city delivery; and

c. The removal of non-existent addresses which are undeliverable by any carrier. These are bundled separately and returned to the customer.

.352 Additional Requirements. The Postal Service will perform this level of service on a customer's address cards if the customer meets the following additional requirements:

a. *Separate Groups.* Separate groups of address cards must be submitted for the addresses in each 5-digit ZIP Code delivery area.

b. *Mailing Statement.* The customer must submit a mailing statement for each 5-digit ZIP Code area showing:

(1) The types of addresses contained on the cards, (i.e., a residence-only grouping, a business-only grouping, or a combination grouping);

(2) The number of addresses contained on the cards; and

(3) The name, mailing address, and phone number of the address list owner or his designated agent.

c. *Mailing List Requirements.* The mailing list which the cards represent must contain:

(1) 90% of all residential addresses within the 5-digit ZIP Code area if the addressees are in a residence-only grouping, or

(2) 90% of all business addresses within the 5-digit ZIP Code area if the addresses are in a business-only grouping, or

(3) 90% of all addresses within the 5-digit ZIP Code area if the addresses are in a combination grouping.

.353 Apartments and Office Buildings. In calculating the total number of addresses within a 5-digit ZIP

Code area, each apartment unit in an apartment building or each office in an office building which constitutes a deliverable address will be treated as a separate address. For each office building or apartment unit with a series of addresses, mailers should submit blank cards suitable for showing both the series of addresses and the total number of individual addresses involved. A suggested format is shown in Exhibit 945.353. *Exception:* MSC managers will authorize list-sequencing service provided under 945.35 through September 1, 1982, to mailers whose submitted list may not meet the 90% rule, if the mailer can provide sufficient evidence (such as a postal receipt) that the specific list which the mailer has submitted for sequencing met the 90% criteria and was sequenced by the post office within the preceding 12 months. This 12-month period is computed from the date the mailer submits the list for sequencing. After September 1, 1982, all delivery points within a 5-digit ZIP Code area, including apartment units or delivery offices within an office building, will be used to determine if a mailer complies with the 90% rule for obtaining the level of service provided under 945.35.

.354 Nonexistent or Undeliverable Addresses. For cards submitted pursuant to 945.352, postal employees will withdraw each card which contains a nonexistent or otherwise undeliverable address. A card showing the correct address will be inserted for each existing address not included in the owner's address cards. The MSC will return the cards to the customer within 15 working days after receipt, except for cards received between November 16 and January 1, as noted in 945.33.

.355 Incorporating Changes. Upon receipt of these returned cards, customers are expected to incorporate the changes in their mailings within 75 days.

.356 Resubmission of Address Cards. The customers must determine when address cards need to be submitted for resequencing to maintain the 90% eligibility level of address coverage. (See 945.352c.) The post office will not instruct or advise mailers how often they need to submit lists to remain qualified for the level of service provided under 945.35. The frequency will depend on unique community growth factors which the mailer is responsible for monitoring.

.36 Seasonal Addresses. Address cards which are subject to seasonal occupancy and are submitted for sequencing under all levels of service available (945.33–945.35), will be handled as follows: Correct address cards which are subject to seasonal occupancy, but which do not indicate seasonal treatment, will be marked with an "S" on the address card. If the address is included in a series card, such as those used specifically for apartment buildings, trailer parks, and seasonal delivery areas in general, the appropriate "seasonal" indicator box will be checked (see Exhibit 945.353). When correct address cards are submitted which are not subject to seasonal occupancy, but include seasonal treatment notations, the carrier will obliterate or mark through the seasonal indicator. These cards will be placed in their proper carrier route sequence order in the returned deck of cards. They will be specifically identified by: a. affixing a paper clip to the card, or b. wrapping a rubber band around the card. No charges are assessed for this service.

.37 Charges.

.371 Sequencing of Addressing Cards (945.33). A charge of $0.10 is assessed for each address card included in the mailer's submitted list which is *undeliverable-as-addressed* or *non-existent*. The cards will be removed from the deck of cards, bundled separately, and returned to the mailer.

.372 Sequencing of Address Cards with Total Possible Deliveries Shown (945.34). The same charges are assessed as noted in 945.371. No charge is assessed for the insertion of blank cards showing the range of missing addresses in a submitted list.

.373 Sequencing of Address Cards with Missing or New Addresses Added (945.35). In addition to the charges assessed in 945.371, a charge of $0.10 is assessed for each address (possible delivery), which is added to the mailer's list. For apartment or office buildings with a series of addresses for which the Postal Service provides a range of addresses, the charge is $0.10 for each address (possible delivery) in the range or series. *Exception:* Until September 1, 1982, mailers will not be charged $0.10 for each apartment delivery (within an apartment complex) or office delivery (within an office building) if the mailer includes a correct address card for each apartment complex and office building showing the range or number of deliveries at each apartment complex and each office building.

.374 Nonchargeable Items (All Levels of Service). The following services are provided free of charges for all levels of service (945.33–35):

a. *Rural Conversions to City Delivery.* If the mailer includes a rural address (box number) in a deck of cards submitted for sequencing, and a street address has been assigned to that box number so it can be served on a city delivery route, a correct address card will be included at no charge. Mailers using simplified addresses (see 122.4) will not receive rural conversions free of charge.

b. *Address Correction.* The post office will attempt, but not guarantee, to make simple corrections to addresses which can be identified as a specific delivery address and are not undeliverable-as-addressed or non-existent. Examples would be an obvious spelling error or missing street designator. Corrections will be noted on the submitted address cards. These cards will be placed in their proper carrier route sequence order in the returned deck of cards. They will be specifically identified by: a. affixing a paper clip to the card, or b. wrapping a rubber band around the card. Mailers are expected to incorporate these noted corrections in their mailing list.

c. *Seasonal Address Indicators.* The handling of addresses subject to sensonal occupancy is discussed in 945.36.

.38 Customer Compliance for Submission of Properly Sequenced Mailings.

.381 General. The customer must ensure that mailings are prepared in correct carrier route delivery sequence and resequence cards whenever necessary. The Postal Service will cease to provide list sequencing service to any customer whose mailings are not prepared in correct carrier route delivery sequence, if the customer is notified of this deficiency and fails to take corrective action.

.382 Verification. Local managers will verify that customers whose address cards have been arranged in sequence of carrier delivery are preparing mailing packages for each route with the individual pieces in delivery address sequence.

.383 Changes Affecting Delivery Sequence Only. If delivery changes occur which affect delivery sequence, but do not cause scheme changes, the MSC or local postmaster will notify customers, in writing, of the affected routes and request that they submit their address cards for resequencing. The customer must then submit either the entire list or the affected parts of the list for resequencing. Mailings should reflect delivery sequence changes within 90 days after the mailer is notified of these changes.

.384 Out-of-Sequence Mailings. If a carrier route sequenced mailing is received and it is out of sequence, the mailing will be accepted and the customer will be informed in writing of

the error. The customer will be notified that unless the situation is corrected, the Postal Service will cease to provide carrier route sequencing service. If the mailer does not take necessary action to correct the noted deficiencies in future mailings, the postmaster will provide notice in writing that the mailer will no longer be allowed to submit lists to that post office for sequencing.

.385 Mailer Appeal and Reinstatement Procedures.

a. *Appeal Procedures.* When a postmaster provides written notice to a customer that it is no longer eligible for list sequencing service because action has not been taken to correct past deficiencies (945.384), the mailer may appeal that decision in writing within 30 days to the postmaster. The postmaster will forward the appeal to the MSC Manager who has the final authority to reinstate service or uphold the postmaster's decision.

b. *Reinstatement.* A mailer who has had list sequencing service withdrawn cannot submit any list for sequencing at the post office (or MSC responsible for the affected post office) where that sequencing service has been terminated for a period of one year following the effective date of service withdrawal. After one year following termination of the service, the customer is again authorized to submit address lists for sequencing. Exception: At any time during the year following termination of service, the customer may renew the submission of lists, if it convinces the postmaster or MSC Manager that it has taken all necessary action to correct past deficiencies.

.39 Carrier Route Presort Mailings.

.391 General. Customers mailing matter at a carrier route presort rate can ensure that they are using the most recent carrier route scheme information by maintaining their address cards in accordance with the procedures in 945.392 and 945.393. Maintenance of address cards in accordance with these procedures will greatly facilitate compliance with carrier route presort preparation requirements, since these changes may not be reflected in the *Official Carrier Route Schemes* which are updated only twice each year.

.392 Request for Scheme Changes. Upon request, the Postal Service will provide, on a continuing basis, the latest carrier route scheme change information to any customer who meets the requirements of 945.35. (Mailers may also request carrier route scheme information from individual post offices or through the CRIS system. See 622.11e(2)(a).)

.393 Resubmission of Address Cards. Customers receiving scheme change information under 945.392 should promptly submit, for resequencing, all address cards which are affected by any carrier route scheme change. (If the post office is to meet the requirements of 945.33–945.35, cards presented for resequencing must be sorted to the carrier routes as shown in the latest scheme change received by the customer.) If the cards are not sequenced in this manner, the post office will not be accountable for meeting the service time requirements in 945.33–945.35. Mailers should only submit cards for those routes which are affected by scheme changes.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3 (39 U.S.C. 401(2), 404(a)(2).

Fred Eggleston,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M

Exhibit 945.32e

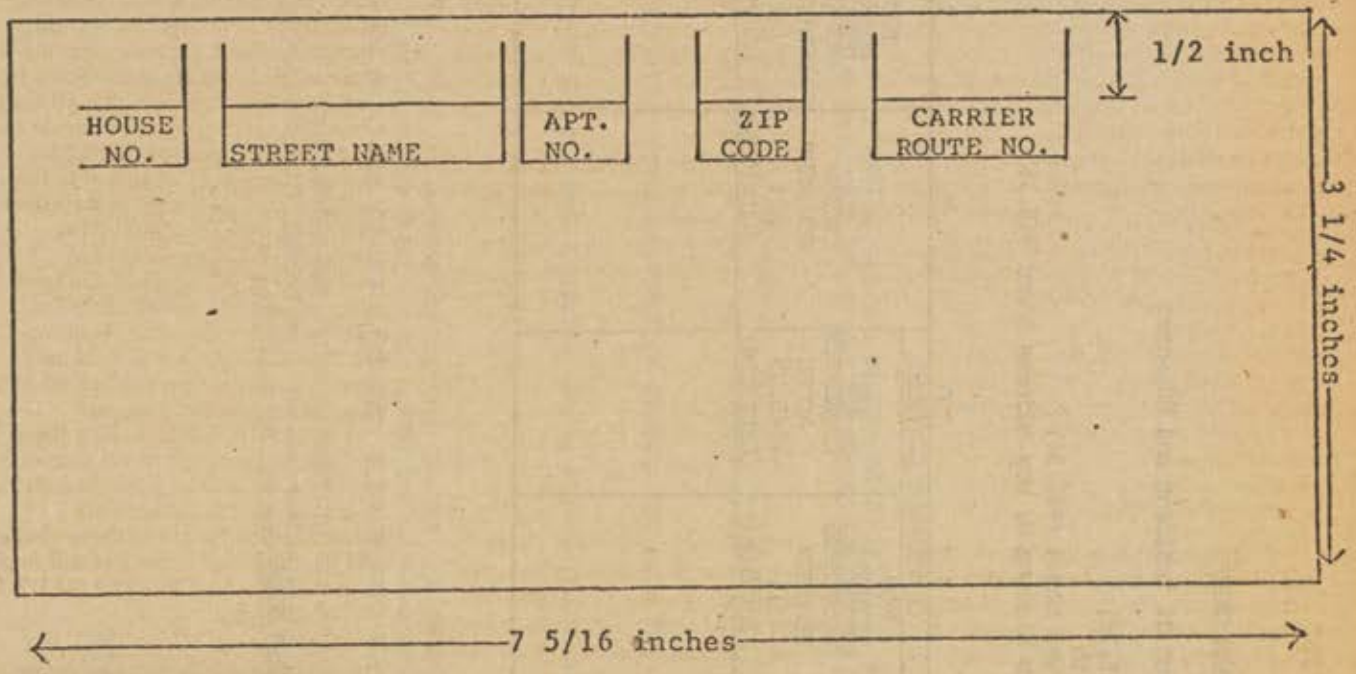


Exhibit 945.353

NEW ADDRESS CARD

PLEASE USE THIS CARD FOR SERIES ADDRESS CHANGES, NEW ADDRESSES IN SERIES, AND SEASONAL VACANCY CHANGES.

ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)
ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)
ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)
ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)
ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)
ST. NUMBER	ST. NAME	APT. NO.	TRAILER NO.	SEASONAL (X)

Exhibit 945.32f

CARRRIER ROUTE HEADER CARD

*Cards Are: ▱ Resident ▱ Business ▱ Combination of Resident and Business

*LEVEL OF SERVICE REQUESTED:
▱ Sequencing of Address Cards (945.33)
▱ Sequencing of Address Cards, with Total Possible Deliveries Shown (945.34)
▱ Sequencing of Address Cards with Missing or New Address Added 945.35

A	B	C	D	E	F	G	H	I
			NON CHARGEABLE SERVICES		CHARGEABLE SERVICES			
* CARRIER ROUTE NUMBER (All Services)	* COUNT (All Services)	CHANGES (All Services)	MISSING ADDRESSES (945.34 Services)	RURAL ADDRESSES CONVERTED (All Services)	NON-EXISTENT ADDRESSES REMOVED (All Services)	NEW ADDRESSES ADDED (945.35 Services)	TOTAL RETURNED (All Services)	TOTAL CURRENT POSSIBLE DELIVERIES (All Services)

COLUMN EXPLANATIONS ARE ON REVERSE SIDE

*To Be Completed By Customer

Exhibit 945.32f

(REVERSE SIDE)

COLUMN EXPLANATIONS

A. Carrier route number.

B. The number of addresses customer is submitting for the route.

C. The number (indicated with a minus (-) sign) of deliverable addresses which are not deliverable by the designated route carrier. (Carriers will give these cards to their supervisors.) The number (indicated with a (+) sign) of deliverable addresses from other routes which are brought to the designated route for sequencing.

D. The number of delivery addresses missing from the submitted list. The carrier will identify these by inserting one blank card per missing address or noting a serires of sequenced missing addresses on one blank card. These blank cards are inserted in proper sequence in the address cards submitted by the customer. Use of this column applies to 945.34 service only.

E. The number of rural addresses converted to city delivery.

F. The number of non-existent addresses. These are addresses which are undeliverable by any carrier. The carrier will remove these address cards, bundle and return to his supervisor.

G. The number of new addresses not contained in the customer's cards. One card may contain multiple possible deliveries to be counted as one chargeable addition per possible delivery.

H. Total addresses being returned to customer. For 945.33 service (Column B plus or minus column C minus column F). For 945.34 service (Columns B + D plus or minus column C minus column E). For 945.35 service (Columns B + F + G + H plus or minus column C minus column E).

I. The maximum possible delivery count for business and/or residential deliveries including individual apartment units from 1621, Carrier Route Report. (Should agree with column H for service provided under 945.34 and 945.35 only.)

Exhibit 945.32g (For required explanation on back side, see Exhibit 945.32f)
DELIVERY UNIT SUMMARY

*Customer's Name_____

*Mailing Address_____

*City/State/Zip_____

*Telephone No._____

*Date submitted_____

*LEVELS OF SERVICE REQUESTED:

( ) Sequencing of Address Cards (945.33)

( ) Sequencing of Address Cards with Total Possible Deliveries Shown (945.34)

( ) Sequencing of Address Cards with Missing and New Addresses Added (945.35)

*Cards are:

( ) Resident
( ) Business
( ) Combination of Resident and Business

Number of Boxes/Containers Submitted_____

A	B	C	D	E	F	G	H	I
			NON-CHARGEABLE SERVICES		CHARGEABLE SERVICES			
* CARRIER ROUTE NUMBER (All Services)	* COUNT (All Services)	CHANGES (All Services	MISSING ADDRESSES (945.34 Services)	RURAL ADDRESSES CONVERTED (All Services)	NON-EXISTENT ADDRESSES REMOVED (All Services)	NEW ADDRESSES ADDED (945.35 Services)	TOTAL RETURNED (All Services)	TOTAL CURRENT POSSIBLE DELIVERIES (All Services)
TOTALS								
CHARGES	**********	**********	**********	**********	X $0.10	X $0.10	**********	**********

AMOUNT DUE FROM CUSTOMER (Column (F + G) X $0.10=Total ---------- [+] = $ [ ]

Date Cards Received

Date Cards Returned

* to be completed by mailer

Scheme Date Used

Supervisor's Signature and Date

[FR Doc. 81-19324 Filed 6-30-81; 8:45 am]
BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 162 and 180

[OPP 00144; PH-FRL-1873-5]

Pesticides and Insecticides; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document contains technical amendments of 40 CFR Chapter I based on internal organizational changes.

DATE: Effective on July 1, 1981.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-130, 401 M St., SW., Washington, D.C. 20460, (202-426-2690).

SUPPLEMENTARY INFORMATION: Based on internal organizational changes, submission of comments under 40 CFR Part 162 should be made to the Document Control Officer of the Office of Pesticides and Toxic Substances and the division referred to as the Pesticides Tolerance Division or the Pesticides Regulation Division in 40 CFR Part 180 should be the Registration Division. Therefore, Parts 162 and 180, Subchapter E, Chapter I of Title 40, Code of Federal Regulations, are amended as set forth below.

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

§ 162.22 [Amended]

1. 40 CFR 162.22 is amended by removing the words "Federal Register Section, Technical Services Division (WH-579), Office of Pesticide Programs," and inserting in their place, "Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances." Also, following that address, 40 CFR 162.22 is amended by removing the words "Office of the Federal Register Section, from 8:30 a.m. to 4 p.m., Monday through Friday" and inserting in their place, "Rm. E-107, at the address given above, from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holidays."

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES [AMENDED]

2. In Part 180 all references to the "Pesticides Tolerance Division" or the "Pesticides Regulation Division" are changed to read the "Registration Division."

Since there are no substantive differences in the amended material no public comment and procedures are required.

Dated: June 25, 1981.

(Sec. 3, 92 Stat. 819, 7 U.S.C. 136)

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-19318 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Ch. I

Water and Power Resources Service; Notification of Name Change

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notification of Name Change—Final Rule.

SUMMARY: By Secretarial Order No. 3064, dated May 18, 1981, the Secretary of the Interior changed the name of the Water and Power Resources Service to the Bureau of Reclamation, reversing an action taken on November 6, 1979. This action was taken in accordance with the Reorganization Plan Number 3 of 1950 (64 Stat. 1262). References in Chapter I must therefore be revised to reflect this change.

DATE: Effective May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Carl O. Rowe, Director, Office of Policy and Management, Commissioner's Office, Bureau of Reclamation, Washington, D.C. (202) 343-6833.

Dated: June 17, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

Accordingly, 43 CFR Chapter I is amended by replacing the phrase "Water and Power Resources Service" with "Bureau of Reclamation" wherever it appears.

[FR Doc. 81-19351 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-09-M

Proposed Rules

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 924

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oreg.; Notice of Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed regulation which would establish minimum grade and size requirements on shipments of fresh Washington-Oregon prunes on and after August 1, 1981.

These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Comments must be received not later than July 16, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The proposed regulation would be issued under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee. Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of prunes would tend to effectuate the declared policy of the act.

The recommendation of the committee reflects its appraisal of the crop and current and prospective market conditions. The committee expects fresh shipments of Washington-Oregon prunes in 1981 to total 19,000 tons, compared with 24,410 tons last season. The proposed regulation is designed to prevent the handling of prunes of a lower quality or smaller size than specified and to provide for the shipment of good quality fruit in the interest of producers and consumers.

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.

Such proposal reads as follows:

§ 924.319 Prune Regulation 19.

(a) On and after August 1, 1981, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish in color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (b) of this section.

(b) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 350 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Grades of Fresh Plums and Prunes (7 CFR

2851.1520–2851.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (April 29, 1978), and in the Oregon State Department of Agriculture Standards for Italian Prunes (October 5, 1977); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 26, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-19373 Filed 6-30-81; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Docket 37444; PSDR-65C]

Statements of General Policy; International Cargo Rate Flexibility Policy

Dated: June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Reopening of comment period.

SUMMARY: The CAB has proposed a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. The CAB now reopens the comment period in this rulemaking proceeding to allow public comments on a staff memorandum. This action responds to a petition filed by the Electronics Shippers.

DATE: Comments due: July 16, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: John H. Kiser, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5218.

SUPPLEMENTARY INFORMATION: The Board proposed in PSDR-65 (45FR 3594, January 18, 1980) to adopt a policy permitting U.S. and foreign air carriers greater flexibility in changing cargo rates in international air transportation. Under the proposed policy, the Board would establish a standard cargo rate level in each international market at the general commodity rate (GCR) level in effect on a base date. Rate reductions below this level, or increases up to five percent above it, would not ordinarily be reviewed by the Board for economic reasonableness. The standard level would be adjusted periodically for cost increases. Under this scheme, the range of upward flexibility for specific commodity rates (SCR's) would be greater than for GCR's, since most SCR's are substantially below the GCR level. PSDR-65 also invited comments on whether the five percent upward range would be adequate, with a view to higher ceilings depending on conditions in different markets.

The Board received written comments and reply comments on the proposal, and held oral argument on July 15, 1980. On August 14, 1980, the Board instructed its staff to prepared a final rule in this proceeding.

On April 22, 1981, a memorandum was sent to the Board by three senior staff members: the General Counsel and the Directors of the Bureau of International Aviation and the Office of Economic Analysis. The memorandum stated that the staff has prepared a draft final rule including, among others the following features: (1) upward GCR flexibility of five percent in Latin America, 10 percent in the Pacific, and 15 percent in the Atlantic; and (2) separate, lower ceilings for existing specific commodity rates in the Pacific and Latin America, to be phases up to the GCR ceilings. The memorandum then suggested that the draft had been overtaken by events, and recommended that broader GCR flexibility be established in the Atlantic and Pacific, such as 20 and 15 percent zones, respectively. The memorandum also stated that special treatment of SCR's no longer seemed desirable or economically warranted, and suggested that the Board may wish to revert to its original proposal on that point.

After portions of the staff memorandum appeared in the trade press, the Electronics Shippers petitioned the Board on May 11, 1981, to release the memorandum and allow interested persons an opportunity to comment on the arguments that it set forth. Congressman Norman Mineta has sent the Board a letter suggesting the same action. The Electronics Shippers summarized their argument as follows:

[T]he facts set forth in *Airline Reports* clearly do not support the extraordinary relief requested in the joint memo. If there are no facts other than these in the memo, it would seem apparent that the staff members simply disagree with the Board's prior decision and have taken this opportunity to petition the Board to reconsider and reverse its previous decision. We question the propriety of this action. If, on the other hand, the joint memo contains facts and figures which are not reported in *Airline Reports*, we respectfully suggest that it would contribute toward a sound decision by the Board to make the joint memo public and permit all parties to comment on it. [petition, p.5]

The Electronics Shippers have misunderstood the role of Board staff in this type of proceeding, and the meaning of instructions to staff. When the Board instructs its staff to prepare a final rule in an informal rulemaking proceeding such as this, the Board is not making a final decision. It is not even making a "tentative decision" as that term is commonly used in orders to show cause or, occasionally, notices of proposed rulemaking. Legally, instructions to staff are not a decision at all. The Board merely directs its employees to prepare a document whose approval, if and when that approval is voted, will ultimately amount to a decision. For this reason alone, the argument that with the memorandum the staff was "petitioning" the Board to change a "decision" is pointless. Perhaps even more important, however, is the fact that the staff members are advisers to the Board in this rulemaking proceeding. They are not members of the general public, nor are they "parties," as some staff members are considered in formal proceedings. Thus, even if there were a final Board decision on cargo rate flexibility, the staff memorandum would merely amount to an internal policy recommendation rather than a "petition for reconsideration." Routine disclosure of such recommendations would be incompatible with the staff's role as internal adviser to the Board.

In order to develop a full record and eliminate any appearance of impropriety, however, we have decided in this case to grant the Electronics Shippers' petition. Copies of the memorandum are being placed in the docket and mailed along with this notice to all persons on the service list for this rulemaking, and we are reopening the comment period until July 16, 1981.

Commenters should note that we have as yet made no decision on the rule itself. We therefore retain the procedural flexibility to adopt a final rule as suggested in the memorandum, or any other rule that is within the scope of the notice of proposed rulemaking.

Accordingly, the Civil Aeronautics Board reopens Docket 37444 for comments until July 16, 1981.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19340 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 6

[LR-10-81]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations; Cross-Reference

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations that relate to mortgage subsidy bonds. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 31, 1981. The regulations are proposed to be effective for obligations issued after April 24, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-10-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 6a to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes to be based on those temporary regulations, would be added to Part 1 of Title 26 of the Code of Federal Regulations. Sections 6a.103A-1, 6a.103A-2 and 6a.103A-3 would become §§ 1.103A-1, 1.103A-2, and 1.103A-3, respectively. For the text of the temporary regulations, see FR Doc. (T.D. 7780) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the addition to the regulations.

The regulations interpret the provisions of section 103A of the Internal Revenue Code of 1954 which provides that a mortgage subsidy bond shall be treated as an obligation not described in section 103(a)(1) or (2) the interest on which shall not be excludable from gross income. Section 103A allows exceptions to this general rule for qualified mortgage bonds and qualified veterans' mortgage bonds.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code (26 U.S.C. 7805; 68A Stat. 917).

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-18339 Filed 6-29-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731 and 732

Permanent Regulatory Programs for Non-Federal and Non-Indian Lands

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, seeks comments on proposed rules that would amend 30 CFR 730.5, 731.13 and 732.15 to give States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. Many State agencies have complained that the current regulations are not sufficiently flexible to respond to the particular needs of the individual States. The proposed rule would eliminate the so-called "State window" and replace it with a scheme that would allow States to adopt any provisions that are as effective as the Federal regulations.

DATES: Comments must be received by July 31, 1981, not later than 5:00 p.m., at the address below. A public hearing will be held on July 28, 1981 at 9 a.m. Representatives of OSM will be available to meet with interested persons upon request until [Insert: 30 days after publication].

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record, Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

A transcript of the public hearing, all written comments received, summaries of meetings with respresentatives of OSM and other documents constituting the administrative record on the proposed amendments will be made available for public review during regular business hours at the above address.

A public hearing will be held in the main auditorium, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. The hearing will continue until all persons wishing to speak have been heard. Testimony will be limited to 15 minutes per speaker. Persons wishing to testify should contact Mr. Carl Close at the address or phone number indicated below.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Room 130, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior has decided to review all regulations promulgated by the Department under the Surface Mining Control and Reclamation Act of 1977 (the Act). The Secretary believes that fundamental changes in these regulations are necessary. He intends to administer the Act in a manner that does not unnecessarily restrict coal development or improperly intrude on the role of the States. This approach will reflect the potentially competing mandates of the Act which require the Secretary (1) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining (Section 102(a)); (2) to recognize that the primary governmental responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States (Section 101(f)); and (3) to assure that coal supplies are adequate to meet the Nation's requirements (Section 102(f)).

One area of the Secretary's concern is the process of approving State regulatory programs under Section 503 of the Act, 30 U.S.C. § 1253. Many State agencies have complained that the current regulations are not sufficiently flexible to respond to the particular needs of the individual States. In particular, they object that the interpretation previously given by the Department to section 503 of the Act limited the flexibility of the States in developing and submitting proposed State programs.

Section 503 permits a State to assume primacy for the regulation of coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things,

> A State law which provides for the regulation of surface coal mining and reclamation operations *in accordance with* the requirements of the Act * * * [and] rules and regulations *consistent with* regulations issued by the Secretary pursuant to this Act. (Emphasis added, 30 U.S.C. 1253(a)(1) and (7)).

By this provision, Congress intended to establish the specific requirements of the Act and the regulations promulgated thereunder as the minimum national standards for the regulation of surface mining reclamation operations. Acceptable State programs could exceed these minimum standards, but could not fail to meet them. (*See*, H.R. Rep. 95-493, 95th Cong., 1st Sess. 102 (1977), S. Rep. 95-128, 95th Cong., 1st Sess. 49, 52-54, 63 (1977)).

To implement the provisions of section 503 and to insure a balance among the competing mandates of the Act, the Secretary promulgated Parts 730-732 in the permanent regulatory program (44 FR 15323-15328, March 13, 1979). Under the current regulations a State must submit its proposed permanent program to OSM under procedures contained in 30 CFR Part 731 to assume primary jurisdiction under the Act for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders. OSM reviews the proposal and recommends approval or disapproval to the Secretary of the Interior of each State program according to procedures contained in 30 CFR Part 732.

State alternatives to the Federal regulations are acceptable if they meet the requirements of 30 CFR 731.13, are "*in accordance with*" the requirements of the Act, and are "*consistent with*" the Federal regulations (30 CFR 732.15(a)). The current regulation at 30 CFR 730.5 gives *consistent with* and *in accordance with* the same definition:

(a) With regard to the Act, the State laws and regulations are no less stringent than, meet the minimum requirements of and include all applicable provisions of the Act, and

(b) With regard to the Secretary's regulations, the State laws and regulations are no less stringent than and meet the applicable provisions of the regulations of 30 CFR Chapter VII.

The regulations at 30 CFR 731.13 provide standards and procedures for approving alternatives to provisions of the regulations of 30 CFR Chapter VII. These provisions have been informally labelled as the "State window." A State may request approval for alternatives by meeting the following conditions:

(a) Identify the provision in the regulation of this Chapter for which the alternative is requested;

(b) Describe the alternative proposed and provide statutory or regulatory language to be used to implement the alternative; and

(c) Explain how and submit data, analysis and information, including identification of sources, demonstrating—

(1) that the proposed alternative will be in accordance with the applicable provisions of the Act and consistent with the regulations of this Chapter, and

(2) that the proposed alternative is necessary because of local requirements or local environmental or agricultural conditions.

II. Proposed Changes

The proposed amendments to Parts 730-732 are designed to address the concerns of the States and their criticism that the State window unnecessarily restricts their ability to propose alternatives to the Federal regulations. The proposed amendments would make clear that States are not required to adopt the Secretary's regulations: they are free to develop and adopt regulations which meet their special needs. States would no longer have to demonstrate that each alternative is necessary because of local requirements or local environmental or agricultural conditions. In addition, States would not be required to parallel all applicable provisions of the Secretary's regulations. A State program, including its laws and regulations would, however, have to be as effective as the Secretary's regulations in meeting the requirements of the Act in order to be approved. This implements Congress' intent that the Secretary's regulations serve as the benchmark for evaluating State proposals.

Under these proposed regulations, as under the current rules, the Secretary would base his decision to approve a State program on the information contained in the State program submission and other relevant information in the Department's administrative record for that State program. To obtain approval of alternatives to the Federal regulations, however, the record need only contain sufficient information and data to support the conclusion that the State's proposals are as effective in meeting the requirements of the Act as the Federal regulations are.

The proposed amendments increase the flexibility of the States in the development of their State programs by eliminating the requirements of 30 CFR 731.13 that a State alternative must be justified by local needs and by introducing the concept of *"no less effective than"* as the operative definition of the term "consistent with" in Section 503(a)(7) of the Act. The increased flexibility which results from the elimination of § 731.13 is obvious. However, the meaning of the phrase "no less effective than" merits further elaboration.

To be "no less effective in meeting the requirements of the Act," the State program must provide assurance that

the State provisions will be as effective in meeting the requirements of the Act as the Federal regulations. The standards for judging the effectiveness of the State proposals are the appropriate Federal regulations; however, the State approach no longer need duplicate the approach in the Federal regulations.

Some examples of the changes that might result from the adoption of these proposed amendments may aid in understanding the effects of this proposal.

Example 1: One State program submitted to OSM last year had a different approach from the Secretary's rules to the question of assurance of adequate stocking of trees where the postmining land use of the mine site would be forest land. While the Federal regulations specify a minimum tree count per acre, the State's rule would have required only that the State Forester approve the proposed stocking plan. Under the existing rules this State approach was found inadequate by the Secretary, in spite of evidence that the State Forester would look to assuring that there would be stocking comparable to existing forestland in the State. Under the rule being proposed today, the State's approach might well have been approved. (See 45 FR 86466, New Mexico Conditional Approval.)

Example 2: Another State program submitted to OSM last year proposed fewer inspections of certain types of sediment pond dams than are required by the Secretary's regulations at 30 CFR 816.46(t). The State proposal would require inspections for these dams "as required by the Department" rather than the four times per year mandated by the Federal rule. The State proposal would have resulted in fewer than four inspections for certain ponds, due to small size and low hazard location. Under the current rules this State approach was found inadequate by the Secretary. The disapproval cited lack of evidence in the submission that conditions exist in Kentucky justifying less than four inspections per year for all sediment pond dams. Under the rule being proposed today, the State's approach might well have been approved. (See 45 FR 69948–69949, Kentucky Partial Approval.)

The Secretary solicits other examples of State program provisions that might be acceptable under these new proposed rules. Representative examples submitted will be addressed in the preamble to the final rule so as to afford the public further guidance as to the scope and meaning of these proposed rules.

This proposed rule is not intended to take the place of a detailed review of the individual requirements of the permanent program rules at 30 CFR Chapter VII. OSM has begun that review and will continue to propose additional rule changes. Rather, it is intended to ensure that the States can exercise the lead role contemplated for them under the Act.

Currently, sixteen (16) State programs have been approved by the Secretary. If the proposed amendment is ultimately adopted, States with approved programs may also develop regulations meeting their specific needs. Such regulations can be incorporated into the approved State program by amendment under procedures of 30 CFR 732.17. States without approved programs can also develop State-specific regulations for incorporation into future program submissions.

III. Public Comments on Draft Proposed Rule

A draft of the rule being proposed today was made available to State regulatory authorities and groups representing industry and citizens. In addition, a notice was published in the **Federal Register** (46 FR 22399–22400, April 17, 1981) announcing the availability of the draft proposed rule and inviting comments on its applicability. Forty-five comments were received during the comment period which closed on May 8, 1981. Twenty-five statements supported the proposed change as it was drafted and recommended that it be adopted. Seventeen additional comments were supportive of the draft rule, but recommended further clarification or changes. Three commenters recommended that the rule not be adopted. Each comment received is on file in the Administrative Record Room at the address listed above. One minor change was made between the earlier draft and the version being proposed today, for purposes of clarification.

The main points and rationale offered by the commenters are listed below. All comments received will be further reviewed and analyzed by OSM during consideration of the proposal as a final rule. Several commenters offered specific examples of alternative approaches they believe the Secretary should be able to find "as effective as" the Federal regulations. In some cases, the examples offered had been rejected by OSM during presubmission discussions of State programs being reviewed under the existing rule. In other cases, examples were rejected in State program disapproval actions by the Secretary. These examples along with those submitted in response to this announcement will be reviewed and representative examples will be addressed in the preamble to the final rule.

Further clarification or change recommended by supporters of the draft proposed rule included the following:

1. Three commenters recommended that further clarification be included to define what is meant by "effectiveness."

2. One commenter recommended that the last phrase of the draft version of 30 CFR 732.15(a) be revised to assure consistency with the proposed changes in 30 CFR 730.5 and 731.13. The commenter stated that the phrase could be construed to conflict with the other changes.

3. Three commenters suggested that the proposed change be revised to clarify that State regulations are not to be compared with Federal regulations and that they are only required to ensure compliance with the Federal (and State) Acts and not be contradictory to or preclude enforcement of the Federal regulations.

4. One commenter recommended that the States be afforded the same flexibility in drafting their laws and statutes as their regulations.

5. Three commenters recommended that 30 CFR 730.11(a) be revised not only to conform to the statutory language, but to be consistent with the intent of the draft rule change. The recommended change to 30 CFR 730.11(a) would replace the "no less stringent" standard with "no less effective" with regard to the Secretary's regulations.

6. One commenter suggested that far too much has been made of the phrases "in accordance with" and "consistent with," because the dictionary and the commenter's recollections and notes on numberous hearings, debates, and conversations support the conviction that Congress did not intend that State regulations be carbon copies of Federal regulations. The commenter also suggested that OSM abandon the use of the word "alternatives" to describe differences between Federal and State regulations because the word has a negative implication, i.e., a compromise or choice between two incompatible choices. The commenter also stated that OSM's regulations are to be minimum standards or guidelines, and if a proposed State regulation is just as acceptable when judged against the Act, then the State's proposal is no more an "alternative" than OSM's regulations. The commenter argued that the word "proposed" is a better choice to describe

regulations submitted by the States to OSM for approval.

7. One commenter noted that the draft proposed change fails to get at the problem of areas of OSM regulation i) not required by the Act or ii) otherwise not truly necessary to the program mandated by the Act itself for inclusion in State programs. While it certainly helps to have a State required to meet targets of effectiveness, there are instances where the States should not have been given a target at all by the former Secretary's regulations, the commenter argued. The commenter included the following as examples of the problem:

(a) Section 732.15(b)(14) requirement that States provide for the protection of State employees of the regulatory authority in accordance with the protection afforded Federal employees under section 704 of the Act, and

(b) Section 732.15(b)(15) requirement that States provide for administrative and judicial review of State program actions in accordance with sections 525 and 526 of the Act and Subchapter L of the Secretary's regulations.

8. Several commenters offered specific examples of alternative approaches they believe the Secretary should be able to find "as effective as" the Federal regulations. In some cases, the examples offered had been rejected by OSM during presubmission discussions. In other cases, examples were rejected in State program disapproval actions by the Secretary.

9. Two commenters expressed hope that under the proposed arrangement OSM would give States the benefit of the doubt concerning the efficacy of an alternative provision, but, if experience contradicts the Secretary's decision, the Secretary is free to reevaluate the program under 30 CFR Part 733.

10. Three commenters presented rationale as to why regulatory programs need not specify design criteria to achieve performance criteria. Two commenters recommended deleting design standards from the Secretary's regulations, stating that design standards were not mentioned in section 501 of the Act. The other commenter recommended that State programs not be required to include design standards, arguing that it makes no sense to foreclose coal operators from innovation and less expensive measures that will accomplish the standards of performance intended to be met by the law.

Conclusions of three commenters opposed to the proposed rulemaking:

1. The proposed change is nothing less than promulgation of the "Rockefeller Amendment" by regulation. The proposed change eliminates comparison of a State's regulations with the Secretary's regulations, as required by section 503(a)(7), and substitutes comparison of a State regulation with the requirements of the Act.

2. The proposed rules established a "double" standard for approval of State program submittals which is inconsistent with the Act. The commenter believes that the current definition of "consistent with" and "in accordance with" establish the same standard for approval whether the Secretary's regulations or the Act is involved and that the proposed change would create a different standard for approval where the Secretary's regulations are concerned and therefore violates the Act and the Congressional purpose embodied therein.

3. The proposed rule improperly deletes the requirement in the definition of "consistent with" that a State program "meet the applicable provisions of the Secretary's regulations."

4. The effect of the proposed "at least as effective" test is unclear and must be clarified.

IV. Determination of Effects

The Department of the Interior has determined that this document is not a major or significant rule and does not require cost benefit analysis under Executive Order No. 12291 or a regulatory analysis under 43 CFR Part 14, 45 FR 85376–84 *et seq.* (December 24, 1980). The Department has also determined that the proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, P.L. 96–354, 5 U.S.C. § 601 *et seq.*, and 43 CFR Part 14. In addition, the Department has determined that this rule does not constitute a major Federal action having a significant effect on the quality of the human environment under the National Environmental Policy Act.

Primary authors of this document are James Fulton and Arthur Abbs, State Programs Division, Office of Surface Mining.

Dated: June 15, 1981.

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

Text of Proposed Amendment:

1. 30 CFR 730.5(b) would be revised to read as set forth below:

§ 730.5 Definitions.

* * * * *

(b) With regard to the Secretary's regulations, the State laws and regulations are no less effective than the Secretary's regulations in meeting the requirements of the Act.

§ 731.13 [Removed]

2. Section 731.13 "Standards and procedures for approval of alternatives to provisions of the regulations of this Chapter", would be removed in its entirety.

3. § 732.15(a) is revised to read as follows:

§ 732.15 Criteria for approval or disapproval of State programs.

(a) The program provides for the State to carry out the provisions and meet the purposes of the Act and this Chapter within the State and that the State's laws and regulations are in accordance with the provisions of the Act and consistent with the requirements of this Chapter.

* * * * *

(Secs. 102, 201(c) et seq., Pub. L. 95–87)

[FR Doc. 81-19367 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8–R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, Defense.

ACTION: Proposed Amendment to Rule.

SUMMARY: DoD proposes to amend DoD Regulation 6010.8–R (32 CFR 199), which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment revises language in the Regulation to allow benefit consideration for the surgical treatment of morbid obesity when the primary purpose of the surgery is to treat a severe related illness or condition. The Regulation is amended due to recent findings that indicate the bypass surgeries warrant reevaluation. Benefits will include the surgical treatment of those individuals who meet the Program definition of morbid obesity, and will be limited to two procedures—that is, the gastric bypass (including gastric stapling) or the jejunoileal bypass.

DATES: Written public comments must be received on or before July 31, 1981. It is anticipated, if issued as a final rule, this proposed amendment would be effective retroactive to 1 October 1980.

ADDRESS: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, telephone (202) 697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Department of Defense published DoD 6010.8–R, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as part 199 of this title. Section 199.10(b)(g)(28) excludes the surgical treatment of obesity as a Program benefit regardless of the circumstances. This was done deliberatley because at the time the current regulation was being developed Program experience had resulted in serious concern as to the safety and efficacy of surgical treatment of obesity, the high rate of complications, lax patient selection criteria and the inappropriate medical surroundings in which some of the procedures were performed. Program review of recent findings and studies indicate progress has been made and supports a reevaluation of at least some types of surgical treatment of morbid obesity.

Under this revised policy, benefits will be limited to only two surgical procedures, the gastric bypass (including gastric stapling) or the jejunoileal bypass. Benefits will be further limited to those individuals who meet the specified criteria. Program benefits will continue to be excluded for other surgical procedures and for all non-surgical services related to morbid obesity, obesity and/or weight reduction.

This amendment is being published for proposed rulemaking at the same time as it is being coordinated within the Department of Defense, with the Department of Health and Human Services, and with other interested agencies in order that consideration of both internal and external comments and publication of this final rulemaking can be expedited.

Accordingly, we propose to amend 32 CFR Part 199 as follows:

1. Section 199.8(b) by adding a new definition of "Morbid Obesity" as paragraph (115a) as follows:

§ 199.8 Definitions.

* * * * *

(b) *Specific Definitions.* * * *

(115a) *Morbid Obesity.* "Morbid Obesity" means (in the adult, between the ages of 18 through 50) the body weight is 200% or more of ideal weight for height and bone structure or the body weight is 100 pounds over ideal weight for height and bone structure, according to the most current Metropolitan Life Table, and such weight is in association with *severe medical conditions* known to have higher mortality rates in association with morbid obesity. These associated medical conditions are diabetes mellitus, hypertension, cholecystitis, narcolepsy, Pickwickian syndrome and other severe respiratory diseases, Hypothalmic disorders and severe arthritis of the weight bearing joints.

* * * * *

2. Section 199.10:

a. By adding a new paragraph (e)(15).

b. By revising paragraph (g)(28).

§ 199.10 Basic Program Benefits.

* * * * *

(e) *Special Benefit Information.* * * *

(15) *Morbid Obesity.* All services and supplies related to obesity or weight reduction have been specifically excluded under this part (refer to § 199.10(b)(28)). Although never the treatment of first choice, recently surgical treatment of morbid obesity has become more accepted when certain *severe medical complications* are present.

(i) *Definition.* Morbid obesity means (in the adult, between the ages of 18 through 50) the body weight is 200% or more of ideal weight for height and bone structure or the body weight is 100 pounds over ideal weight for height and bone structure, according to the most current Metropolitan Life Tables, and such weight is in association with one or more severe medical conditions known to have higher mortality rates in association with morbid obesity. These associated medical conditions are:

(*a*) Diabetes mellitus;

(*b*) Hypertension;

(*c*) Cholecystitis;

(*d*) Narcolepsy;

(*e*) Pickwickian syndrome and other severe respiratory diseases;

(*f*) Hypothalmic disorders; and

(*g*) Severe arthritis of the weight bearing joints.

(ii) *Contraindications to Surgical Treatment of Morbid Obesity.* If any one of the following conditions are present in the patient, surgical treatment of morbid obesity is contraindicated and the case would thus not qualify for benefits regardless of whether the extreme weight is associated with one of the severe medical conditions listed in the definition of "morbid obesity;"

(*a*) Renal failure;

(*b*) Inflammatory bowel disease;

(*c*) Pulmonary embolization;

(*d*) Chronic alcholism;

(*e*) Active hepatitis;

(*f*) Cirrhosis of the liver;

(*g*) Organic brain syndrome;

(*h*) Mental retardation;

(*i*) Profound psychotic disturbance; or

(*j*) History of anorexia nervosa;

(iii) *Medical/Surgical Environment.* Preoperative and postoperative care by the patient's primary care physician and surgeon should include the services of a psychiatrist, an internist, a nutritionist and other consultants appropriate to the medical condition(s) present. Therefore, surgical care should be provided in a medical center. If the surgical treatment of morbid obesity is performed in other than a medical center environment, it will be considered a *contraindication* for purposes of extending CHAMPUS benefits.

(iv) *Limits to morbid obesity benefit.* Benefits for surgical treatment of morbid obesity are limited to those individuals who meet the criteria established in the definition. Benefits are further limited to the gastric bypass (including gastric stapling) or jejunoileal bypass only.

(v) *Claims Documentation.* Any claim(s) related to surgical treatment of morbid obesity must include documentation which provides the patient's history and shows the patient meets the criteria for morbid obesity. When the surgical procedure is jejunoileal bypass, documentation must also be attached to support the decision to make this the procedure of choice. Each claim(s) related to surgical treatment of morbid obesity will be medically reviewed to assure compliance with the Program's criteria. Where necessary, additional clinical documentation will be obtained.

(vi) *General Exclusions.*

(*a*) CHAMPUS benefits may not be extended for nonsurgical treatment of morbid obesity, obesity and/or weight reduction.

(*b*) Surgical procedures other than gastric bypass (including gastric stapling) or jejunoileal bypass are excluded whether or not morbid obesity is determined to be present.

(*c*) CHAMPUS benefits may not be extended if the patient is under 18 or over 50 years of age regardless of whether the case otherwise meets the CHAMPUS criteria for morbid obesity.

(*d*) Benefits are not authorized for surgical treatment of those individuals who do not meet all the Program criteria for morbid obesity established in the definition and this statement of policy.

* * * * *

(g) *Exclusions and limitations.* * * *

(28) *Obesity: Weight Reduction.* Services and supplies related to obesity and/or weight reduction whether

surgical or nonsurgical; wiring of the jaws or any procedure of similar purpose regardless of the circumstances under which performed; except that benefits may be provided for the gastric bypass (including gastric stapling) and jejunoileal bypass procedures in connection with "morbid obesity" as provided in paragraph (e)(15) of this part.

* * * * *

M. S. Healy,

Federal Register Liaison, Washington Headquarters Services, Department of Defense.

25 June 1981.

[FR Doc. 81-19293 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

ATBCB Committee of the Whole of the Board; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of Special Meeting.

SUMMARY: Due to the potential air traffic controllers strike, on June 19 the ATBCB meetings of June 22 and June 23 were postponed. The Architectural and Transportation Barriers Compliance Board (ATBCB) has rescheduled its special meeting for 10:00 AM, on July 10, 1981, to consider proposed rulemaking activities on the ATBCB Minimum Guidelines and Requirements for Accessible Design, published in the **Federal Register** as a Final Rule on January 16, 1981. Suspension of work or proposed cancellation of a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) relating to the ATBCB Minimum Guidelines and Requirements is also on the agenda for action by the ATBCB.

DATE: July 10, 1981, 10:00 AM–5:00 PM.

ADDRESS: Room 1331, 330 C Street, S.W., Mary E. Switzer Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD)

SUPPLEMENTARY INFORMATION: The special meeting of the ATBCB will enable the Board to further consider developments, including modification, rescission, amendment, of its accessibility rule adopted January 6, 1981, 46 FR 4270.

ATBCB Committee of the Whole of the Board is scheduled for Thursday, July 9, 1981. This meeting will be from 10:00 AM–5:00 PM, Room 1331, 330 C Street, S.W., Washington, D.C. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

Mason H. Rose, V,

Chairperson.

[FR Doc 81-19238 Filed 6-30-81; 8:45 am]

BILLING CODE 4000-07-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PH-FRL-1872-6; PP 7E1914/P116]

Cross-Link Nylon-Type Encapsulating Polymer; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that a cross-linked nylon-type encapsulating polymer be exempted from the requirement of a tolerance for residues when used as an inert encapsulating material for formulations of the insecticide parathion applied to sorghum. The proposal was submitted by Pennwalt Corp. This amendment to the regulation would permit residues of the subject encapulating polymer on sorghum without the establishment of a minimum permissible level.

DATE: Written comments must be received on or before July 31, 1981.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PMN) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703–577–7024).

SUPPLEMENTARY INFORMATION: Pennwalt Corp., 900 First Ave., PO Box C, King Prussia, PA 19406, has submitted a pesticide petition (PP 7E1914) to the EPA. The petition requests that the Administrator propose that 40 CFR 180.1028 by amended by the establishment of an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an encapsulating material for formulations of the insecticide parathion applied to sorghum.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included 90-day rat and dog feeding studies.

Based on the rat and dog 90-day feeding studies, the no-observed-effect level (NOEL) was 10,000 parts per million (ppm) each (the highest level fed). A 21-day radiotracer study in rats at the sensitivity level of 0.1 part per billion (ppb) showed no absorption across the gastrointestinal wall. No alteration in the gastrointestinal mucosa at 10,000 ppm in the diet or the presence of impaction sites was noted in the rat and dog feeding studies. The acceptable daily intake (ADI), theoretical maximum residue contribution (TMRC), and maximum permissible intake (MPI) are not considerations in this proposed exemption because of the non-toxic nature of the encapsulating material. Tolerances have previously been established (40 CFR 180.121) for residues of parathion on a variety of raw agricultural commodities including sorghum at 0.1 ppm. The encapsulating polymer data are sufficient to evaluate the hazard from the proposed uses. The nature of the encapsulating material is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry. There are no pending regulatory actions against registration of the encapsulating material, nor are there essential data lacking from the petition, nor are there other considerations involved in establishing this exemption.

The subject polymer is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1028 will protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein may request, within 30 days after publication of this proposal in the **Federal Register** that this proposal be referred to an advisory committee in accordance with section (408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 7E1914/P116]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Jay Ellenberger from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).)

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

* * * * *

(b) The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of parathion applied to growing sorghum.

[FR Doc. 81-19306 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-32-M

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticides Programs.

Therefore, it is proposed that 40 CFR 180.1028 be amended by (1) designating the existing text as paragraph (a) and (2) by adding paragraph (b) to read as follows:

Notices

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 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.

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

June 24, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39702, from Elan Air Corp., 248 Broadway, Chelsey, MA 02150 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before July 22, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19350 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

Application of Columbia Air, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause, 81-6-155, docket 39719 and fitness investigation of Columbia Air, Inc., Docket 39737.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Columbia Air, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among 30 Baltimore/Washington, D.C. markets. Certification is subject to a favorable determination of the applicant's fitness in the Columbia Air Fitness Investigation (Docket 39737), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by July 13, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Persons wishing to file petitions to intervene in the Columbia Air Fitness Investigation shall file their petitions in Docket 39737 by July 6, 1981 and serve such filings on all persons listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39719, application of Columbia Air, Inc., for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on: Columbia Air, Inc.; the Mayors of Albany, NY, Atlanta, GA, Baltimore, MD, Washington, DC, Boston, MA, Buffalo, NY, Charleston, WV, Charlotte, NC, Chicago, IL, cincinnati, OH, Cleveland, OH, Columbia, SC, Columbus, OH, Detroit, MI, Greensboro, NC, High Point, NC, Hartford, CT, Springfield, MA, Indianapolis, IN, Islip, NY, Louisville, KY, Miami, FL, Nashville, TN, New York, NY, Newark, NJ, Norfolk, VA, Orlando, FL, Pittsburgh, PA, Providence, RI, Raleigh-Durham, NC, Rochester, NY, St. Louis, MO, Savannah, GA, Syracuse, NY and Tampa, FL; the managers of these cities' airports; the State Departments of Transportation or Aeronautics Commissions of New York, Georgia, Maryland, Washington, D.C., Massachusetts, West Virginia, North Carolina, Illinois, Ohio, South Carolina, Michigan, Connecticut, Indiana, Kentucky, Florida, Tennessee, New Jersey, Virginia, Pennsylvania, Rhode Island and Missouri; and the Federal Aviation Administration. Service will also be required on any other person filing objections.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-155 is available from our Distribution Section, Room 516, 1825 Connecticut Ave., N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-155 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 22, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19344 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39737]

Columbia Air Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., June 24, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-19346 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39737]

Columbia Air Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 10, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

In the instituting order, Order 81-6-155, the Board saw no need for an evidence request in this proceeding and directed all interested persons to file requests for additional evidence and requests to intervene no later than July 6, 1981. Comments or replies to any such requests shall be filed on July 8, 1981. Any pleadings filed on July 6 or July 8 shall be delivered to the undersigned on the day of filing.

Dated at Washington, D.C., June 25, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-19345 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-165]

Fitness Determination of Coral Air Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-165, Order to Show Cause.

SUMMARY: The Board is proposing to find that Coral Air Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-165

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A. Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-165 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-165 to the Distribution Section, Civil Aeronuatics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19343 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-170]

Fitness Determination of Green Hills Aviation, Ltd.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-170, Order To Show Cause.

SUMMARY: The Board is proposing to find that Green Hills Aviation, Ltd. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Essential Air Services Division, Room 912, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-170.

FOR FURTHER INFORMATION CONTACT: Mr. Glen E. Robards, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825, Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5190.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-170 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-170 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19341 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-166]

Fitness Determination of Mississippi Valley Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-166, Order To Show Cause.

SUMMARY: The Board is proposing to find that Mississippi Valley Airlines, Inc., is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing, and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-166.

FOR FURTHER INFORMATION CONTACT: Mr. James Olavarria, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-166 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-166 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19342 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39731]

Mackey International, Inc. Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., June 24, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-19347 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-167; Docket 31973]

Proceeding To Revoke All-Cargo Certificate and Air Taxi Authority of Check-Air, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order 81-6-167, order to show cause, docket 31973.

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate and air taxi authority of Check-Air, Inc. of Milwaukee, Wisconsin. This order is being proposed because the carrier surrendered its air carrier license to the FAA and has not attempted to reinstate its license.

DATES: Objections: All interested persons having objections to the Board issuing an order revoking the All-Cargo Air Service Certificate and air taxi authority of Check-Air, Inc. shall file no later than July 31, 1981, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 31973, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428 (202) 673-5918.

The complete text of Order 81-6-167 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-6-167 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19348 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Lamb Meat From New Zealand; Postponement of Preliminary Countervailing Duty Determination

June 25, 1981

AGENCY: United States Department of Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination on lamb meat from New Zealand is being postponed from July 17, 1981, to not later than September 19, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (202-377-1279).

SUPPLEMENTARY INFORMATION: On May 18, 1981, we announced our initiation of a countervailing duty investigation to determine whether the Government of New Zealand is giving its producers and exporters of lamb meat certain benefits that are bounties or grants (46 F.R. 27151). The notice stated that we would issue a preliminary determination by July 17, 1981, if our investigation proceeded normally.

As detailed in the notice of initiation of countervailing duty investigation, the petition alleges numerous subsidy programs that the Government of New Zealand provides to producers and exporters of lamb meat. The alleged subsidy programs are complex, appear to involve may recipients, and pose some novel issues. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended, and we will issue a preliminary determination not later than September 19, 1981.

This notice is published pursuant to section 703(c)(2) of the Act (93 Stat. 153, 19 U.S.C. 1671b(c)(2)).

David L. Binder,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-19295 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Quarterly update of foreign government subsidies on articles of quota cheese

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, determined that the amounts of the subsidies listed in the Department's April 1, 1981, quarterly update to our annual list of foreign government subsidies on articles of quota cheese have changed.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377-3693.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Argriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of each such subsidy determined to exist.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702 (h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which programs were identified in the April 1, 1981, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice publication are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

June 25, 1981.

David L. Binder,

Acting Deputy Assistant Secretary for Import Administration.

Appendix

[Quota cheese subsidy programs]

Country	Program(s)	Gross subsidy (cts per lb)[1]	Net subsidy (cts per lb)[2]
Belgium	European Community (EC) restitution payments.	7.4	7.4
Canada	Export assistance on certain types of cheese.	16.7	16.7
	Indirect (milk) subsidy	13.6	13.6
		30.3	30.3
Denmark	EC restitution payments	11.4	11.4
Finland	Export subsidy	113.8	113.8
	Indirect subsidies	19.4	19.4
		133.2	133.2
France	EC restitution payments	9.7	9.7
Ireland	EC restitution payments	7.6	7.6
Italy	EC restitution payments	41.1	41.1
Luxembourg	EC restitution payments	7.4	7.4
Netherlands	EC restitution payments	6.4	6.4
Norway	Indirect (milk) subsidy	23.5	23.5
	Consumer subsidy	52.2	52.2
		75.7	75.7
Portugal	Indirect (milk) subsidy	31.3	31.3
	Direct subsidy on all sales of Gouda cheese.	22.1	22.1
		53.4	53.4
Switzerland	Deficiency payments	61.2	61.2
United Kingdom.	EC restitution payments	8.5	8.5
West Germany.	EC restitution payments	13.6	13.6

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 81-19355 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

The Ohio State University Research Foundation; 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. 81-00013. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Droplet Countercurrent Chromatograph, Model DCC-A. Manufacturer: Toyko Rikakikai, Japan. Intended use of article: See Notice on page 9686 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 operates without solid support and provides for droplet and macromolecule operations. 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.

Frank W. Creel,

Acting director Statutory Import Programs Staff

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-19359 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

The Rockfeller 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 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00014. Applicant: The Rockfeller University, 1230 York Avenue, New York, NY 10021. Article: Superconducting High Resolution Magnet and Cryostat. Manufacturer: Oxford Instruments, Ltd., United Kingdom. Intended use of article: See Notice on page 9686 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 89 millimeters bore and a 7 tesla magnetic field. The Department of Health and Human Services 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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19356 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Sandia Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 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. 81-00036. Applicant: Sandia Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TEA-103-2. Manufacturer: Lumonics Research, Canada. Intended use of article: See Notice on page 16920 in the **Federal Register** of March 16, 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: This application is a resubmission of Docket Number 80-00115 which was denied without prejudice to resubmission on August 8,

1980 for informational deficiencies. The foreign article is a line turnable laser that produces greater than one joule per pulse in single mode operation. The National Bureau of Standards advises in its memorandum dated May 7, 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 appartus 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.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-19358 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Trustees of the University of Pennsylvania; 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, NW., Washington, D.C. 20230.

Docket No. 81-00032. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street/I6, Philadelphia, PA 19104. Article: Rotating Anode X-ray Generator. Manufacturer: Rigaku Corp., Japan. 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 has a 12 kilowatt high brilliance source. 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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19357 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

University of Arizona; 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. 81-00064. Applicant: University of Arizona, Bioscience West Bldg., Room 308, Tuscon, Arizona 85721. Article: Top entry Configuration for JEM 100CX Electron Microscope. Manufacturer: JEOL, Japan. Intended use of article: See Notice on page 18565 in the **Federal Register** of March 25, 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: This application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The article is being manufactured by the manufacturer which produced the instrument with which it is intended to be used. We are advised by the Department of Health and Human Services in its memorandum dated May 6, 1981 that the accessory is pertinent to the applicant's intended uses and that is knows of no comparable domestic article.

The Department of Commerce knows of no similar accessory manufactured in the United States which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-19360 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On May 22, 1981, Notice was published in the **Federal Register** (45 FR 27987), that an application had been filed with the National Marine Fisheries Service by S. Jonathan Stern, 635 Wakerobin Lane, San Rafael, California 94903, for a permit to take minke whales (*Balaenoptera acutorostrata*) by inadvertent harassment for the purpose of scientific research.

Notice is hereby given that on June 23, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to S. Jonathan Stern for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-19375 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

On May 20, 1981, Notice was published in the **Federal Register** (46 FR 27515) that a request to modify Permit No. 312 had been filed with the National Marine Fisheries Service by Randall Davis, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, California 92093.

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 312 issued to Randall Davis on December 2, 1980 (45 FR 81248) was modified as follows:

1. The title was modified to read:

"Permit to Take and Import Marine Mammals."

2. Section A–1 was modified to read:

"Seventy (70) Weddell seals *(Leptonychotes weddelli)* may be captured, instrumented with time-depth recorders and/or radio tags and released. Twenty (20) of these animals may also have multiple muscle, blood, and urine samples taken. Animals may be recaptured as necessary."

3. A new Section A–2 was added as follows:

"Specimen material taken from Weddell seals authorized in Section A–1 or from seals taken by the New Zealand research team may be imported."

This modification became effective on June 23, 1981.

The Permit, as modified, and documentation pertaining to the modification are available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: June 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-19376 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Alaska Department of Fish and Game (P66E).

b. Address: 1300 College Road, Fairbanks, Alaska 99701.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Ringed seal (*Phoca hispida*) 1,000.

Bearded seal (*Erignathus barbatus*), 400.

Ribbon seal (*Phoca fasciata*), 500.

Largha seal (*Phoca Largha*), 1,000.

Northern sea lion (*Eumetopias jubatus*), 100.

Harbor seal (*Phoca vitulina*), 50.

4. Type of Take: Of the total of 3,050 animals requested, 1,550 seals are to be taken by killing, the remainder are to be captured, marked and released with visual tags and radio tags.

5. Location of Activity: Various locations in Alaska and Bering Sea.

6. Period of Activity: 4 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before July 31, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 25, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-19377 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out the Council's responsibilities under the Act. The Council, its SSC and AP will conduct separate public meetings to discuss fishery management plans under development and to conduct other fishery management business.

DATES: The Council meeting will convene on Wednesday, July 29, 1981, at approximately 7 p.m., adjourn at approximately 9 p.m.; reconvene on Thursday, July 30, 1981, at approximately 9 a.m., adjourn approximately 4 p.m., and on Friday, July 31, 1981, reconvene at approximately 9 a.m., and adjourn at approximately noon. The SSC meeting will convene on Tuesday, July 28, 1981, at approximately 1:30 p.m., adjourn at approximately 5 p.m.; reconvene on Wednesday, July 29, 1981 approximately 9 a.m., and adjourn at approximately 3 p.m. The AP meeting will convene on Monday, July 27, 1981, at approximately 10 a.m., adjourn at approximately 3 p.m. reconvene on the same day from approximately 7 p.m., to 9 p.m., and on Tuesday, July 28, 1981, reconvene at approximately 8:30 a.m., and adjourn at approximately noon.

ADDRESS: The meetings will take place at the King Kamehameha Hotel, Kailua-Kona, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: June 25, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19374 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council, its Education and Information Subcommittee, and its Administrative Subcommittee; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Change in Meeting Dates, Location, and Addition of a New Council Subcommittee Meeting.

SUMMARY: The scheduled meeting of the Caribbean Fishery Management Council, its Education and Information Subcommittee and its Administrative Subcommittee, as published in the **Federal Register** (pages 30678–30679), June 10, 1981, has been changed as follows:

From

Council—convening on Wednesday, July 22, 1981, adjourning on Thursday, July 23, 1981.

Education and Information Subcommittee—convening and adjourning on Tuesday, July 21, 1981.

Administrative Subcommittee—also convening and adjourning on Tuesday, July 21, 1981.

To

Council—convening on Thursday, July 23, 1981, and adjourning on Friday, July 24, 1981. Time remains unchanged.

Education and Information Subcommittee—convening and adjourning on Wednesday, July 22, 1981. Time remains unchanged.

Administrative Subcommittee—also convening and adjourning on Wednesday, July 22, 1981. Time remains unchanged.

In addition, the Council's Statement of Organization, Practices and Procedures (SOPPs) Subcommittee, will also convene on Wednesday, July 22, 1981, at approximately 9 a.m., and will adjourn at approximately noon. The SOPPs Subcommittee will meet to consider proposed changes to the Council's operating procedures and practices as these procedures relate to established policy and guidelines.

The location for the above meetings has changed from San Juan, Puerto Rico, to the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT:

Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, telephone: (809) 753–4926.

Dated: June 19, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19233 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Colombia, Effective on July 1, 1981

June 29, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from Colombia during the twelve-month period beginning on July 1, 1981.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia, establishes specific ceilings for wool and man-made fiber textile products in Categories 444 and 641, among other categories, during the agreement year which begins on July 1, 1981 and extends through June 30, 1982. It also establishes consultation levels, among other categories, for cotton and wool textile products in Categories 310, 320 and 435 during that same agreement period. Accordingly, there is published below a letter from the Chairman of the Committee for the Implemenation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be limited to the designated twelve-month levels of restraint.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

U.S. Department of Commerce,
International Trade Administration,
Washington, D.C. 20230.

June 29, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Textile Agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 1, 1981 and for the twelve-month period extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, exported from Colombia in the following categories, in excess of the indicated twelve-month levels of restraint:

Category	Twelve-month level of restraint
310	3,200,000 square yards.
320	7,000,000 square yards.
435	5,556 dozen.
444	4,345 dozen.
641	152,074 dozen.

In carrying out this directive, entries of cotton, wool, and man-made fiber textile products in the foregoing categories, except Category 310, produced or manufactured in Colombia, which have been exported to the United States on and after July 1, 1980 and extending through June 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Cotton textile products in Category 310, which have been exported prior to July 1, 1981 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia, which provide, in part, that: (1) within the applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) certain consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems

arising in the implementation of the agreement. Any appropriate adjustment under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to inclued entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool, and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-19623 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER81-538-000]

Carolina Power & Light Company; Filing of Proposed Changes in Rates and Charges

June 23, 1981.

The filing Company submits the following:

Take notice that Carolina Power & Light Company (CP&L), on June 12, 1981, tendered for filing Revised Sheet Nos. 5-8 to its FPC Electric Tariff, first Revised Volume No. I, containing revised rates and charges applicable to CP&L's 24 municipal, two private distribution utilities, 18 rural electric cooperative, and one partial requirements sales-for-resale customers. The revised rates are contained in proposed Resale Service Schedules RS-15, RS-16, and RS-17 applicable to CP&L's electric cooperative customers, municipal and private distribution utility customers, and partial requirements customer, respectively. Accompanying Resale Fuel Adjustment Clause Rider No. 2C is applicable to all rate schedules. CP&L proposes to place the revised tariff sheets into effect as August 11, 1981. The revised rates and charges would increase revenues from jurisdictional sales by $34,588,714, based on the 12-month period ending December 31, 1981.

CP&L states that under the rates currently in effect subject to refund, it expects to realize a rate of return during Period II (calendar year 1981) from service to its municipal and private utility resale customers of 9.07%, from its electric cooperative resale customers of 8.90%, and from the partial requirements customer of 8.99%. These operating results would produce a return on common equity of 8.30% from municipal and private utility sales, 7.82% from cooperative sales, and 8.98% from the partial requirements customer during the calendar year 1981. The proposed rates and charges are designed to enable CP&L to improve the rate of return realized from resale servies which return is estimated to be 12.4% on rate base if the proposed rates and charges had been in effect for the 12-month period ending December 31, 1981.

A copy of the appropriate portions of the filing has been served upon CP&L's jurisdictional resale customers and the State Commissions of North Carolina and South Carolina.

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 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 10, 1981. Protests wil be considered by the Commission in determing 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. 81-19232 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4453-001]

City of Paris; Notice of Application for Preliminary Permit

June 24, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4453 to be known as the Kentucky River Lock and Dam No. 9 located on Kentucky River in Jessamine and Madison Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located adjacent to the existing auxillary dam, containing two generating units rated at 9.8 MW each for a total installed capacity of 19.6 MW; (2) a proposed 138 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates the average annual energy output for the project would be 44.6 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) flow/energy calculation, (2) marketing, (3) project development, (4) power cost, (5) financing, and (6) environmental. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 9 Project Nos. 3644, 3678 and 3963 filed on November 3, 1980, November 5, 1980, and January 12, 1981, by Continental Hydro Corporation, Dam Nine Development, Ltd., and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicabile. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4453. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19289 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4605-000]

Devils Table Hydroelectric Project; Application for Preliminary Permit

June 26, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on April 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4605-000 known as the Devils Table Hydroelectric Project located on Rattlesnake Creek in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard Frye, Manager Sunnyside Valley Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

Project Description—The proposed project would consist of two power plants:

Power Plant No. 1 would consist of: (1) a 335-foot high and 2,050-foot long earth or rockfill; (2) a 2,000-foot long, 8-foot diameter penstock; and (3) a powerhouse containng a total installed capacity of 24MW

Power Plant No. 2 would consist of: (1) a 335-foot high and 1,150-foot long earth or rockfill dam creating an impoundment of 43,000 acre-feet; (2) a 1,800-foot long, 6-foot diameter penstock; and (3) a powerhouse containing a total installed capacity of 24 MW.

A 13 mile long 34.5-kV transmission line will carry the power generated by the two powerplants to an existing Pacific Power and Light transmission line. The Applicant estimates the total average annual energy output from power plant No. 1 would be 53.1 million kWh and that from power plant No. 2 would be 34.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, hydrogeological, economic and environmental studies, and prepare an FERC license application. The disturbance to land as a result of field investigations would be minimal. No new roads are expected to be required to conduct the studies. The cost of studies for the preliminary permit is estimated to be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 6, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comment within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19259 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-362-000]

Florida Gas Transmission Co.; Application

June 29, 1981.

Take notice that on June 8, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-362-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for the account of Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a transportation agreement dated April 29, 1981, Applicant has agreed to receive up to 2.5 billion Btu of gas per day for the account of Public Service at a new point of interconnection to be established on Applicant's facilities in the White Castle

Field Area, Iberville Parish, Louisiana, and to transport and deliver certain quantities of such gas to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection between the facilities of Applicant and Transco in Vermilion Parish, Louisiana.

Applicant proposes to charge Public Service 10.9 cents per million Btu delivered at the existing point of interconnection in Vermilion Parish, Louisiana. Applicant states that the transportation charges reflect a rate which is based 50 percent on mileage and 50 percent on fixed costs. Applicant further states that the charges are based upon Applicant's cost of service to Station No. 12 which is the last point on Applicant's pipeline system for the receipt of gas for redelivery in Florida.

Applicant states that it has installed pursuant to its budget-type authorization the facilities required to accomodate the receipt and measurement of gas on its facilities. Applicant further states that Public Service has agreed to reimburse Applicant for 50 percent of all the facilities installed and expenses associated with the installation of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 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 he 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. 81-19260 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-54-000]

Idaho Power Co.; Application

June 23, 1981.

Take notice that on June 16, 1981, Idaho Power Company (Applicant) a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 500,000 shares of its Common Stock, $5 par value, pursuant to the Applicant's Customer Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before July 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions 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 and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19271 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-8-001]

J-W Operating Co.; Filing of Extension Report

June 29, 1981

Take notice that on May 26, 1981, J-W Operating Company (Applicant), 1900 LTV Tower, Dallas, Texas 75201, filed in Docket No. ST80-8-001 an extension report pursuant to Section 284.148(c) of the Commission's Regulations of Applicant's intention to continue the sale of natural gas to United Gas Pipe Line Company (United) 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 purchase contract with United dated August 1, 1979, and now proposes to extend such sale for an additional two-year period ending August 1, 1983.

Applicant asserts that it would reduce the fee to 20.0 cents per million Btu for expenses incurred for gathering, treatment and delivery of the gas to United.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 20, 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. 81-19261 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4665-000]

Craig W. Knight; Application for Preliminary Permit

June 26, 1981.

Take notice that Craig W. Knight (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4665 known as the Knight Hat Creek Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Craig W. Knight, P.O. Box 97, Adin, California 96006.

Project Description—The proposed project would consist of: (1) a 5-foot high and 60-foot long natural fill and concrete diversion dam; (2) a 4,600-foot long, 48-inch diameter penstock; (3) a powerhouse with total installed capacity of 7MW; and (4) a 600-foot long, 12-kV transmission line to connect with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, hydraulic, economic, and environmental studies; conduct property surveys; negotiate with the utility for sale of power; and prepare state water rights and FERC license application. No new roads are required to conduct these studies. The cost of these studies is estimated by the Applicant to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825, North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19257 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4587-000]

Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch; Application for Preliminary Permit

June 26, 1981.

Take notice that Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4587 known as the Ruth Creek Project located on Ruth Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dennis V. McGrew, P. E., 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) 5-foot high concrete diversion weir; (2) an 8,450-foot long low-pressure conduit; (3) a surge tank; (4) a 2,000-foot long and 36-inch diameter penstock; (5) a powerhouse containing one generating unit rated at 3,100 kW; and (6) a 1.7-mile long transmission line.

The Applicant estimates that the average annual energy output would be 17.9 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geological studies, do preliminary designs, make an economic and feasibility analysis, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies, but test borings will be done at various sites.

The estimated cost of the work to be done under the preliminary permit is $190,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19258 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI81-4-000]

Michigan Wisconsin Pipe Line Co.; Petition for Declaratory Order

June 29, 1981.

Take notice that on May 27, 1981, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition for declaratory order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure. Michigan Wisconsin seeks a Commission order stating that the Commission has primary jurisdiction over the issues set forth in its petition, and further, that Michigan Wisconsin has at all pertinent times paid Calpetco the maximum price allowable under Commission regulations and under Michigan Wisconsin's contracts with Calpetco for sales of gas made by Calpetco to Michigan Wisconsin during 1977 from the Elledge No. 7-72 Well, Ochiltree County, Texas and the Collard No. 7-76 Well, Hansford County, Texas.

Michigan Wisconsin states that on March 4, 1977, it entered into two conventional 20-year gas purchase contracts with Calpetco covering the sale of Calpetco's interest in the Elledge and Collard wells. Michigan Wisconsin further states that Calpetco commenced deliveries from the Elledge Well in March, 1977, and from the Collard Well in August, 1977.

According to Michigan Wisconsin, the price was stated in the contracts to be $2.25 per Mcf, but that the contracts further provided that the price was not to be in excess of Commission are and national ceiling rates unless permitted by the Commission. Michigan Wisconsin asserts that it has at all relevant times paid Calpetco in accordance with established Commission ceilings, and that Calpetco was not lawfully authorized to collect a price above those ceilings.

Michigan Wisconsin states that Calpetco has taken the position that the Emergency Natural Gas Act of 1977 and the Commission's emergency regulations in effect at that time provided Calpetco with the necessary authorization to charge $2.25 per Mcf for a period of 149 days in 1977 in the case of the Elledge Well and for a period of 60 days in 1977 in the case of the Collard Well. Michigan Wisconsin asserts that the prices allowed by the Act and the Commission's regulations apply only to emergency purchases and not to long-term purchases.

Any person desiring to be heard or to protest the petition for declaratory order should on or before July 20, 1981, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 party 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. 81-19262 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-359-000]

National Fuel Gas Supply Corp.; Application

June 25, 1981.

Take notice that on June 5, 1981, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP81-359-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reconditioning of two wells in Applicant's Nashville Storage Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to recondition two wells (a) R-19 located in Dayton, Cattaraugus County, New York, and (b) R-22 located in Villenova, Chautauqua County, New York.

Applicant asserts that the reconditioning requires replacement of two 6 x 6 master valves, two 4 x 4 x 6 cross tees, two 4-inch plug valves, two 4-inch orifice meter and recorders, 5,600 feet of 4½-inch O.D. casing, and 1,500 feet of 4-inch steel pipe.

Applicant estimates that the total costs of these facilities would be $120,000. Applicant states that the facilities would be financed with internally generated funds and/or interim short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1981, file with the 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. 81-19272 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-364-000]

Natural Gas Pipeline Co. of America; Application

June 25, 1981.

Take notice that on June 10, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-364-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to a maximum of 18,000,000 Mcf of natural gas to Texas Eastern for use in its system supply. Applicant asserts that such sale would be made pursuant to a gas sales agreement with Texas Eastern dated May 29, 1981. Applicant states that the subject gas would be sold to Texas Eastern on an interruptible basis for a term of 363 days commencing on

the date of the first deliveries to Texas Eastern. Applicant estimates that the maximum daily delivery volumes will not exceed 100 billion Btu per day.

Applicant states that it would charge Texas Eastern for each million Btu of gas sold a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E–1 and G–1 each minus the GRI surcharge. Applicant further notice states that this rate is a composite rate which reflects effective rates in Applicant's tariff. Applicant asserts that the present composite rate is approximately $2.72 per million Btu and Applicant's average cost of gas is approximately $1.92 million Btu as of March 1, 1981. Applicant further asserts that the E–1 and G–1 rates are subject to adjustments under Applicant's Purchased Gas Adjustment Clause and the composite rate would at all times be higher than Applicant's average cost of gas. Applicant proposes, except for 1.0 cent per million Btu for the volumes sold, to credit the revenues from the proposed sale to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant asserts its supply is sufficient to make this sale without impairing or reducing service to its present customers because of Applicant's high take obligations and a significant reduction in demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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 interevene 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 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 conveninence 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. 81-19273 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3342-001]

New Hampshire Hydro Associates; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 26, 1981.

Take notice that the New Hampshire Hydro Associates (Applicant) filed with the Federal Energy Regulatory Commission on April 14, 1981, an application, for exemption for its Penacook Lower Falls Project No. 3342 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 5 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed Penacook Lower Falls hydroelectric project (FERC Project No. 3342) would be located at the Towns of Concord and Boscawen on the Contoocook River, in Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Richard A. Norman, New Hampshire Hydro Associates, 3 Capitol Street, Concord, New Hampshire 03301, and Mr. David B. Ward, Case and Ward P.C., 1050 Seventeenth Street, NW., Washington, D.C. 20036.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Allied Leather Corporation Dam (New Hampshire Water Resources Board #26–97). The dam extends from the north bank to an island in the river, and the exiting dam would be reconstructed to provide a structure about 275 feet long and 17.5 feet high at the gated spillway structure; (2) a diversion structure, about 135 feet long and 15 feet high, extending from the island to the south river bank. This structure would replace the previously washed-away old Rolfe River Dam (New Hampshire Water Resources Board #51–08); (3) a reservoir of negligible storage capacity at surface elevation 272 feet m.s.l.; (4) a new powerhouse at the north bank of the river, with an installed capacity of 2,800 kW; (5) a new tailrace, about 450 feet long; (6) electrical facilities; and (7) other appurtenances. Applicant estimates the annual generation would average about 9,000,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file the competing application must submit to the Commission, on or before August 7, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 7, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Agency Comments—The U.S. Fish and Wildlife Service and the New Hampshire Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3342. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19263 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-235-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

June 29, 1981

Take notice that on May 28, 1981,[1] Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-135-001 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 Applicant's February 23, 1981, gas sales agreement with Faustina Pipeline Company (Faustina), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on March 16, 1981, it filed an application in the instant docket requesting authorization to sell up to 100,000 Mcf of natural gas per day to Faustina pursuant to the terms of their gas sales agreement. It is further stated that in such application Applicant proposed to deliver gas volumes to Transcontinental Gas Pipe Line Corporation at a primary delivery point at the Starks Station, Calcasieu Parish, Louisiana, and a secondary delivery point in Ship Shoal Blocks 70 and 72, offshore Louisiana, for further delivery under the Natural Gas Policy Act of 1978.

It is submitted that on May 1, 1981, Applicant and Faustina amended their agreement so as to delete the aforementioned secondary point of delivery and establish a new proposed secondary point of delivery located in Section 89, Township 12 South, Range 16 East, St. James Parish, Louisiana. It is further submitted that the agreement was also amended so as to provide that Faustina would pay reimbursement for transportation charges of 33.0 cents per Mcf and 42.02 cents per Mcf for volumes delivered at the Calcasieu Parish and St. James Parish delivery points, respectively.

Applicant also proposes revised revenue treatment for its off-system sale which would provide for certain revenues to be included in Applicant's Sales Refund Obligation (SRO) of the Stipulation and Agreement in Docket No. RP80-88 and which would provide for certain revenues to be credited directly to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant states that its currently effective rates are the result of a settlement agreement in Docket No. RP80-88 which provide for an SRO in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is also stated that Section III of the Stipulation and Agreement in Docket No. RP80-88 requires that Applicant refund to its customers the fixed component of its commodity rate (the market area commodity rates include a fixed cost component or 51.15 cents per Mcf) for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. Applicant asserts that the provisions of this SRO provide an effective refund mechanism for off-system sales revenues up to the level of such revenues generated by the actual off-system sales volumes at Applicant's Zone 1 commodity rate level but do not provide a refund mechanism for off-system sales revenues in excess of the Zone 1 commodity level.

Applicant states that under the revenue treatment proposed, it agrees to refund by direct credit to Account No. 191 all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate. Applicant submits that with this treatment for the revenues above the Zone 1 commodity rate the treatment for the remaining revenues derived from the Zone 1 commodity rate level would be consistent with that treatment agreement in Docket No. RP80-88.

Applicant asserts that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80-88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is further asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from these sales.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 20, 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

[1] The application was initially tendered for filing on May 28, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 3, 1981; thus, filing was not completed until the latter date.

Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19264 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-11-001]

Oasis Pipe Line Co.; Filing of Extension Report

June 25, 1981.

Take notice that on May 29, 1981, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST80-11-001 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 El Paso Natural Gas Company (El Paso) 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 transportation agreement with El Paso and that service commenced September 1, 1979. Applicant now proposes to extend such agreement for a term of two years commencing September 1, 1981.

Applicant asserts that under the terms of its agreement with El Paso, Applicant would transport volumes of natural gas from a point located on its pipeline facilities in Ward County, Texas, to a point located at the interconnection of the pipeline facilities of Applicant and El Paso near the Mobil Waha Plant, Pecos County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be approximately 2.290 billion Btu and approximately 2 billion Btu respectively.

Applicant states that the rate to be charged El Paso for such transportation service would be 4.0 cents per Mcf plus a 7.949 cents per Mcf treating charge.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 15, 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 party 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. 81-19274 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-3491-000, *et al.*]

Phillips Petroleum Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

June 23, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1981, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
G-3491-000, D, June 12, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	El Paso Natural Gas Company, C. D. Woolworth No. 18 Well, Lea County, New Mexico.	(1)	
G-12211-000, D, June 8, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	United Gas Pipe Line Company, Ridge Field, Lafayette Parish, Louisiana.	(2)	
G-16218-000, D, June 11, 1981	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Transwestern Pipeline Company, Panhandle Area of Oklahoma, Various Counties, Oklahoma.	(3)	
C175-352-001, C, June 15, 1981	Tenneco Oil Corporation, Post Office Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island Area Block 339, Offshore Louisiana.	(4)	15.025
C179-263-001, C, June 15, 1981	do	Tennessee Gas Pipeline Company, Eugene Island Block 348, Offshore Louisiana.	(5)	15.025
C180-93-001, D, June 8, 1981	Geo. Oil and Gas Company of Houston (Succ. in Interest to Palmer Oil and Gas Company), P.O. Box 2511, Houston, Texas 77001.	Southwest Gas Corporation, Lot 6, S/2 SE/4 Section 1-T8S-R105W, Garfield County, Colorado.	(6)	
C180-148-001, C, June 8, 1981	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Columbia Gas Transmission Corporation, Block 271 Ship Shoal Area, South Addition, Offshore Louisiana.	(7)	15.025
C181-16-001, C, June 5, 1981	Union Oil Company of California, P.O. Box 7600, Los Angeles, California 90051.	United Gas Pipe Line Company, Block A-442, South Addition, High Island Area, Offshore Texas.	(8)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
C181-45-001, C, June 11, 1981	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Columbia Gas Transmission Corporation, Block 248 "D" and Block 247 "F", Ship Shoal Area, Offshore Louisiana.	[9]	15.025
C181-371-000, (G-11998), B, June 5, 1981.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, F. K. Lathrop Gas Unit, Willow Springs Field, Gregg County, Texas.	[10]	
C181-372-000, (C177-663), B, June 9, 1981.	Florida Exploration Company, Post Office Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Sweet Lake Land & Oil Company, No. 1 Well, Chalkley Field Area, Cameron Parish, Louisiana.	[11]	
C181-373-000, F, June 8, 1981 [21]	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Arkansas Louisiana Gas Company, West Hunter Field, Garfield County, Oklahoma.	[12]	14.65
C181-374-000 (CI63-578), B, June 9, 1981.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, S. E. Camrick Field, Beaver and Texas Counties, Oklahoma.	[13]	
C181-375-000 (CI79-3), B, June 10, 1981.	Napeco Inc., 122 South Michigan Avenue, Chicago, Illinois 60603.	Natural Gas Pipeline Company of America, Danbury S. W. Field, Brazoria County, Texas.	[14]	
C181-376-000 (CI77-54), B, June 10, 1981.	do	Natural Gas Pipeline Company of America, BiCentennial (7850) Field, Goliad County, Texas.	[15]	
C181-377-000 (CI76-497), B, June 10, 1981.	do	Natural Gas Pipeline Company of America, Red Tank (Morrow) Field, Lea County, New Mexico.	[16]	
C181-378-000 A, June 11, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, George Shelton Lease, Queen Formation, Gomez Field, Pecos County, Texas.	[17]	14.73
C181-379-000 A, June 11, 1981	do	El Paso Natural Gas Company, San Juan 29-7 Unit (Dakota Formation), Rio Arriba County, New Mexico.	[18]	14.65
C181-380-000 A, June 12, 1981	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Eugene Island Area (South Addition), Blocks 377 and 380, Offshore Louisiana.	[19]	15.025
C181-381-000 A, June 12, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	El Paso Natural Gas Company, Azalea Field, Midland County, Texas.	[20]	14.65

[1] Casinghead Well reclassified as gas well.
[2] Released acreage located outside the upper Discorbis SUA Unit and expired by terms of the lease.
[3] Leases have expired or terminated by their own terms.
[4] Applicant is filing under Gas Purchase and Sales Agreement dated August 16, 1974, amended by Amendment dated August 8, 1981.
[5] Applicant is filing under Gas Purchase and Sales Agreement dated February 5, 1979, amended by Amendment dated April 6, 1981.
[6] Geo. Oil and Gas Company of Houston, inadvertently double dedicated their interest in said acreage. Southwest Gas Corporation has agreed to release the acreage involved by Letter Agreement dated September 19, 1980.
[7] Applicant is filing under Gas Purchase and Sales Agreement dated December 6, 1979, amended by Amendatory Agreement dated May 1, 1981.
[8] Applicant is filing under Gas Purchase Contract dated September 9, 1980, amended by Amendatory Agreement dated June 1, 1981.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated October 8, 1980, amended by Amendatory Agreement dated May 1, 1981.
[10] Last well on the unit was plugged and abandoned. The unit dissolved in June 1975.
[11] Production from the dedicated horizon has ceased and deliveries to FGT have terminated.
[12] Applicant is filing under Gas Purchase Agreement dated November 10, 1975.
[13] The only remaining acreage covered by Rate Schedule No. 471 was farmed out to Search Drilling Company by Farmout Agreement dated May 15, 1980. The proposed well was cancelled, Search did not earn an assignment, and ARCO has released the nonproductive acreage unto the lessors.
[14] The J. R. Geissen #1 Well has been depleted and there are no remaining economically producible reserves. The well was converted to a salt water disposal well, therefore, no plugging report is available.
[15] The B. J. Luker No. 1 Well is depleted and was plugged and abandoned on February 4, 1980.
[16] The Cleary Federal No. 1-17 Well has been depleted and there are no remaining economically producible reserves. It was plugged and abandoned on December 18, 1978.
[17] Applicant is filing under Casinghead Gas Purchase Contract dated May 1, 1981.
[18] Applicant is filing under Gas Purchase Agreement dated January 1, 1981.
[19] Applicant is filing under Gas Purchase Contract dated May 13, 1981.
[20] Applicant is filing under Gas Purchase Contract dated April 13, 1981.
[21] On March 26, 1981, Petro-Western Energy Corporation assigned its interest in various wells located in West Hunter Field, Garfield County, Oklahoma to Phillips Petroleum Company. Service was previously rendered under small certificate issued to Petro-Western under Docket No. CS76-0379.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-19253 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-436-000]

South Carolina Electric & Gas Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued June 24, 1981.

On May 1, 1981, South Carolina Electric & Gas Company (SCE&G) tendered for filing revised rates for service to nine wholesale customers.[1] The proposed rates would result in an increase in jurisdictional revenues of approximately $4,241,924 (18.23%) for the twelve months ending December 31, 1981. SCE&G requests that the rates become effective on July 1, 1981.

Notice of the filing was issued on May 6, 1981, with responses due on or before May 26, 1981. On May 21, 1981, Central Electric Power Cooperative, Inc. (Central) filed a petition to intervene. Central requests that the rates be suspended for five months and that a hearing be held in this proceeding. In support of its request, Central states generally that the rates are excessive and unlawful, that the rate classifications and high voltage discounts are improper, and that the increase in rates will create a price squeeze. Central further alleges that SCE&G has refused to enter into a bulk power wheeling arrangement with it on the ground that the company has no wheeling tariff. Accordingly, Central request that SCE&G be required to propose and seek approval of a wheeling tariff as part of the instant filing.

On May 22, 1981, the City of Orangeburg, and the Towns of McCormick and Winnsboro, South Carolina (Municipalities) filed a joint petition to intervene, also requesting a maximum suspension and a hearing. The Municipalities express the same concerns as those noted by Central, except that they raise no issue concerning a wheeling tariff.

On June 3, 1981, SCE&G filed an answer to Central's petition to intervene. While not opposing Central's intervention, SCE&G requests that the rates be suspended, if at all, for no more than one day. The company denies Central's allegations and further states that Central's request to compel the company to file a wheeling tariff is irrevelant to the instant proceeding. Therefore, SCE&G moves that Central's request for such relief be denied.

[1] *See* Attachment A for rate schedule designations and customer identification.

Discussion

Initially, we find that participation by Central and the Municipalities is in the public interest, and we shall therefore grant their petitions to intervene.

Considering the contentions raised by Central and the Municipalities, our analysis of SCE&G's filing indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that the rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that the intervenors have raised several substantive issues, including price squeeze. However, according to our review, the proposed rates may not yield excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to SCE&G's affected customers pending the outcome of a hearing. Accordingly, the Commission will suspend the rates for one day to become effective, subject to refund thereafter, on July 2, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*,[3] we shall phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

We believe that the request that SCE&G be required to file a wheeling tariff is inappropriate in the instant docket.[4] This proceeding involves an increase in rates for existing wholesale firm service. We do not believe that the scope of the hearing should be expanded to encompass alternative services which the customers may desire to obtain in the future.

The Commission orders:

(A) SCE&G's revised rates are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on July 2, 1981.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act any by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of SCE&G's rates.

(C) Central and the Municipalities are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and, *provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(D) The Commission staff shall serve top sheets in this proceeding on or before July 1, 1981.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price sqeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price sqeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase on this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

South Carolina Electric & Gas Company, Docket No. ER81–436–000, Rate Schedule Designations

South Carolina Electric & Gas Company

(1) Seventh Revised Sheet No. 5 Under FERC Electric Tariff Original Volume No. 1 (Supersedes Sixth Revised Sheet No. 5).

(2) Seventh Revised Sheet No. 6 Under FERC Electric Tariff Original Volume No. 1 (Supersedes Sixth Revised Sheet No. 6).

Affected Customers

McCormick, S.C.
Winnsboro, S.C.
Orangeburg, S.C.
Berkeley Electric Cooperative
Central Electric Cooperative
Little River Electric Cooperative
Palmetto Electric Cooperative
Broad River Electric Cooperative
South Carolina Public Service Authority

[FR Doc. 81-19275 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-540-000]

Southern California Edison Co.; Filing

June 23, 1981.

The filing Company submits the following:

Take notice that on June 12, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Anaheim Interruptible Transmission Service Agreement" which has been executed by Edison and the City of Anaheim, California (Anaheim).

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the FERC. Edison requests the Commission to accept the Agreement for filing, as an initial rate schedule, on minimum

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[2] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1981) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-218 (August 22, 1980) (one-day suspension).

[3] Docket No. ER79-339, order issued August 6, 1979.

[4] Of course, the parties to this proceeding are free to address this or any other issue as part of their settlement discussions. In addition, Central may pursue its request by appropriate application in a separate docket under the pertinent provisions of the Federal Power Act.

statutory notice; i.e., 60 days after receipt for filing.

Under the terms and conditions of the agreement, Edison will make available to Anaheim interruptible transmission service from several points of receipt to the point of delivery at Anaheim.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Anaheim.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.0 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 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wising 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. 81-19278 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4313-000]

Forrest E. Speck, et al.; Application for Preliminary Permit

June 24, 1981.

Take notice that Forrest E. Speck, *et al.* (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4313-000 known as the Newport Hydroelectric Project located on the West Canada Creek in Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Forrest E. Speck; R.F.D. #1; South Hampton Road; Amesbury, Massachusetts 01913.

Project Description—The proposed project would consist of: (1) the existing Newport Dam, an 8-foot high concrete gravity dam with an approximate crest length of 250 feet; (2) the existing reservoir with a surface area of 25 acres at a mean surface elevation of 640.00 feet; (3) existing control gates; (4) an existing power canal; leading to (5) an existing powerhouse containing new generators with a rated capacity of 1,600 kW; (6) existing transmission lines and switchyard equipment; and (7) appurtenant facilities. The existing powerhouse site is owned by the Village of Newport. The Newport Dam is owned by the Mohawk Data Sciences Corporation. The Applicant estimates that the average annual energy output would be 8,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit will be $50,000.

Competing Applications—This application was filed as a competing application to the Long Lake Energy Corporation's Project No. 4247 filed on February 23, 1981, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than August 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19270 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-23-000]

State of New Mexico et al., Section 108 NGPA Determination El Paso Natural Gas Company Farmington Com #1 Well et al., JD-14802 et al.; Petition To Reopen Final Well Category Determinations and To Withdraw Applications

Issued June 23, 1981.

Take notice that on May 4, 1981, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen final well category determinations and to withdraw applications for section 108 well category determinations under the Natural Gas Policy Act of 1978 (NGPA) for the wells listed in the appendix to this notice. The determinations for the subject wells became final by operation of § 275.202 of the Commission's regulations before the date on which the petition for reopening and withdrawal was made.

El Paso states that subsequent to the jurisdictional agency approvals of the applications filed by El Paso as operator of the subject wells, it was discovered that lease use gas had not been included in the calculations of the wells' rate of production. As a result there exists a variance between the amount of production indicated in each application and the actual amount of gas produced from each well. El Paso states that it has recalculated the three month average daily rates of production for the periods upon which the applications were based

and has determined that all of the subject wells exceeded the allowable stripper well production limits.

Any person desiring to be heard or to protest this proceeding should, on or before July 31, 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.

Appendix

Commission Control Number: JD 80–14802
Commission Receipt Date: February 6, 1980
Jurisdictional Agency: New Mexico Oil Conservation Division
Jurisdictional Agency Approval Date: January 25, 1980
Well Name: Farmington Com #1
County: San Juan
State: New Mexico
Purchaser(s): El Paso Natural Gas Co.
Commission Control Number: JD 80–48581
Commission Receipt Date: July 22, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–016670
Jurisdictional Agency Approval Date: June 30, 1980
Well Name: Laycock B #1
County: Wheeler
State: Texas
Purchaser(s): El Paso Natural Gas Co.
Commission Control Number: JD 80–54533
Commission Receipt Date: August 26, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–018053
Jurisdictional Agency Approval Date: August 4, 1980
Well Name: Henderson #2
County: Collingsworth
State: Texas
Purchaser(s): El Paso Natural Gas Co.
Commission Control Number: JD 81–04215
Commission Receipt Date: October 31, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–022717
Jurisdictional Agency Approval Date: October 14, 1980
Well Name: Neely #3
County: Collingsworth
State: Texas
Purchaser(s): El Paso Natural Gas Co.
Commission Control Number: JD 80–21828
Commission Receipt Date: March 25, 1980
Jurisdictional Agency: Oklahoma Corporation Commission
OCC Number: 03199
Jurisdictional Agency Approval Date: March 5, 1980
Well Name: McFann Webster #1
County: Beckham
State: Oklahoma
Purchaser(s): El Paso Natural Gas Co.

[FR Doc. 81-19277 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23-009]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 29, 1981.

Take notice that on June 3, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–23–009 a petition to amend the order issued March 7, 1977 [1], in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of nautral gas for the account of Tenneco Oil Company (TOC) under Order No. 27 to meet requirements of Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued March 7, 1977, in the instant docket it was authorized, subject to certain limitations, to transport natural gas on behalf of TOC to meet Air Products' process and feedstock requirements at its New Orleans chemical complex.

Petitioner proposes to transport gas under Order No. 27 from all authorized receipt points within previously authorized volumetric limits to meet Air Products' requirements for use in manufacturing steam which would, in turn, be used in ammonia production. It is submitted that such usage constitutes essential agricultural uses.

It is stated that the 1964 gas slaes contract between TOC and Creole Gas Pipeline Corporation (Creole) is being amended and assigned by Creole to Air Products so that the gas transported by Petitioner for TOC would be purchased directly by Air Products from TOC at the interconnection between Petitioner's line and Creole with Creole transporting the gas for Air Products to the plant gate. Petitioner feels that the transaction in question, therefore, falls within the purview of Order No. 27.

Petitioner states that the volumes which would be transported pursuant to the requested authorization under Order No. 27 are estimated to be 4,800 Mcf on a peak day, 4,200 Mcf on an average day and 1,530,000 Mcf anually. Petitioner asserts that no additional facilities would be required in order to provide the proposed service.

It is submitted that on March 12, 1981, Petitioner and TOC amended their transportation agreement so as to extend the term until July 1, 1990, in order to make such term run concurrently with TOC's contractual obligation with Air Products. Petitioner, therefore, proposes to amend its existing certificate so as to authorize an extension of such transportation service to expire July 1, 1990. Petitioner further requests waiver of the five-year term for authorization under Order No. 27.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 20, 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. 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

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19285 Filed 6-30-81; 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 by the Commission.

[Docket No. ST80-2-001]

The Nueces Co.; Filing of Extension Report

June 29, 1981.

Take notice that on May 26, 1981, The Nueces Company (Applicant), 3000 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. ST80–2–001 an

extension report pursuant to § 284.148(c) of the Commission's Regulations giving notice of Applicant's intention to extend its sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) 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 an agreement with Panhandle dated August 20, 1979, and now proposes to extend such agreement for a term of two years ending August 20, 1983.

Applicant asserts that under the terms of the agreement with Panhandle, Applicant would transport gas through Applicant's Baca System located in Baca County, Colorado. Applicant further states that it would transport the gas from the various wellheads to the following points of delivery (a) the point of interconnection of the pipeline facilities of Applicant and Panhandle in Baca County, Colorado; and (b) any other mutually agreeable point or points.

Applicant states that the rate to be charged Panhandle for the transportation service is 29.7 cents per million Btu.

Applicant estimates that the total and daily volumes of natural gas to be sold during the term of the sale would be 5.84 trillion Btu and 8 billion Btu, respectively.

Applicant explains that the methodology used to determine the weighted average acquisition cost of the natural gas sold to Panhandle is the same as reported in Applicant's initial report filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 20, 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. 81-19286 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-571]

Toledo Edison Co., Filing

June 23, 1981

Take notice that on June 5, 1981, Toledo Edison Company (Edison) submitted for filing a compliance report in response to a Commission directive of April 21, 1981. According to Edison, the compliance report reflects (1) the Company's revenue entitlement under the rates allowed to become effective October 1, 1980, subject to refund, under the accepted and approved settlement agreement,[1] (2) the amounts actually paid by the customers, and (3) the disposition of any actual payment in excess of the settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before July 19, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19283 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4622-000]

Town of Jackson, Wyoming; Application for Preliminary Permit

June 26, 1981.

Take notice that the Town of Jackson, Wyoming (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4622 known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Shervin, Mayor, P.O. Box 1687, Teton County Court House, Jackson, Wyoming 83001.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Jackson Lake Dam and Reservoir and would consist of: (1) penstocks utilizing existing outlet works; (2) a new powerhouse containing generating units having a total rated capacity of 6,000 kW or 9,000 kW, depending on studies; (3) a tailrace; (4) a new 69-kV transmission line, approximately 6 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 21,500,000 kWh or 25,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

Competing Applications—This application was filed as a competing application to Pacific Northwest Generating Company's application for Project No. 3505 filed on September 26, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4622. Any comments, protests, or petitions to intervene must be filed by providing the original and

[1] The settlement agreement was accepted by letter order issued April 21, 1981.

those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19287 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-358-000]

Transcontinental Gas Pipe Line Corp.; Application

June 25, 1981

Take notice that on June 5, 1981, Transcontinental Gas Pipe Line Corporation (applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-358-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement with United dated November 25, 1980, it proposes to transport up to the dekatherm equivalent of 1,700 Mcf of natural gas per day for United. Applicant asserts that it would receive gas for United from First Energy Corporation at an existing point of interconnection in Jefferson Davis County, Mississippi, and redeliver thermally equivalent quantities to United by displacement at an existing point of interconnection near Holmesville, Pike County, Mississippi.

Applicant states that it would initially charge United 3.5 cents per dekatherm equivalent delivered to Holmesville such rate being Applicant's minimum onshore production area transportation charge. Applicant further states that the primary term of the agreement is ten years and from year to year thereafter.

Applicant asserts that the proposed transportation service would assist United in receiving quantities of gas to be purchased in the Holiday Creek Field, Jefferson Davis County, Mississippi.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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. 81-19278 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

June 29, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held on August 4 and 5, 1981, at 10:00 a.m. in Hearing Room C of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19288 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4316-000]

Trans Mountain Construction Co.; Application for Preliminary Permit

June 24, 1981.

Take notice that Trans Mountain Construction Company (Applicant) filed on March 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4316-000 known as the Blue Valley Ranch Hydro Power Project located on the Blue River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 West 58th Avenue, Golden, Colorado 80401.

Project Description—The proposed project would consist of: (1) a portion of the existing main irrigation ditch of the Blue Valley Ranch, owned by the Blue River Corporation; (2) a powerhouse containing a single generating unit with a rated capacity of 11 kW; (3) a spillway; (4) 1 mile of transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 95,650 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an

acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19279 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4444-000]

Trans Mountain Construction Co.; Application for Preliminary Permit

June 24, 1981.

Take notice that Trans Mountain Construction Co. (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4444 known as the Blue Valley Ranch, Unit Number 2 Hydro Power Project located on The Blue River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 W 58th Avenue, Golden, Colorado 80401.

Project Description—The proposed project would consist of a small diversion structure owned by The Blue River Unit with a rated capacity of 84 kW, one mile of transmission line, a ten foot long penstock, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 658,687 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on resuts of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19280 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-305-000 and ER81-132-000]

Union Light, Heat and Power Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued June 24, 1981.

On March 3, 1981, as completed on April 27, 1981,[1] Union Light, Heat and Power Company (Union) tendered for filing revised rates for service to the City of Williamstown, Kentucky (Williamstown), Union's only wholesale customer.[2] The proposed rates would result in increased revenues of approximately $190,000 (19.0%) for the twelve-month test period ending June 30, 1980. By means of the instant submittal, Union seeks to pass through to Williamstown its allocable portion of an increase to Union filed by the Cincinnati Gas & Electric Company (CG&E) in Docket No. ER81-132-000. Union has requested an effective date of June 25, 1981, to coincide with its increased purchased power costs from CG&E.[3]

[1] By letter dated April 2, 1981, Union was advised that its original submittal was deficient.

[2] *See* Attachment A for rate schedule designation.

[3] Union owns no generation facilities and purchases its entire firm power requirements from

Continued

Notice of the filing was issued on March 11, 1981, with responses due on or before March 30, 1981. On March 30, 1981, Williamstown filed a protest, petition to intervene, motion for five-month suspension, and motion to consolidate with the proceedings in Docket No. ER81-132-000. Williamstown contends that suspension and consolidation with Docket No. ER81-132-000 are appropriate since the ultimate rates to be collected by Union will be contingent on the final rate level allowed for CG&E in Docket No. ER81-132-000. Williamstown also states that Union has failed to show that its proposed method of allocating the increased purchased power costs to Williamstown is just, reasonable, and not unduly discriminatory.

Discussion

Initially, the Commission finds that Williamstown's participation in this proceeding is in the public interest. Consequently, we shall grant the petition to intervene.[4]

Our analysis of the instant submittal indicates that Union's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the increased rates for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since the Union rates simply reflect the pass-through of CG&E's rates, which already have been suspended for the maximum statutory period and are currently under investigation at hearing, it is unnecessary to impose another extended suspension. A one day suspension and the imposition of a refund obligation should protect the affected ratepayers pending the outcome of this proceeding while enabling Union to recover its increased purchased power costs on or about the date upon which Union begins to incur such additional costs. We shall therefore suspend Union's rates for one day from the requested effective date to become effective, subject to refund, on June 26, 1981.

Because common issues of law and fact are presented in this docket and in Docket No. ER81-132-000, we shall consolidate these proceedings for purposes of hearing and decision. Williamstown may pursue the allocation questions raised in its petition to intervene in the consolidated hearing.

The Commission orders:

(A) Union's revised rates are hereby accepted for filing and suspended for one day, to become effective on June 26, 1981, subject to refund pending hearing and decision.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of Union's rates for service to Williamstown.

(C) Williamstown's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided,* further, that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders by the Commission entered in this proceeding.

(D) Docket Nos. ER81-305-000 and ER81-132-000 are hereby consolidated for purposes of hearing and decision.

(E) The administrative law judge previously designated to preside in Docket No. ER81-132-000 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-305-000 with the existing proceeding. Such procedures shall include the submission of testimony and exhibits by Union to support its filing in Docket No. ER81-305-000.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Union Light, Heat and Power Company, Docket No. ER81-305-000

Rate Schedule Designation

Filed: April 27, 1981
Dated: Undated

Designation and Description

Seventh Revised Sheet No. 4 under FPC Electric Tariff Original Vol. No. 1 (Supersedes Sixth Revised Sheet No. 4), WS-S

[FR Doc. 81-19281 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

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its parent, CG&E. By Commission order issued on January 23, 1981, in Docket No. ER81-132-000, CG&E's proposed increased rates to its wholesale customers, including Union, were suspended for five months, to become effective on June 25, 1981, subject to refund.

[4] By order dated March 6, 1981, Williamstown's petition to intervene out of time in Docket No. ER81-132-000 was granted by the administrative law judge in that proceeding.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-483 (August 22, 1980) (one-day suspension).

[Project No. 4273-001]

Warren Rural Electric Cooperative Corp.; Notice of Application for Preliminary Permit

June 24, 1981.

Take notice that Warren Rural Electric Cooperative Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4273 known as the Green River Lock and Dam No. 6 located at the U.S. Army Corps of Engineers' Green River Lock and Dam No. 6 on the Green River in Brownsville, Edmonson County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Ellis, General Manager, Warren Rural Electric Cooperative Corporation, P.O. Box 1118, Bowling Green, Kentucky 42101.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 4273 would consist of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 3.0 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 17.8 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies

would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $29,000.

Competing Applications—This application was filed as a competing application to the FERC Project No. 3837 filed December 5, 1980, by Mitchell Energy, Inc. under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4273. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19282 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

JD NO	DATE	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMERICAN WELL MANAGEMENT COMPANY		RECEIVED: 05/22/81 JA: CH							
8132506		3411925623		103		GLEN DELONG #1	NEWTON	18.0	
8132505		3411925488		103		MARTHA LIVESAY NO 1	ADAMS	18.0	
8132505		3411925488		107	TF	MARTHA LIVESAY NO 1	ADAMS	18.0	
8132507		3412724902		103		PARKER WOODS NO 3	HOPEWELL	18.0	
8132508		3412724907		103		SENTRY-ROYALTY #1	PIKE	18.0	
-APPALACHIAN PETROLEUM CORP		RECEIVED: 05/22/81 JA: CH							
8132509A		3412122364		103		JOHN JENKINS #5	JACKSON	3.5	COLUMBIA GAS TRAN
8132509S		3412122364	D	107	TF	JOHN JENKINS #5	JACKSON	3.5	COLUMBIA GAS TRAN
-ATLAS ENERGY GROUP INC		RECEIVED: 05/22/81 JA: CH							
8132510		3415521164		102	2	SHOOK NO 1	FOWLER	11.0	COLUMBIA GAS TRAN
8132510		3415521164		107	RT	SHOOK NO 1	FOWLER	11.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY		RECEIVED: 05/22/81 JA: CH							
8132519A		3415320761		103		ARCHWOOD LEASING #1	COPLEY	30.0	LIBBEY-OWENS-FORD
8132519S		3415320761	D	107	TF	ARCHWOOD LEASING #1	COPLEY	30.0	LIBBEY-OWENS-FORD
8132516		3405922510		108		H WELLS #1		7.0	COLUMBIA GAS TRAN
8132517		3405922511		108		H WELLS #2		18.0	COLUMBIA GAS TRAN
8132518		3405922539		108		H WELLS #3		12.0	COLUMBIA GAS TRAN
-BAUMAN OIL & GAS CO INC		RECEIVED: 05/22/81 JA: CH							
8132521		3405922648		103		CLEMENS #2	WHEELING	20.0	COLUMBIA GAS TRAN
8132522		3405922652		103		KINNER #2	WHEELING	20.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 05/22/81 JA: CH							
8132524		3411925501		103		FRICK #3	RICH HILL	0.0	COLUMBIA GAS TRAN
8132524		3411925501		107	TF	FRICK #3	RICH HILL	0.0	COLUMBIA GAS TRAN
8132525		3411925502		103		GRANT #3	UNION	1.0	COLUMBIA GAS TRAN
8132525		3411925502		107	TF	GRANT #3	UNION	1.0	COLUMBIA GAS TRAN
8132523		3411925468		103		J CARPENTER #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8132523		3411925468		107	TF	J CARPENTER #1	RICH HILL	0.0	COLUMBIA GAS TRAN
-BERMAN J SHAFER		RECEIVED: 05/22/81 JA: CH							
8132673		3407522998		103		ALVIN BEACHY #1	PAINT	5.0	COLUMBIA GAS TRAN
8132674		3410322542		103		E & P LARKEY #1	SPENCER	5.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC		RECEIVED: 05/22/81 JA: CH							
8132528		3416726066		103		DOLLIE MICHAEL #1	WASHINGTON	0.0	
8132526		3416726062		103		DONAL OCARROLL #1	WATERFORD	0.0	
8132527		3416726063		103		VIRGIL DIXON #1	WATERFORD	0.0	
-BJVC ENERGY MANAGEMENT CORP		RECEIVED: 05/22/81 JA: CH							
8132512		3410521998		103		FEENEY BENNETT POST #128 #1	SALISBURY	4.0	COLUMBIA GAS TRAN
8132511		3410521995		103		FEENEY BENNETT POST #128 #2	SALISBURY	3.0	COLUMBIA GAS TRAN
8132514		3410522101		103		FEENEY BENNETT POST #128 #3	SALISBURY	3.0	COLUMBIA GAS TRAN
8132513		3410522009		103		FEENEY BENNETT POST #128 #4	SALISBURY	3.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO		RECEIVED: 05/22/81 JA: CH							

JOB NO	DA CKT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132532		3400523342	103	STANLEY PARROTT #1	HANOVER	16.0	COLUMBIA GAS TRAN
-BUCKHORN OIL COMPANY INC			RECEIVED: 05/22/81 JA: CH				
8132533		3407522798	103	YODER #13-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132533		3407522798	107-TF	YODER #13-1	MECHANIC	10.0	COLUMBIA GAS TRAN
-C W RIGGS INC			RECEIVED: 05/22/81 JA: CH				
8132667		3416724423	107-DV	CARL HENSLER #1	RENO	7.3	COLUMBIA GAS TRAN
8132668		3416726161	107-DV	G REESE UNIT #1	RENO	7.3	COLUMBIA GAS TRAN
8132669		3416726210	107-DV	HENRY GRAHAM #2	RENO	9.1	COLUMBIA GAS TRAN
8132665		3411122054	107-DV	VIRGIL TISHER #1	WOODSFIELD	10.9	COLUMBIA GAS TRAN
8132666		3411122172	107-DV	VIRGIL TISHER #2	WOODSFIELD	12.7	COLUMBUS GAS TRAN
-CALLANDER & KIMBREL INC			RECEIVED: 05/22/81 JA: CH				
8132536		3411924953	103	CLEMENSON UNIT #2	UNION	6.0	COLUMBIA GAS TRAN
8132536		3411924953	107-TF	CLEMENSON UNIT #2	UNION	6.0	COLUMBIA GAS TRAN
8132537		3411925095	103	J & R MCCALL #1	HIGHLAND	20.0	COLUMBIA GAS TRAN
8132537		3411925095	107-TF	J & R MCCALL #1	HIGHLAND	20.0	COLUMBIA GAS TRAN
8132538		3411925247	103	J & R MCCALL #2	HIGHLAND	25.0	COLUMBIA GAS TRAN
8132538		3411925247	107-TF	J & R MCCALL #2	HIGHLAND	25.0	COLUMBIA GAS TRAN
8132539		3411925249	103	JAMES MCCALL #2	UNION	12.0	COLUMBIA GAS TRAN
8132539		3411925249	107-TF	JAMES MCCALL #2	UNION	12.0	COLUMBIA GAS TRAN
8132534		3411924175	103	MARNE & FRANCES NORTHRUP #1	HIGHLAND	18.0	COLUMBIA GAS TRAN
8132534		3411924175	107-RT	MARNE & FRANCES NORTHRUP #1	HIGHLAND	18.0	COLUMBIA GAS TRAN
8132540		3411925344	103	SOPHIA WILDER #2	MONROE	26.0	COLUMBIA GAS TRAN
8132540		3411925344	107-TF	SOPHIA WILDER #2	MONROE	26.0	COLUMBIA GAS TRAN
8132535		3411924182	103	W & C SMITH #3	UNION	10.0	EAST OHIO GAS CO
8132535		3411924182	107-RT	W & C SMITH #3	UNION	10.0	EAST OHIO GAS CO
-CHANSE PETROLEUM CORPORATION			RECEIVED: 05/22/81 JA: CH				
8132541		3400721440	103	A C & G P JEROME & 3	NEW LYME	4.5	
-CHARLES O LIGHTHIZER			RECEIVED: 05/22/81 JA: CH				
8132629		3411924433	103	DOROTHY ANDERSON #1	UNION	4.0	COLUMBIA GAS TRAN
8132629		3411924433	107-RT	DOROTHY ANDERSON #1	UNION	4.0	COLUMBIA GAS TRAN
-CLINTON OIL CO			RECEIVED: 05/22/81 JA: CH				
8132561		3411925565	103	A ETHELL #2-551	MUSKINGUM	25.0	
8132561		3411925565	107-TF	A ETHELL #2-551	MUSKINGUM	25.0	
8132562		3411925578	103	H MC CONNELL UNIT #2-657	BRUSH CREEK	15.0	
8132562		3411925578	107-TF	H MC CONNELL UNIT #2-657	BRUSH CREEK	15.0	
8132549		3411924874	103	C BAKER #A-1	MADISON	60.0	COLUMBIA GAS TRAN
8132549		3411924874	107-TF	C BAKER #A-1	MADISON	60.0	COLUMBIA GAS TRAN
8132551		3411924882	103	FREEMAN #2-541	BRUSH CREEK	85.0	
8132551		3411924882	107-TF	FREEMAN #2-541	BRUSH CREEK	85.0	
8132547		3411924794	103	HAMBRICK #1	CLAY	10.0	COLUMBIA GAS TRAN
8132547		3411924794	107-TF	HAMBRICK #1	CLAY	10.0	COLUMBIA GAS TRAN
8132553		3411925157	103	JOHN & DOROTHY BRIGGS #5-547	WASHINGTON	75.0	
8132553		3411925157	107-TF	JOHN & DOROTHY BRIGGS #5-547	WASHINGTON	75.0	
8132556		3411925334	103	MATESICH-GRANT #1-528	BRUSH CREEK	100.0	
8132556		3411925334	107-TF	MATESICH-GRANT #1-528	BRUSH CREEK	100.0	
8132544		3411924650	103	MERLE SCHWEITZER #1	CASS	60.0	COLUMBIA GAS TRAN
8132544		3411924650	107-RT	MERLE SCHWEITZER #1	CASS	60.0	COLUMBIA GAS TRAN
8132545		3411924651	103	MERLE SCHWEITZER #2	CASS	65.0	COLUMBIA GAS TRAN
8132545		3411924651	107-RT	MERLE SCHWEITZER #2	CASS	65.0	COLUMBIA GAS TRAN
8132550		3411924881	103	MURPHY UNIT #2	NEWTON	65.0	NATIONAL GAS & OI
8132550		3411924881	107-TF	MURPHY UNIT #2	NEWTON	65.0	NATIONAL GAS & OI
8132559		3411925376	103	NORRIS-WHITE #1-548	WASHINGTON	40.0	
8132559		3411925376	107-TF	NORRIS-WHITE #1-548	WASHINGTON	40.0	

JC No	JA Int	API No	F	SEC	CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
8132564		3411925598		103		OHIO POWER #1-602	CASS	100.0	
8132564		3411925598		107-TF		OHIO POWER #1-602	CASS	100.0	
8132557		3411925368		103		PAUL MILLER #2-539	BRUSH CREEK	75.0	
8132557		3411925368		107-TF		PAUL MILLER #2-539	BRUSH CREEK	75.0	
8132548		3411924864		103		PLETCHER #1	BRUSH CREEK	75.0	NATIONAL GAS & OI
8132548		3411924864		107-TF		PLETCHER #1	BRUSH CREEK	75.0	NATIONAL GAS & OI
8132555		3411925251		103		R HECKEL #1	NEWTON	20.0	COLUMBIA GAS TRAN
8132555		3411925251		107-TF		R HECKEL #1	NEWTON	20.0	COLUMBIA GAS TRAN
8132554		3411925161		103		R WELCH #1-582	BRUSH CREEK	140.0	
8132554		3411925161		107-TF		R WELCH #1-582	BRUSH CREEK	140.0	
8132543		3411924587		103		SHORT #1	CLAY	55.0	COLUMBIA GAS TRAN
8132543		3411924587		107-RT		SHORT #1	CLAY	55.0	COLUMBIA GAS TRAN
8132565		3413321324		103		SIEGENTHALER #1	RAVENNA	75.0	TIMKEN CO
8132565		3413321324		107-TF		SIEGENTHALER #1	RAVENNA	75.0	TIMKEN CO
8132542A		3411924473		103		SILEY #3	MUSKINGUM	50.0	GAS TRANSPORT INC
81325428		3411924473	D	107-TF		SILEY #3	MUSKINGUM	50.0	GAS TRANSPORT INC
8132552		3411925007		103		T O MCCOY #1-584	BRUSH CREEK	100.0	
8132552		3411925007		107-TF		T O MCCOY #1-584	BRUSH CREEK	100.0	
8132563		3411925587		103		T O MCCOY #2-585	BRUSH CREEK	100.0	
8132563		3411925587		107-TF		T O MCCOY #2-585	BRUSH CREEK	100.0	
8132546		3411924653		103		TOTH #2	CLAY	70.0	NATIONAL GAS & OI
8132546		3411924653		107-RT		TOTH #2	CLAY	70.0	NATIONAL GAS & OI
8132558		3411925369		103		WILLIAM & DONALD MCBRIDE #2-628	CASS	150.0	
8132558		3411925369		107-TF		WILLIAM & DONALD MCBRIDE #2-628	CASS	150.0	
8132560		3411925563		103		WILSON-GERMAN #1-540	BRUSH CREEK	100.0	
8132560		3411925563		107-TF		WILSON-GERMAN #1-540	BRUSH CREEK	100.0	
-DAVID SHAFER OIL PRODUCERS INC		RECEIVED: 05/22/81 JA: OH							
8132675		3415320929		103		R C FIRESTONE #1-B	BATH	5.0	EAST OHIO GAS CO
8132676		3415320936		103		R C FIRESTONE #3-B	BATH	5.0	EAST OHIO GAS CO
-DERBY OIL & GAS CORP		RECEIVED: 05/22/81 JA: OH							
8132566		3405922437		103		KENNETH CRAWFORD #1	SPENCER	12.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC		RECEIVED: 05/22/81 JA: OH							
8132567		3407522992		103		ABE G YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8132568		3407523043		103		ALBERT J YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8132570		3411925622		103		FRANCES OGG #1	HOPEWELL	12.0	COLUMBIA GAS TRAN
8132569		3411925621		103		JAMES WIETZEL #1	HOPEWELL	12.0	COLUMBIA GAS TRAN
-DUSTY DRILLING COMPANY INC		RECEIVED: 05/22/81 JA: OH							
8132584		3411522350		103		GEORGE POPE #1-P	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132573		3411522298		103		R SIDWELL #10	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132580		3411522328		103		R SIDWELL #11	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132581		3411522329		103		R SIDWELL #12	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132582		3411522330		103		R SIDWELL #13	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132574		3411522299		103		R SIDWELL #14	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132575		3411522300		103		R SIDWELL #15	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132576		3411522301		103		R SIDWELL #16	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132578		3411522311		103		R SIDWELL #17	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132579		3411522312		103		R SIDWELL #18	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132577		3411522302		103		R SIDWELL #19	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132583		3411522331		103		R SIDWELL #20	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132571		3411522296		103		R SIDWELL #8	DEERFIELD	0.1	COLUMBIA GAS TRAN
8132572		3411522297		103		R SIDWELL #9	DEERFIELD	0.1	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC		RECEIVED: 05/22/81 JA: OH							
8132585		3411925124		103		SM-1B ARNOLD	JACKSON	16.0	
8132585		3411925124		107-TF		SM-1B ARNOLD	JACKSON	16.0	

JD NO	JA EXT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132586		3411925125		103		SM-2B ARNOLD	JACKSON	18.0	
8132586		3411925125		107-TF		SM-2B ARNOLD	JACKSON	18.0	
-ENERGY RECOVERY CO				RECEIVED: 05/22/81 JA: CH					
8132587		3404520661		103		MILLER #1	RUSHCREEK	23.4	
8132588		3411925397		103		THORNTON #2	HOPEWELL	21.6	NEWZANE GAS CO
-ENTERPRISE GAS & OIL INC				RECEIVED: 05/22/81 JA: CH					
8132590		3401921405		103		GLICK #1	ORANGE	36.5	
8132589		3401921394		103		SIMPSON #2	ORANGE	36.5	
-ESTATE OF BARTON A HOLL				RECEIVED: 05/22/81 JA: CH					
8132608		3407322410		103		RAYMOND HENGST #3	FALLS	37.0	COLUMBIA GAS
-EVERFLOW EASTERN INC				RECEIVED: 05/22/81 JA: CH					
8132591		3409920798		108		BECK #1	GOSHEN	4.0	AMERICAN ENERGY S
8132592		3409908680		108		DELMONT HENRY #1	ELLSWORTH	1.0	AMERICAN ENERGY S
-FORAKER PRODUCING COMPANY INC				RECEIVED: 05/22/81 JA: CH					
8132595		3411924985		103		L MOORE #1	NEWTON	7.0	
8132595		3411924985		107-TF		L MOORE #1	NEWTON	7.0	
8132596		3411925122		103		L MOORE #3	NEWTON	2.0	
8132596		3411925122		107-TF		L MOORE #3	NEWTON	2.0	
8132597		3411925178		103		NORMAN #2	NEWTON	8.0	
8132597		3411925178		107-TF		NORMAN #2	NEWTON	8.0	
-FOUTS DRILLING CO				RECEIVED: 05/22/81 JA: CH					
8132598		3400922187		103		HARVEY #1	HARVEY #1	1.8	
-FUTURE ENERGY CORPORATION				RECEIVED: 05/22/81 JA: CH					
8132599		3411521983		103		C KINCAID #1	WINDSOR	18.0	
-GEO ENERGY INC				RECEIVED: 05/22/81 JA: CH					
8132603		3411925309		103		GAYLORD CALDWELL #13-1	SALEM	12.0	COLUMBIA GAS TRAN
8132603		3411925309		107-TF		GAYLORD CALDWELL #13-1	SALEM	12.0	COLUMBIA GAS TRAN
8132601		3403520904		103		PAMLEY #1	OLMSTED	1.0	COLUMBIA GAS OF O
8132600		3403520872		103		SHAKER HOLZWORTH #1	OLMSTED	9.6	COLUMBIA GAS OF O
8132602		3411925290		103		SUNNYSIDE INC #1	LICKING	14.2	NATIONAL GAS & OI
8132602		3411925290		107-TF		SUNNYSIDE INC #1	LICKING	14.2	NATIONAL GAS & OI
-GIANT PETROLEUM CORPORATION				RECEIVED: 05/22/81 JA: CH					
8132604		3400721340		103		KOCAB-MILLER #1	ORWELL	20.0	EAST OHIO GAS CO
-H G SPILLER				RECEIVED: 05/22/81 JA: OH					
8132678		3415520524		107-RT		KARPOWICZ NO 1	CHAMPION	50.0	
8132679		3415520525		103		KARPOWICZ NO 2	CHAMPION	50.0	
8132679		3415520525		107-RT		KARPOWICZ NO 2	CHAMPION	50.0	
-HADDAD & BROOKS INC				RECEIVED: 05/22/81 JA: OH					
8132606		3416726132		107-DV		H D AND J M HELDMAN #2	INDEPENDENCE	30.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 05/22/81 JA: OH					
8132609		3411121943		103		EARL ANDERSON #1	SUMMIT	10.0	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED: 05/22/81 JA: CH					
8132611		3411925449		103		MILROY SNURR #1	WAYNE	15.0	COLUMBIA GAS TRAN
8132611		3411925449		107-TF		MILROY SNURR #1	WAYNE	15.0	COLUMBIA GAS TRAN
8132610		3411925448		103		MILROY SNURR #2	WAYNE	0.0	COLUMBIA GAS TRAN
8132610		3411925448		107-TF		MILROY SNURR #2	WAYNE	0.0	COLUMBIA GAS TRAN
8132612		3411925451		103		RAYMOND HIEBEL #1	SPRINGFIELD	15.0	NATIONAL GAS & OI
8132612		3411925451		107-TF		RAYMOND HIEBEL #1	SPRINGFIELD	15.0	NATIONAL GAS & OI
-JAYCO DRILLING CO				RECEIVED: 05/22/81 JA: CH					
8132613		3416725719		107-DV		LAWRENCE SMITH #5	LAWRENCE	40.0	
8132614		3416725720		107-DV		LAWRENCE SMITH #6	LAWRENCE	50.0	
-JOHN C MASON				RECEIVED: 05/22/81 JA: CH					
8132630		3403124270		103		RUSSELL MCGHADY #3	MONROE	3.0	COLUMBIA GAS TRAN

JD JR	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JOHN F & NELLIE R BARNETT				RECEIVED: 05/22/81 JA: OH					
8132515		3409920228		108		BARNETT J & NELLIE #1		2.8	EAST OHIO GAS CO
-K S T OIL & GAS CO INC				RECEIVED: 05/22/81 JA: OH					
8132615		3415320867		103		R C QUINE #2	YORK	120.0	
8132616		3415323560		103		ZURCHER #1	YORK	140.0	
-L & M EXPLORATION INC				RECEIVED: 05/22/81 JA: OH					
8132619		3412724745		108		COFFMAN #1		20.0	FORAKER GAS CO IN
8132618		3401921061		108		SNIDER #4		15.0	BONANZA GAS LINE
8132620		3415323155		108		STOCKER #3		3.6	EAST OHIO GAS CO
-L & M OPERATING INC				RECEIVED: 05/22/81 JA: OH					
8132623		3416724949		108		HOWARD ARNOLD #1		12.8	GAS TRANSPORT INC
8132621		3416724283		108		HOWARD OFFENBERGER #1		12.8	GAS TRANSPORT INC
8132622		3416724867		108		J A HEISS #2		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC				RECEIVED: 05/22/81 JA: OH					
8132625		3416724417		108		CECIL BAUERBACH #1		12.8	GAS TRANSPORT INC
8132624		3412724762		103		CLAYTON SAUNDERS #1	CLAYTON	7.0	FORAKER GAS CO IN
8132624		3412724762		107-TF		CLAYTON SAUNDERS #1	CLAYTON	7.0	FORAKER GAS CO IN
8132626		3416724647		108		GRAYDEN KEARNS #1		12.8	GAS TRANSPORT INC
8132627		3416724705		108		HAROLD TORNES #1		12.8	GAS TRANSPORT INC
8132628		3416724951		108		HAROLD TORNES #2		12.8	GAS TRANSPORT INC
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 05/22/81 JA: OH					
8132617		3408924025		103		COUNTY LINE DAIRY FARM #1	EDEN	0.0	
-MCKENZIE MANAGEMENT INC				RECEIVED: 05/22/81 JA: OH					
8132631		3403123749		103		RAMSEY-HAMPTON COMM #2	WASHINGTON	15.0	NATIONAL GAS & OI
-NEILL C FLEMISTER JR				RECEIVED: 05/22/81 JA: OH					
8132594		3405320519		108		DONALD THOMAS #3		6.0	COLUMBIA GAS TRAN
8132593		3405320495		108		MARJORIE THOMPSON #2		6.0	COLUMBIA GAS TRAN
-NORTHEASTERN ENERGY				RECEIVED: 05/22/81 JA: OH					
8132635		3410322097		103		LONG WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8132635		3410322097		107-RT		LONG WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8132634		3410322096		103		LONG WELL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8132634		3410322096		107-TF		LONG WELL #3	WADSWORTH	21.0	EAST OHIO GAS CO
-OHIO PARTNERS OIL CO				RECEIVED: 05/22/81 JA: OH					
8132636		3411925142		103		E SCRG #1	HOPEWELL	15.0	NATIONAL GAS & OI
-ONEAL PETROLEUM INC				RECEIVED: 05/22/81 JA: OH					
8132638		3405322572		103		MOORE #1	VALLEY	50.0	COLUMBIA GAS TRAN
8132638		3405322572		107-RT		MOORE #1	VALLEY	50.0	COLUMBIA GAS TRAN
8132637		3405922524		103		W HILL #3	RICHLAND	26.0	COLUMBIA GAS TRAN
8132637		3405922524		107-TF		W HILL #3	RICHLAND	26.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 05/22/81 JA: OH					
8132642		3411522275		103		FRED BATESON #1	DEERFIELD	8.0	
8132639		3408322811		103		GEORGE LEPLEY #2	BUTLER	10.0	
8132643		3411925503		103		GERALD WAGNER #1	SALT CREEK	10.0	
8132643		3411925503		107-TF		GERALD WAGNER #1	SALT CREEK	10.0	
8132641		3408924059		103		PRESTON MOREHOUSE #2	HOPEWELL	10.0	
8132644		3411925641		103		ROBERT THOMPSON #1	SPRINGFIELD	10.0	
8132644		3411925641		107-TF		ROBERT THOMPSON #1	SPRINGFIELD	10.0	
8132640		3408924093		103		SHELLY-TURNER #1	HOPEWELL	10.0	
-PAGE P BLAKEMORE				RECEIVED: 05/22/81 JA: OH					
8132529		3416725765		103		CISLER-FOX #1-A	GRANDVIEW	10.9	
-PETER A BARTLO				RECEIVED: 05/22/81 JA: OH					
8132520		3415320664		107-RT		FALLS STAMPING #1	STOW	0.0	LIBBEY-OWENS-FORD
-POI ENERGY INC				RECEIVED: 05/22/81 JA: OH					

JO NO	JA DKT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132655		3400721545	103	CROSBY #1	ORWELL	15.0	
8132654		3400721543	103	CROSBY #2	ORWELL	15.0	
8132656		3400721573	103	GAAG #2	COLEBROOK	12.0	
8132649		3400721472	103	GRON #1	ROME	15.0	
8132649		3400721472	107-TF	GRON #1	ROME	15.0	
8132658		3400721673	103	H PERRY #1	NEW LYME	47.0	EAST OHIO GAS CO
8132657		3400721551	103	KAMPF #6	NEW LYME	25.0	
8132653		3400721539	103	LIEDTKE #1	ORWELL	18.0	
8132653		3400721539	107-TF	LIEDTKE #1	ORWELL	18.0	
8132651		3400721450	103	LUKASIK #1	NEW LYME	18.0	
8132648		3400721468	103	NOVAK #1	COLEBROOK	25.0	
8132648		3400721468	107-TF	NOVAK #1	COLEBROOK	25.0	
8132652		3400721504	103	PECK #3	NEW LYME	25.0	
8132646		3400721435	103	PECK-STOKES #1	NEW LYME	25.0	
8132645		3400721429	103	RIGBY #1	ORWELL	12.0	
8132645		3400721429	107-TF	RIGBY #1	ORWELL	12.0	
8132647		3400721447	103	RIGBY #1	ORWELL	12.0	
8132650		3400721487	103	ZITEL-LEGAT #1	ORWELL	15.0	
8132650		3400721487	107-TF	ZITEL-LEGAT #1	ORWELL	15.0	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 05/22/81 JA: CH			
8132530		3405320553	103	F PHILLIPS #2	ADDISON	1.0	COLUMBIA GAS TRAN
8132531		3410521985	103	R GENE BRASEL - CARSON #5	RUTLAND	1.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY				RECEIVED: 05/22/81 JA: OH			
8132661		3407322382	103	DOUGLAS WICK #1	WARD	5.0	COLUMBIA GAS TRAN
8132659		3407322323	103	SUNDAY CREEK COAL CC 56R	WARD	5.0	COLUMBIA GAS TRAN
8132660		3407322324	103	SUNDAY CREEK COAL 55R	WARD	6.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED: 05/22/81 JA: OH			
8132662		3416723196	108	BOSNER WELL #1	SIMMONS GAS FIELD	2.8	COLUMBIA GAS TRAN
8132663		3416723301	108	F W EASTERDAY #1	SIMMONS GAS FIELD	2.2	COLUMBIA GAS TRAN
8132664		3416724751	108	HENNIGER WELL #2	SIMMONS GAS FIELD	184.0	COLUMBIA GAS TRAN
-RIVERVIEW FINANCE CO				RECEIVED: 05/22/81 JA: OH			
8132670		3412122464	103	LOTTIE & BERNARD CRUM #1	ELK	56.0	
-ROYAL PETROLEUM 80 - VI				RECEIVED: 05/22/81 JA: OH			
8132671		3405320560	103	TARA DEVELOPMENT WELL #6	ADDISON	5.0	COLUMBIA GAS TRAN
8132672		3405320561	103	TARA DEVELOPMENT WELL #7	ADDISON	5.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 05/22/81 JA: OH			
8132677		3416922727	103	ROBERT W EWING #1-A	CONGRESS	5.0	COLUMBIA GAS TRAN
-STARK OILFIELD SERVICES INC				RECEIVED: 05/22/81 JA: OH			
8132680		3413321766	103	SCHWAN #3	FREEDOM	0.0	EAST OHIO GAS CO
-STRATA EXPLORATION INC LTD				RECEIVED: 05/22/81 JA: CH			
8132681		3407522770	103	#1 R G & C A BURKEY	HARDY	985.0	COLUMBIA GAS TRAN
8132681		3407522770	107-TF	#1 R G & C A BURKEY	HARDY	985.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 05/22/81 JA: OH			
8132632		3412122465	103	ORANGE COAL #4	ELK	50.0	
8132633		3412122466	103	ROBERT ULLMAN WELL #3	ELK	50.0	
-THUNDERBIRD PETROLEUM CORP				RECEIVED: 05/22/81 JA: OH			
8132683		3411122178	103	HARRY ARMSTRONG #3	WASHINGTON	50.0	
8132682		3411122143	103	HARRY ARMSTRONG WELL #2	WASHINGTON	50.0	
8132684		3416725717	103	REX SAGER WELL #1	LUDLOW	50.0	
-TIGER OIL INC				RECEIVED: 05/22/81 JA: CH			
8132686		3412122378	103	CARL MILLER #1	ELK	0.0	COLUMBIA GAS TRAN
8132685		3412122377	103	URBAN BECKER #1	ELK	0.0	COLUMBIA GAS TRAN
-TIPKA-BARTLO OIL & GAS				RECEIVED: 05/22/81 JA: CH			

JOB NO	JA CRT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132687		3405922736		107-TF	G DOUGHERTY #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
-TITAN ENERGY CORP					RECEIVED: 05/22/81 JA: OK			
8132688		3405922836		107-TF	CHARLES & MAE VESSELS #1	WESTLAND	20.0	
-TRI-CITY DRILLING CO INC					RECEIVED: 05/22/81 JA: OK			
8132689		3416724137		108	NINA J JONES #1		3.7	COLUMBIA GAS TRAN
-VESCORP INDUSTRIES INC					RECEIVED: 05/22/81 JA: OK			
8132690		3411924718		103	J BRIGGS #2-522	WASHINGTON	100.0	
8132690		3411924718		107-TF	J BRIGGS #2-522	WASHINGTON	100.0	
-W C ALLEN					RECEIVED: 05/22/81 JA: OK			
8132504		3403124160		103	#Z-A SUSIL	PIKE	5.0	NATIONAL GAS & OI
-W H HAAS					RECEIVED: 05/22/81 JA: OK			
8132605		3416724002		103	WILLIAM BURKHART #1	MUSKINGUM	7.2	
-WAYNE HAMMOND					RECEIVED: 05/22/81 JA: OK			
8132607		3415723539		103	ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
-WILLISTON OIL CORP					RECEIVED: 05/22/81 JA: OK			
8132692A		3416721986		103	ALMA & TAYLOR #1	GRANDVIEW	15.0	COLUMBIA GAS TRAN
8132692B		3416721986	D	107-TF	ALMA & TAYLOR #1	GRANDVIEW	15.0	COLUMBIA GAS TRAN
8132691A		3411921972		103	BURKHART-ULRICH #1	SUMMIT	15.0	
8132691B		3411921972	D	107-TF	BURKHART-ULRICH #1	SUMMIT	15.0	
-ZENITH OIL & GAS INC					RECEIVED: 05/22/81 JA: OH			
8132693		3412724792		103	KLINGLER #2-A	READING	18.0	
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-AN-SON CORPORATION					RECEIVED: 05/21/81 JA: OK			
8132704	08799	3501520941		102-A	PHILLIPS #1-33	E EAKLEY	201.0	
-ANDOVER OIL COMPANY					RECEIVED: 05/21/81 JA: OK			
8132735	08467	3501721712		102-2	HUNT #32-4		185.0	DELHI GAS PIPELIN
8132735	08467	3501721712		103	HUNT #32-4		185.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD					RECEIVED: 05/21/81 JA: OK			
8132729	8616	3507322595		103	GRUMMER 24-4	OKARCHE	25.0	PHILLIPS PETROLEU
8132732	8617	3507322597		103	TUTTY NO 25-5	OKARCHE	72.0	PHILLIPS PETROLEU
-CHAMPLIN EXPLORATION INC					RECEIVED: 05/21/81 JA: OK			
8132736	08683	3504722278		103	BOHN #1-32	SOONER TREND	75.0	WELLHEAD ENTERPRI
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 05/21/81 JA: OK			
8132710	8789	3509300000		103	A P OTTINGER NO 2	EAST CHANEY DELL	260.6	CHAMPLIN PETROLEU
8132711	08726	3504722024		103	MAYBERRY - BEASLEY NO 2	ENID	39.0	CHAMPLIN PETROLEU
-CIMARRON PETROLEUM CORPORATION					RECEIVED: 05/21/81 JA: OK			
8132712	08732	3505920927		103	CPC #95-3 HINTHER-EARIGHT		547.5	MICHIGAN WISCONSI
-CONOCO INC					RECEIVED: 05/21/81 JA: OK			
8132733	07230	3501721563		103	LECK NO 11-1	CALUMET	496.9	DELHI GAS PIPELIN
-CURT BROWN DRILLING CO					RECEIVED: 05/21/81 JA: OK			
8132709	08733	3511720904		103	ZIMMERMAN #1	HALLETT	21.0	COLORADO GAS COMP
-DAVIS OIL COMPANY					RECEIVED: 05/21/81 JA: OK			
8132734	03952	3501721011		103	AIRPORT TRUST NO 2		230.0	PHILLIPS PETROLEU
8132723	03953	3501721132		103	AIRPORT TRUST NO 4		150.0	PHILLIPS PETROLEU
8132722	03929	3503920259		103	BOYD MILLER #4	SOUTH THOMAS	300.0	ONG WESTERN INC
8132724	03927	3503920226		103	BOYD MILLER NO 2	SOUTH THOMAS	150.0	ONG WESTERN INC
8132719	03925	3503920250		103	STEARNS #4	SOUTH THOMAS	700.0	TRANSOK PIPELINE
8132721	03926	3503920224		103	WINGARD NO 2	SOUTH THOMAS	530.0	PUBLIC SERVICE CO
-DAWN ENERGY CO					RECEIVED: 05/21/81 JA: OK			
8132716	08845	3504520844		103	SCOTT #1-30	MOCANE-LAVERNE	0.0	PANHANDLE EASTERN
-DOUBLE DIAMOND INC					RECEIVED: 05/21/81 JA: OK			

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JD NO	JA INI	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132698	08806	3509321789		103		WEDEL 1-31	MENC-RINGWOOD	10.0	PIONEER GAS PRODU
-EL PASO NATURAL GAS COMPANY				RECEIVED: 05/21/81 JA: OK					
8132725	11589	3514920105		107-DP		HAGGARD #3	ELK CITY MORROW UPPER	3460.0	EL PASO NATURAL G
-F C D OIL CORP				RECEIVED: 05/21/81 JA: OK					
8132707	08651	3507322487		103		SIEGMANN 2-34	EAST HENNESSEY	54.8	EASON OIL CO
-FLYNN ENERGY CORPORATION				RECEIVED: 05/21/81 JA: OK					
8132697	08820	3505320559		103		HAYES 36-1	RICH VALLEY	70.0	CRA INC
8132706	08722	3501121456		103		HEINRICH A 36-1	SOONER TREND	24.8	ARKANSAS LOUISIAN
-GETTY OIL COMPANY				RECEIVED: 05/21/81 JA: OK					
8132727	11615	3505120891		107-DP		ANTHONY NO 30-1	WEST MINCO	350.0	MICHIGAN WISCONSI
-HOLDEN ENERGY CORP				RECEIVED: 05/21/81 JA: OK					
8132695	08753	3501900000		102-A		DUMAS NO 1	SOUTH WILSON	750.0	AMINOIL USA INC
8132694	08754	3501900000		102-A		KATHY NO 1	JOINER CITY	75.0	AMINOIL USA INC
8132702	08751	3501922094		102-A		REED 1-2	JOINER CITY	75.0	AMINOIL USA INC
8132699	08750	3501921942		102-A		REED 34-2	JOINER CITY	50.0	AMINOIL USA INC
8132696	08755	3501900000		102-A		REED 35-2	JOINER CITY	14.5	AMINOIL USA INC
8132731	08749	3501900000		102-A		REED 35-3	JOINER CITY	12.6	AMINOIL USA INC
8132701	08752	3501922119		102-A		SARA NO 1	JOINER CITY	156.0	AMINOIL USA INC
-JET OIL COMPANY				RECEIVED: 05/21/81 JA: OK					
8132730	08512	3511921170		103		BREWER #1	COYLE	7.0	EASON OIL CO
-LADD PETROLEUM CORPORATION				RECEIVED: 05/21/81 JA: OK					
8132717	08861	3505121005		102-A		BUCKNER NO 1	MINCO WEST	355.8	
-LPCX CORPORATION				RECEIVED: 05/21/81 JA: OK					
8132726	08925	3512920483		102-2		TRIPLE T #1	CARPENTER	900.0	
-M M RESOURCES INC				RECEIVED: 05/21/81 JA: OK					
8132703	08268	3504722353		103		EGGERS #A-1		0.0	GRACE PETROLEUM C
-MAGIC CIRCLE ENERGY CORP				RECEIVED: 05/21/81 JA: OK					
8132718	08873	3515121085		103		ARCHIE UNIT #1	W ALINE	150.0	OKLAHOMA NATURAL
-PCX CORP				RECEIVED: 05/21/81 JA: OK					
8132728	08926	3510320966		103		PELLMON #1	EAST BILLING	250.0	
-POLARIS ENERGY CORP				RECEIVED: 05/21/81 JA: OK					
8132705	08793	3511122512		103		HUCKABEE #2	BALD HILL	12.0	PHILLIPS PETROLEU
-RED EAGLE OIL CO				RECEIVED: 05/21/81 JA: OK					
8132715	8772	3509321938		103		CARL NO 1		73.0	OKLAHOMA NATURAL
-RICK BUCK				RECEIVED: 05/21/81 JA: OK					
8132700	8874	3504722282		103		SUSAN ELIZABETH NO 1-27	EAST BISON	30.0	WELLHEAD ENTERPRI
-RICKS EXPLORATION CO				RECEIVED: 05/21/81 JA: OK					
8132708	08507	3501721548		103		STEPHENS #1	E HINTON	422.0	TRANSOK PIPELINE
-SAMSON RESOURCES COMPANY				RECEIVED: 05/21/81 JA: OK					
8132713	08746	3507920400		102-A		FRAZIER UNIT NO 1	EAST CEDARS	181.5	ARKANSAS LOUISIAN
8132713	08746	3507920400		103		FRAZIER UNIT NO 1	EAST CEDARS	181.5	ARKANSAS LOUISIAN
-THE WIL-MC OIL CORP				RECEIVED: 05/21/81 JA: OK					
8132720	08923	3510321065		103		CARLENE CAMPBELL #1		36.0	AMINOIL USA INC
-VULCAN ENERGY CORP				RECEIVED: 05/21/81 JA: OK					
8132714	08771	3507322412		103		POWELL #1	SOONER TREND	150.0	PHILLIPS PETROLEU

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New Well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19255 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

Issued: June 22, 1981.

JD NO	JA DKT	API NO	F	SEC	PAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABTEX INC						RECEIVED: 05/28/81 JA: TX			
8132905	30259	4224900000		108		BANKERS MORTGAGE CO 14741 WELL #1	TOM GRAHAM (3600)	20.4	TENNESSEE GAS PIP
-AKERS AND FULTZ INC						RECEIVED: 05/28/81 JA: TX			
8132970	31835	4223733334		103		ROY CHERRYHOMES F #11 RRC #18694	MARINA MAG (CONGLOMERATE	91.0	CITIES SERVICE
-AMERICAN PETROFINA COMPANY OF TEXAS						RECEIVED: 05/28/81 JA: TX			
8132989	32038	4223900000		103		W W MCCRORY #4	HARMON	73.0	
-AMMEX PETROLEUM CORP						RECEIVED: 05/28/81 JA: TX			
8132765	22392	4214900000		102-2		RIT NO 1 RRC #86983	GIDDINGS	1013.0	CLAJON GAS CO
8132765	22392	4214900000		103		RIT NO 1 RRC #86983	GIDDINGS	1013.0	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 05/28/81 JA: TX			
8132868	26749	4241330285		108		EDWIN S MAYER JR /N/#1	SAWYER/CANYON/	17.6	LONE STAR GAS CO
8132855	25649	4243531111		108		EDWIN S MAYER JR/J/#3	SAWYER/CANYON/	17.0	LONE STAR GAS CO
8132854	25632	4210530904		108		J F & M E SUDDERTH/C/#2	WHITEHEAD/STRAWN/	12.0	LONE STAR GAS CO
8132852	25626	4243530611		108		MIERS /78/ #2	SAWYER/CANYON/	13.9	LONE STAR GAS CO
8132853	25631	4243531296		108		MINNIE M MAYER/E/#1	WHITEHEAD/STRAWN/	16.0	LONE STAR GAS CO
8132956	31704	4244530846		103		PRENTICE NORTHEAST #148	PRENTICE/6700	4.4	AMOCO PRODUCTION
8132957	31708	4244530844		103		PRENTICE NORTHEAST UNIT #143	PRENTICE/6700	2.2	AMOCO PRODUCTION
8132867	26747	4243531151		108		RANDEE FAWCETT TRUST #6	SAWYER/CANYON/	9.6	LONE STAR GAS CO
8132820	24625	4248930606		102-4		WILLAMAR WEST/MIOCENE/UNIT #12-C	WILLAMAR WEST/MIOCENE 52	365.0	NATURAL GAS PIPEL
-ANDERSON PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8132880	27462	4210532625		107-TF		AUSTIN MILLSPAUGH B 1-71	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8132883	27470	4210532527		103		BILL CLEGG A #7-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132883	27470	4210532527		107-TF		BILL CLEGG A #7-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132884	27471	4210532639		103		BILL CLEGG A 9-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132884	27471	4210532639		107-TF		BILL CLEGG A 9-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132885	27472	4210532582		103		BILL CLEGG B 6-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132885	27472	4210532582		107-TF		BILL CLEGG B 6-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132881	27464	4210532481		103		LAURA HOOVER ESTATE 5-42	CANYON SAND	85.0	ANDERSON PIPELINE
8132881	27464	4210532481		107-TF		LAURA HOOVER ESTATE 5-42	CANYON SAND	85.0	ANDERSON PIPELINE
8132886	27478	4210532234		107-TF		PAULINE FRIESS 2-101	SAWYER (CANYON)	65.0	SUTTON COUNTY PIP
8132882	27469	4210503220		103		W K WARREN FOUNDATION C 3-24	CANYON SAND	106.0	ANDERSON PIPELINE
8132882	27469	4210503220		107-TF		W K WARREN FOUNDATION C 3-24	CANYON SAND	106.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY						RECEIVED: 05/28/81 JA: TX			
8132787	23669	4208960905		108		EMMA HASTEDT WELL #4-L & 4-U	COLUMBUS	13.0	TENNESSEE GAS PIP
8132995	32233	4221531039		103		EVERETT BELL GAS UNIT II #4	TABASCO (X)	183.0	TENNESSEE GAS PIP
-B J GIERHART INC						RECEIVED: 05/28/81 JA: TX			
8132838	25017	4217531349		102-4		DON HJACOB NO 1	MAETZE S (3100)	200.0	DELHI GAS PIPELIN
8132773	22749	4205100000		102-2		MAREK NO 2 (13473)	GIDDINGS (AUSTIN CHALK)	120.0	FERGUSON CROSSING
-BAR M PETROLEUM CO INC						RECEIVED: 05/28/81 JA: TX			
8132740	12226	4247900000		103		DORIS ARNOLD 82095 #3	ADAMI (WILCOX 6600)	21.0	
-BILL J GRAHAM						RECEIVED: 05/28/81 JA: TX			

JD NO	JA DKT	API NO.	S	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132942	31522	4237133178		103	BOREN B #2	PECOS VALLEY (LOW GRAVIT	8.8	EL PASO NATURAL G
-C L GAGE JR					RECEIVED: 05/28/81 JA: TX			
8132774	22846	4236700000		103	RIGGS NO 1	WILDCAT	431.3	NATURAL GAS PIPEL
-CAMBRIDGE & NAIL					RECEIVED: 05/28/81 JA: TX			
*8132901	29104	4221131159		102-4	BRADSTREET NO 1 WELL ID NO 89928	BUFFALO WALLOW (CHEROKEE	0.0	ARKANSAS-LOUISIAN
-CAROLINA GROUP INC					RECEIVED: 05/28/81 JA: TX			
8132969	31815	4214300000		103	HAMMOND #2	LIBERTY OAK (BIG SALINE)	686.6	NORTHERN GAS PROD
8132968	31814	4214300000		103	TIPTON #4	MORGAN MILL (MARBLE FALL	41.1	NORTHERN GAS PROD
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 05/28/81 JA: TX			
8132906	30272	4236530989		107-TF	CARTHAGE GAS UNIT 30 NO 3	CARTHAGE	292.0	TENNESSEE GAS PIP
8132737	07035	4235531280		103	G P WARDNER NO 135 U	STRATTON	685.0	TENNESSEE GAS PIP
8132738	07036	4235531280		103	G P WARDNER NO 135-L	STRATTON	461.0	TENNESSEE GAS PIP
8132947	31573	4235500000		103	G P WARDNER NO 152	STRATTON	1022.0	TENNESSEE GAS PIP
8132651	25590	4235531325		103	G P WARDNER WELL NO 137	STRATTON	45.6	TENNESSEE GAS PIP
8132739	07037	4235531172		103	WARDNER G P #133 74827	STRATTON (K-33)	685.0	TENNESSEE GAS PIP
-CHASE OIL & GAS INC					RECEIVED: 05/28/81 JA: TX			
8132756	21789	4234900000		102-4	SUMMERALL-BEAUCHAMP #1	O L HILL WOODBINE	300.0	LONE STAR GAS CO
8132756	21789	4234900000		103	SUMMERALL-BEAUCHAMP #1	O L HILL WOODBINE	300.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY					RECEIVED: 05/28/81 JA: TX			
8132833	24901	4270330070		102-2	MATAGORDA IS 526-L #A-1U (UPPER ZO*	CAVALLO (8200)	3.6	VALLEY PIPE LINES
8132834	24904	4270330191		102-2	MATAGORDA ISLAND BLK 526-L #3	CAVALLO (9100)	9.0	VALLEY PIPE LINES
-CLAYTON W WILLIAMS JR					RECEIVED: 05/28/81 JA: TX			
8132914	31237	4205130957		102-2	ANNIE DEAN #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132993	32193	4205100000		102-2	BIRCH CREEK RANCH #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132919	31243	4205100000		102-2	BUFFALO RANCH #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132907	30925	4205130955		102-2	CHMELAR-SABLATURA UNIT #1	GIDDINGS	29.2	VALERO TRANSMISSI
8132985	31970	4205131082		102-2	JOHN KACER #1	GIDDINGS	153.9	VALERO TRANSMISSI
8132911	31231	4205130986		102-2	JOHN KUBECKA #2	GIDDINGS	0.0	VALERO TRANSMISSI
8132918	31242	4205130979		102-2	KACER-POLANSKY UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132988	32008	4205130983		102-2	LEE SCHOPPE #2	GIDDINGS	0.0	VALERO TRANSMISSI
8132922	31250	4205130978		102-2	LEHDE-KNESEK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132909	31087	4228730694		102-2	LOU ELLA CHEEKS UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132920	31245	4205100000		102-2	MARCELLA-POLANSKY #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132908	30929	4205130771		102-2	MATCEK-MITCHELL UNIT #1	GIDDINGS	72.4	VALERO TRANSMISSI
8132912	31233	4205130971		102-2	MCFARLAND HOYACK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132917	31241	4205100000		102-2	PATSY BRYANT UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132916	31240	4205100000		102-2	POLANSKY-KACER UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132921	31247	4205131020		102-2	ROY HERMANN #4	GIDDINGS	0.0	VALERO TRANSMISSI
8132923	31252	4205130852		102-2	RUDOLPH LEBLANC #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132915	31239	4205100000		102-2	SCHUMACHER-KACER UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132913	31236	4205100000		102-2	URBANOVSKY-BRYANT UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
-COASTAL OIL & GAS CORP					RECEIVED: 05/28/81 JA: TX			
8132927	31349	4237530746		103	BIVINS 5021RD	PANHANDLE (RED CAVE)	29.0	COLORADO INTERSTA
8132934	31456	4237530747		103	BIVINS 5035	PANHANDLE (RED CAVE)	46.0	COLORADO INTERSTA
8132928	31350	4237530713		103	BIVINS 5043 RD	PANHANDLE (RED CAVE)	41.0	COLORADO INTERSTA
8132983	31957	4237530716		103	BIVINS 8031RD	PANHANDLE (RED CAVE)	24.0	COLORADO INTERSTA
-COCKRELL CORPORATION					RECEIVED: 05/28/81 JA: TX			
8132762	22251	4212331004		102-4	MARGARET MALINA NO 1	WILDCAT	350.0	VALERO TRANSMISSI
-CONOCO INC					RECEIVED: 05/28/81 JA: TX			
8132971	31836	4211531394		103	LEROY HOLLADAY ET AL ID #63128	ACKERLY NORTH SPRAYBERRY	11.0	GETTY OIL CO
8132954	31691	4210931431		103	TXL-27-#2 ID #26239	FORD WEST (6100)	11.3	EL PASO NATURAL G
-CPC EXPLORATION INC					RECEIVED: 05/28/81 JA: TX			
8132865	26485	4205130678		102-4	SCHUBERT #1 WELL RRC #12911	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-D & G GAS & OIL CO			RECEIVED: 05/28/81 JA: TX				
8132870	26810	4212732021	103	STUMBERG NO 1	CATARINA SW (OLMOS)	182.0	VALERO TRANSMISSI
-DAB OIL SERVICE INC			RECEIVED: 05/28/81 JA: TX				
8132910	31150	4244131553	103	LOSS STORY # 2 (15962)	TAYLOR COUNTY REGULAR	5.0	MATRIX LAND CO
-DANE PRODUCTION CO			RECEIVED: 05/28/81 JA: TX				
8132764	22337	4243532303	103	MORRISS 81-1	SAWYER (CANYON)	0.0	INTRATEX GAS CO
-DAVIS OIL COMPANY			RECEIVED: 05/28/81 JA: TX				
8132823	24649	4207330368	102-4	LEWIS BYERS ET AL UNIT #1	REKLOW E (WOODBINE)	350.0	UNITED TEXAS TRAN
-DAVIS-GOODMAN OIL CO			RECEIVED: 05/28/81 JA: TX				
8132811	24073	4236130340	102-4	ARCO FEE 99 UNIT #1	ADAMS RANCH W (NODOSARIA	109.5	UNITED TEXAS TRAN
-DELTA DRILLING CO			RECEIVED: 05/28/81 JA: TX				
8132903	29950	4210500000	107-TF	HENDERSON 32 #3	OZONA (CANYON SAND)	186.6	NORTHERN NATURAL
8132948	31620	4240130942	102-3	IRBY SILVEY #1	OVERTON NE (PETTIT)	50.0	TEJAS GAS CORP
8132948	31620	4240130942	103	IRBY SILVEY #1	OVERTON NE (PETTIT)	50.0	TEJAS GAS CORP
8132878	27112	4241700000	103	WEST #4	ELDORADO (CANYON)	91.0	NORTHERN NATURAL
8132878	27112	4241700000	107-TF	WEST #4	ELDORADO (CANYON)	91.0	NORTHERN NATURAL
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/28/81 JA: TX				
8132792	23828	4229530766	103	ALICE VIVIAN AKERS NO 3	LIPSCOMB	1341.0	
8132832	24897	4229530795	103	ARTHUR RECKER JR ET AL NO 3	BRADFORD	51.0	
8132960	31759	4229530891	103	CHRIST KELLN A NO 2	BRADFORD	0.0	SOUTHWESTERN PUBL
8132866	26592	4229530806	103	LYDIA BRADFORD A NO 2	BRADFORD	50.0	SOUTHWESTERN PUBL
8132847	25303	4239330777	102-2	WILEY REYNOLDS A NO 1-30	SHOENAIL	38.0	
8132847	25303	4239330777	103	WILEY REYNOLDS A NO 1-30	SHOENAIL	38.0	
-DILLEY PRODUCTION CO			RECEIVED: 05/28/81 JA: TX				
*8132935	31457	4216331848	103	HAWKINS-ASTRO #2	PEARSALL (AUSTIN CHALK)	11.0	TGP INC
-E L SMITH III			RECEIVED: 05/28/81 JA: TX				
8132959	31746	4236731994	103	L S BYRD #2	BYRD (MARBLE FALLS)	275.0	NATURAL GAS PIPEL
-E R THOMAS			RECEIVED: 05/28/81 JA: TX				
8132837	24931	4248131897	102-3	PIERCE OIL & GAS INTEREST NO 1	L A K (7100)	182.5	UNITED TEXAS TRAN
-ECHO PRODUCTION INC			RECEIVED: 05/28/81 JA: TX				
8132898	28415	4236300000	108	A M BRACKEEN 21-B #1 RRC #17353	BRAD SW (BIG SALINE CONG	1.2	LONE STAR GAS CO
-EDWIN L COX JR			RECEIVED: 05/28/81 JA: TX				
8132742	17189	4212331002	102-4	MATEJEK-DEAN GAS UNIT #1	CHRISTMAS (LULING)	200.0	TRUNKLINE GAS CO
-ENRE CORP			RECEIVED: 05/28/81 JA: TX				
8132897	28366	4249731754	102-4	POTTER NO 2 (89023)	MONTEATH (CONGL)	1400.0	TEXAS UTILITIES F
8132899	28465	4249731748	102-4	STRICKLAND NO 1-C (89267)	MONTEATH (CADDO)	500.0	TEXAS UTILITIES F
-ENSERCH EXPLORATION INC			RECEIVED: 05/28/81 JA: TX				
8132749	19986	4201330957	103	H A SCHUMANN A NO 2-L	FASHING	617.0	NATURAL GAS PIPEL
8132976	31891	4220330776	103	M L KNOX NO 3	WHELAN	1029.0	TEXAS EASTERN TRA
8132754	20972	4223700000	103	ORNEE STEWART NO 3	BOGASVILLE	443.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP			RECEIVED: 05/28/81 JA: TX				
8132818	24072	4205130561	102-4	ERNEST LEE OFCZARAZK NO 1	CALDWELL (AUSTIN CHALK)	60.0	FERGUSON CROSSING
8132812	24103	4205130524	103	ERNEST LEE OFCZARAZK NO 1	CALDWELL (AUSTIN CHALK)	60.0	FERGUSON CROSSING
8132809	24011	4205130561	102-4	WALTER MAHLMANN NO 1	CALDWELL (AUSTIN CHALK)	75.0	FERGUSON CROSSING
-EXXON CORPORATION			RECEIVED: 05/28/81 JA: TX				
8132944	31525	4235730970	103	DUDE WILSON GAS UNIT #2-2	ELLIS RANCH	126.0	TRANSWESTERN PIPE
8132758	21925	4233930431	102-4	H N MOORE #57	CONROE SOUTH (WILCOX 1)	400.0	MORAN UTILITIES
8132931	31375	4210332373	103	J B TUBB A/C1 #235U	SAND HILLS (JUDKINS)	5.0	EL PASO NATURAL G
8132891	28004	4226130569	102-4	J G KENEDY JR C-15 (91174)	MIFFLIN (I-85)	1022.0	NATURAL GAS PIPEL
*8132794	23873	4227331308	102-4	K R ALAZAN 323 (80634)	HINOJOSA N	150.0	ARMCO STEEL CORP
*8132795	23875	4227331345	102-4	K R ALAZAN 331-F	HINOJOSA N	75.0	ARMCO STEEL CORP
*8132757	21910	4227331423	102-4	K R CORREGOS ME-26-F (89508)	ESCONDIDO CREEK (20-A)	13.0	ARMCO STEEL CORP
*8132747	19588	4227331365	102-4	K R CHILTIPIN 65 (84458)	LOBO WEST (H-08)	365.0	ARMCO STEEL CORP

JD NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8132770	22690	4235531402		102-4		K R CHILTIPIN 68 (86735)	ARNOLD (L-75)	255.0	ARMCO STEEL CORP
*8132769	22687	4235531439		102-4		K R CHILTIPIN 73 (86728)	ARNOLD DAVID (10400 W)	1800.0	ARMCO STEEL CORP
*8132753	20598	4227331355		102-4		K R LAGUNA LARGA 23 (093391)	EL PAISANO (H-51)	117.0	ARMCO STEEL CORP
*8132748	19589	4227331353		102-4		KING RANCH ALAZAN 328-F (84908)	HINOJOSA (F-53)	700.0	ARMCO STEEL CORP
*8132752	20595	4226130494		102-4		KING RANCH BADENO 5 (84525)	SAN JOSE SOUTH (G-35 I)	0.0	ARMCO STEEL CORP
*8132806	23892	4227331407		102-4		KING RANCH BORREGOS M-24-E	ESCONDIDO CREEK	50.0	ARMCO STEEL CORP
*8132803	23889	4227331388		102-4		KING RANCH CANELO 40-F (85992)	CANELO (H-81)	500.0	ARMCO STEEL CORP
*8132804	23890	4227331317		102-4		KING RANCH LAGUNA LARGA 21	TCB	100.0	ARMCO STEEL CORP
*8132776	22977	4227331348		102-4		KING RANCH SEELIGSON E-101-D	T-C-B EAST (20-I-3 U)	58.0	ARMCO STEEL CORP
*8132796	23882	4227331375		102-4		KING RANCH SEELIGSON E-103 (86472)	T-C-B E	600.0	ARMCO STEEL CORP
*8132800	23886	4227331161		102-4		KING RANCH TIJERINA A-35 F	TCB E	20.0	ARMCO STEEL CORP
*8132798	23884	4227331161		102-4		KING RANCH TIJERINA A-35-D	TCB E	16.0	ARMCO STEEL CORP
*8132799	23885	4227331340		102-4		KING RANCH TIJERINA A-60-D	T-C-B E	40.0	ARMCO STEEL CORP
*8132801	23887	4227331354		102-4		KING RANCH TIJERINA A-61-D	T-C-B E	25.0	ARMCO STEEL CORP
8132973	31857	4248330610		107-DP		MILES GAS UNIT #1-L	KELTON-HUNTON	1495.0	MICHIGAN WISCONSI
*8132778	23069	4204730688		103		R J K JR TR BARROSA PAST 17-F	PITA N W	0.0	ARMCO STEEL CORP
*8132802	23888	4226130516		102-4		R J K JR TR PATRICIO PASTURE 18	EL PATRON (I-03)	550.0	ARMCO STEEL CORP
*8132797	23883	4204730737		102-4		R J K JR TR VIBORAS PAST 81-D	VIBORAS	240.0	ARMCO STEEL CORP
*8132793	23871	4204730710		102-4		R J K JR TR ZACAHUISTAL PASTURE 10	VIBORAS	1095.0	ARMCO STEEL CORP
*8132805	23891	4204730580		102-4		R J K JR TR QUITERIA PAST 77	VIBORAS	445.0	ARMCO STEEL CORP
8132862	26264	4219500000		108		S P & K K JACKSON C #1	HANSFORD NORTH (MORROW)	12.8	NORTHERN NATURAL
*8132990	32085	4240130869		103		SAM E TANNER GAS UNIT WELL 1	OAK HILL NW (COTTON VALL	750.0	ARMCO STEEL CORP
*8132990	32085	4240130860		107-TF		SAM E TANNER GAS UNIT WELL 1	OAK HILL NW (COTTON VALL	750.0	ARMCO STEEL CORP
8132958	31710	4226130559		103		SARITA FIELD OIL & GAS UNIT 156	SARITA (3-B W)	140.0	NATURAL GAS PIPEL
8132768	22570	4220130921		102-4		WEST PRODUCTION CO A/C 3 #29	WEBSTER (FRIO 6400)	32.2	HOUSTON PIPE LINE
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 05/28/81 JA: TX					
8132994	32211	4243532427		103		HUNT #02	PHYLLIS SONORA (CANYON T	730.0	INTRATEX GAS CO
8132994	32211	4243532427		107-TF		HUNT #02	PHYLLIS SONORA (CANYON T	730.0	INTRATEX GAS CO
-FORT WORTH OIL & GAS CO INC				RECEIVED: 05/28/81 JA: TX					
8132930	31373	4243532401		103		JONES 119 NO 5 WELL #90630	SAWYER (CANYON)	111.7	NORTHERN NATURAL
-FRAC INC				RECEIVED: 05/28/81 JA: TX					
8132949	31638	4200332403		103		W T FORD NO 2 WELL #26091	FUHRMAN-MASCHO	0.0	PHILLIPS PETROLEU
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 05/28/81 JA: TX					
8132849	25473	4200332224		103		UNIVERSITY A 3-36	EMMA N (YATES)	180.0	NORTHERN NATURAL
8132850	25474	4200332225		103		UNIVERSITY B 2-36	EMMA N (YATES)	180.0	
-GENERAL PRODUCTION CORP				RECEIVED: 05/28/81 JA: TX					
8132946	31563	4205131163		103		JAMES W HARGROVE NO 3	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING
-GENESIS PETROLEUM CORP				RECEIVED: 05/28/81 JA: TX					
8132751	20553	4205730958		102-4		STATE TRACT 217 #2-U ID 85928	ESPIRITU SANTO BAY	292.0	DELHI GAS PIPELIN
-GEODYNAMICS OIL & GAS INC				RECEIVED: 05/28/81 JA: TX					
8132841	25102	4205130510		102-2		MAIS UNIT #1	CALDWELL (AUSTIN CHALK)	286.0	CLAJON GAS CO
-GEORGE J MORGAN				RECEIVED: 05/28/81 JA: TX					
8132782	23585	4236300000		108		SEAGRAM & SONS #1 (59824)	STRAWN	17.1	LONE STAR GAS CO
-GETTY OIL COMPANY				RECEIVED: 05/28/81 JA: TX					
8132777	23023	4216130567		102-4		ELIZABETH WIEBOLDT NO 1	NEAL (SMACKOVER)	0.0	LONE STAR GAS CO
8132777	23023	4216130567		103		ELIZABETH WIEBOLDT NO 1	NEAL (SMACKOVER)	0.0	LONE STAR GAS CO
8132767	22495	4235531427		102-4		GUARANTY TITLE & TRUST CO NO 3	WILDCAT	400.0	DELHI GAS PIPELIN
8132763	23625	4235300000		108		NORTH NENA LUCIA UNIT NO 52	NENA LUCIA (STRAWN REEF)	0.4	WEST LAKE NATURAL
8132765	23652	4235300000		108		NORTH NENA LUCIA UNIT NO 68	NENA LUCIA (STRAWN REEF)	0.1	WEST LAKE NATURAL
8132825	24695	4207931153		103		XIT UNIT WELL NO 175	LEVELLAND - SAN ANDRES	3.3	CITIES SERVICE CO
8132951	31643	4223330939		103		YAKE B NO 4	PANHANDLE HUTCHINSON	3.0	PANHANDLE EASTERN
-GMW CORP				RECEIVED: 05/28/81 JA: TX					
8132936	31460	4249531140		103		COMANCHE UNIT A WELL #3	CHEYENNE (CAPITAN)	4.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	F	SEC	CAT	WELL NAME
8132938	31462	4249531199			103	COMANCHE UNIT WELL #4
8132937	31461	4249531205			103	TEN BEARS A WELL #1
						RECEIVED: 05/28/81 JA: TX
-GRACE PETROLEUM CORPORATION						
8132894	28072	4228930368			102-4	HUNTER GAS UNIT NO 1
8132895	28073	4228930368			102-4	HUNTER GAS UNIT NO 1
						RECEIVED: 05/28/81 JA: TX
-GULF OIL CORPORATION						
8132840	25088	4220330266			103	LE TOURNEAU NO 1 ID #73441
8132978	31936	4210332230			103	W N WADDELL ET AL TR A NO 1146
						RECEIVED: 05/28/81 JA: TX
-GULFSTREAM PETROLEUM CORP					102-4	AMOCO PRODUCTION COMPANY 1-T
8132746	19192	4229131230				RECEIVED: 05/28/81 JA: TX
-H W STRICKLAND					102-4	CLAY NO 1
8132791	25777	4223732851				RECEIVED: 05/28/81 JA: TX
-HARKEN OIL & GAS INCORP					102-4	HAMILTON UNIT #1-T 77238
8132741	16625	4236730935				RECEIVED: 05/28/81 JA: TX
-HENDERSON CLAY PRODUCTS INC					102-3	ALFORD - A - NO 1 NO 84136
8132744	18883	4240130817				RECEIVED: 05/28/81 JA: TX
-HENRY PETROLEUM CORP					102-2	PRUSKE #1
8132779	25167	4249300000				RECEIVED: 05/28/81 JA: TX
-HIGHLAND RESOURCES INC					103	L V JONES WELL NO 1
8132816	24164	4216130450				RECEIVED: 05/28/81 JA: TX
-HUMBLE EXPLORATION CO INC					102-2	ADDIE LEE BROWN
8132848	25318	4214900000			103	ADDIE LEE BROWN
8132848	25318	4214900000			102-2	ANNIS BOWEN #1 - 13108
8132789	23727	4247730364			103	ANNIS BOWEN #1 - 13108
8132789	23727	4247730364			102-2	BOSS #1 - BOSS #1 - 13041
8132781	23347	4214930462			103	BOSS #1 - BOSS #1 - 13041
8132781	23347	4214930462			102-2	JUDY JANECKA #1 - 13447
8132826	24752	4214930475			103	JUDY JANECKA #1 - 13447
8132826	24752	4214930475			102-2	JUNE B JENKINS #9 - 13167
8132818	24270	4228730707			103	JUNE B JENKINS #9 - 13167
8132818	24270	4228730707			103	MARGARET LAWSON #1 - 13028
8132780	23344	4214930377			102-2	MARGUERITE GUPTON #1 - 13285
8132829	24887	4247730373			103	MARGUERITE GUPTON #1 - 13285
8132829	24887	4247730373			103	MARY ANN SCHMITZ #1 - 13040
8132790	23732	4214930393				RECEIVED: 05/28/81 JA: TX
-HUNT OIL COMPANY					103	FAIRWAY (JAMES LIME) UNIT #448-3
8132986	31975	4221330299				RECEIVED: 05/28/81 JA: TX
-HUNT PETROLEUM CORPORATION					102-2	E T DAVIS #1
8132828	24883	4248330668				RECEIVED: 05/28/81 JA: TX
-INDEPENDENT EXPLORATION CO					102-2	I T PRYOR #A-3
*8132902	29462	4250731239				RECEIVED: 05/28/81 JA: TX
-J H MCCAMMON					103	FRANK REED NO 5 WELL #94054
8132962	31761	4243532406				RECEIVED: 05/28/81 JA: TX
-JAMES E SKIDMORE					102-2	TOMPKINS #3
8132904	29957	4233731192				RECEIVED: 05/28/81 JA: TX
-JERRY E WYLIE					103	B G THOMAS A #2 (86976)
8132981	31947	4209330678			103	WESLEY WARREN #1 (14888)
8132980	31943	4213331264				RECEIVED: 05/28/81 JA: TX
-JERRY E WYLIE OIL DRILLING COMPANY					103	EUGENE HOPE #1-B (89938)
P132982	31951	4239931750				RECEIVED: 05/28/81 JA: TX
-JOHN L COX					103	SCHARBAUER #1-X RRC #22719
8132857	25685	4231732150			103	WOLTERS ESTATE #2 RRC #08333
8132856	25678	4238331598				

FIELD NAME	PROD	PURCHASER
CHEYENNE (CAPITAN)	6.0	EL PASO NATURAL G
CHEYENNE (CAPITAN)	4.0	EL PASO NATURAL G
BEAR GRASS (TRAVIS PEAK)	375.0	DELHI GAS PIPELIN
BEAR GRASS (PETTIT)	270.0	DELHI GAS PIPELIN
SABINE (COTTON VALLEY)	300.0	HYDROCARBON TRANS
SAND HILLS (JUDKINS)	69.0	H & T GATHERING
HANKAMER N (CIB #10 - TE	365.0	SOUTHWEST GAS GAT
EDGEN (MISSISSIPPI)	85.0	SOUTHWESTERN GAS
COYLE (MARBLE FALLS)	173.0	NATURAL GAS PIPEL
CYRIL (COTTON VALLEY)	360.0	UNITED GAS PIPE L
PRUSKE (BUDA)	0.0	
REED (HAYNESVILLE)	270.0	
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	221.4	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	221.4	PHILLIPS PETROLEU
GIDDINGS - AUSTIN CHALK	73.0	PHILLIPS PETROLEU
GIDDINGS - AUSTIN CHALK	73.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	6.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	6.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	284.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	284.0	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	36.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	170.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	170.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
FAIRWAY (JAMES LIME) UNI	135.0	LONE STAR GAS CO
WILDCAT	1442.0	COLORADO INTERSTA
FRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
SAWYER (CANYON)	164.2	NORTHERN NATURAL
TAFFEY (CONGLOMERATE)	87.5	NATURAL GAS PIPEL
DUSTER NE (MARBLE FALLS	59.0	LONE STAR GAS CO
GORMAN (RANGER)	5.0	LONE STAR GAS CO
NORTON N (CAPPS)	1400.0	UNION TEXAS PETRO
SPRABERRY (TREND AREA)	10.0	ALPINE OIL CO
SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G

OP NO	JA DIST	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-K-B EXPLORATION CO						RECEIVED: 05/28/81 JA: TX			
8132760	22035	4248131925			102-4	ALLEN PEIKERT #2	NEW DISCOVERY (NORTH SPA	365.0	
						RECEIVED: 05/28/81 JA: TX			
-KEAHEY EXPLORATION INC									
8132975	31877	4217531404			103	HOLCHAK NO 1	BOYCE (WILCOX A)	167.0	UNITED GAS PIPELI
						RECEIVED: 05/28/81 JA: TX			
-KELLY BELL									
8132887	27645	4246931507			103	EARP #1	S COLETTO CREEK	33.8	ESPERANZA TRANSMI
						RECEIVED: 05/28/81 JA: TX			
-KNOX INDUSTRIES INC									
8132786	25660	4238331519			103	DIXON A #1	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
						RECEIVED: 05/28/81 JA: TX			
-LONDON & WAGGONER									
*8132966	31793	4249731850			103	HEATHER VOLLINTINE #2	BOONSVILLE (BCG)	220.0	NATURAL GAS PIPEL
						RECEIVED: 05/28/81 JA: TX			
-LOUISIANA LAND & EXPLORATION CO									
8132874	26915	4214330299			102-4	ADDISON NO 2	MORGAN MILLS (MARBLE FAL	4.0	NORTHERN GAS PROD
8132875	26916	4214330258			102-4	ADDISON NO 3	MORGAN MILL (MARBLE FALL	4.0	NORTHERN GAS PROD
8132877	26961	4214330295			102-4	C SMETHERS WELL NO 1	MORGAN MILLS (MARBLE FAL	55.0	NORTHERN GAS PROD
8132871	26912	4214330365			102-4	JOHN W NUNN NO 1	MORGAN MILLS (MARBLE FAL	5.0	NORTHERN GAS PROD
8132872	26913	4214330315			102-4	M E TIPTON NO 2	MORGAN MILLS (MARBLE FAL	22.0	NORTHERN GAS PROD
8132873	26914	4214330297			102-4	TIPTON NO 1	MORGAN MILLS (MARBLE FAL	26.0	NORTHERN GAS PROD
8132876	26920	4214330327			102-4	W R HERRIN NO 1	MORGAN MILLS (MARBLE FAL	37.0	NORTHERN GAS PROD
-MARSHALL EXPLORATION INC						RECEIVED: 05/28/81 JA: TX			
8132807	23963	4236332327			102-4	ALLEN A #2	BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
8132807	23963	4236332327			103	ALLEN A #2	BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
8132808	23966	4236332215			103	J B DAVIS A #2	BRANSON N (BIG SALINE)	365.0	SOUTHWESTERN GAS
8132859	25830	4218330421			103	GUICA GREEN #1	WILDCAT	460.0	WESTERN GAS CORP
8132860	25831	4236530987			103	WILLIAM B WEINER JR #1-UT	BELLE BOWER (TRAVIS PEAK	120.0	UNITED GAS PIPELI
-MCCULLOCH OIL CORP OF TEXAS						RECEIVED: 05/28/81 JA: TX			
8132775	22887	4221131157			103	MATHERS RANCH NO 41	HUMPHREYS-DOUGLAS	50.0	ARKANSAS LOUISIAN
-MEADCO PROPERTIES						RECEIVED: 05/28/81 JA: TX			
8132839	25068	4223531401			102-2	#1 E SUGG 17 RRC#03641	ELA SUGG (WOLFCAMP)	96.0	NORTHERN NATURAL
8132835	24922	4223531439			102-2	#1 SHEEN 11 RRC#08291	ELA SUGG (CISCO)	32.0	NORTHERN NATURAL
8132836	24923	4223531485			102-2	#2 E SUGG 19 RRC#08337	ELA SUGG (CANYON)	1.5	NORTHERN NATURAL
-MEWBOURNE OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8132888	27851	4235731033			103	PEARSON 74 NO 1	CHUNN	60.0	
-MITCHELL ENERGY CORPORATION						RECEIVED: 05/28/81 JA: TX			
8132892	28054	4236300000			108	C H PUTT #1 37024	BRAZOS (STRAWN)	8.0	SOUTHWESTERN GAS
8132784	23642	4249700000			108	G C BUSEY #1 28585	BOONESVILLE (BEN CONGL G	10.8	NATURAL GAS PIPEL
8132772	22696	4249700000			108	GEORGE M ELSOM #1 32956	BOONESVILLE (BEND CONGL	6.0	NATURAL GAS PIPEL
8132846	25293	4249700000			108	N D CULWELL #1 28613	BOONESVILLE (BEND CONGL	11.7	NATURAL GAS PIPEL
8132771	22695	4249700000			108	POTEET #2 58752	MORRIS (CONSOLIDATED CON	0.4	UPHAM OIL & GAS
8132896	28191	4223700000			108	RICHARDS 505 #1 61904	JACKSBORO ATOKA CONGL	2.4	SOUTHWESTERN GAS
8132893	28065	4223700000			108	WILLIE R RICHARDS #2 44554	CARY-PAG SOUTH (CONGL)	10.0	SOUTHWESTERN GAS
-MOTE RESOURCES INC						RECEIVED: 05/28/81 JA: TX			
8132967	31802	4233731505			103	YATES #5	SUNSET CONGLOMERATE	4.0	NATURAL GAS PIPEL
-NEUMIN PRODUCTION CO						RECEIVED: 05/28/81 JA: TX			
8132858	25706	4224531360			102-2	N N VICKERS UNIT #1 WELL #1	WINNIE N (10900)	360.0	ALUMINUM CO OF AM
-ONEOK EXPLORATION INC						RECEIVED: 05/28/81 JA: TX			
8132961	31760	4229530772			103	WESLEY NO 2	DARREN (MORROW MIDDLE)	73.0	NORTHERN NATURAL
-OTEX ENERGY INC						RECEIVED: 05/28/81 JA: TX			
8132952	31668	4235730954			103	BROWNLEE RANCH NO 1-128 ID #04555	DUTCHER-CLEVELAND	13.4	PHILLIPS PETROLEU
8132932	31423	4235730947			103	BROWNLEE RANCH NO 1-49 ID #04555	DUTCHER-CLEVELAND	25.4	PHILLIPS PETROLEU
8132933	31424	4235730954			103	BROWNLEE RANCH NO 1-50 ID #04555	DUTCHER-CLEVELAND	72.4	PHILLIPS PETROLEU
-PAR PRODUCING CO						RECEIVED: 05/28/81 JA: TX			
8132761	22150	4249731569			103	KUTCH NO 1	BOONSVILLE (BEND CONGLOM	120.0	NATURAL GAS PIPEL
-PARAFFINE OIL CORP						RECEIVED: 05/28/81 JA: TX			

JD	JA DIST	API NO	C SEC CAT	WELL NAME	FIELD NAME	PRLD	PURCHASER
8132992	32175	4213134827	102-2	VILLARREAL NO 1	SEJITA WEST	160.0	UNITED GAS TRANSM
8132992	32175	4213134827	103	VILLARREAL NO 1	SEJITA WEST	160.0	UNITED GAS TRANSM
				RECEIVED: 05/28/81 JA: TX			
-PARAGON RESOURCES INC							
8132861	25873	4216130537	102-4	ALDERMAN #1	HOLLMAN (7777)	200.0	
8132861	25873	4216130537	103	ALDERMAN #1	HOLLMAN (7777)	200.0	
				RECEIVED: 05/28/81 JA: TX			
-PARKER & PARSLEY INC							
8132863	26275	4232930904	103	BEULAH PHILLIPS WELL NO 1	SPRAGERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
				RECEIVED: 05/28/81 JA: TX			
-PDC GAS CO							
8132745	18918	4237100000	108	CARDINAL UNIVERSITY #1	CARLINAL (QUEEN W)	0.0	NORTHERN NATURAL
				RECEIVED: 05/28/81 JA: TX			
-PENNZOIL PRODUCING COMPANY							
8132755	21723	4236531057	102-4	TILLER A NO 10	BETHANY/PALUXY-TILLER/	395.0	UNITED GAS PIPE L
				RECEIVED: 05/28/81 JA: TX			
-PETRO-LEWIS CORPORATION							
8132974	31871	4217331079	103	W A HUTCHINSON 18-1 WELL	SPRAYBERRY TREND	0.0	PECOS CO
				RECEIVED: 05/28/81 JA: TX			
-PETROLEUM TECHNICAL SERVICES							
8132939	31483	4205131049	103	RAYFIELD SLOVACEK NO 1	GIDDINGS (AUSTIN CHALK)	73.0	FERGUSON CROSSING
8132943	31523	4205130953	103	SKRIVANEK NO 1	CALDWELL NE (GEORGETOWN)	194.0	CLAJON GAS CO
				RECEIVED: 05/28/81 JA: TX			
-PHILLIPS PETROLEUM COMPANY							
8132844	25238	4234130592	103	BARRE NO 2	PANHANDLE MOORE	0.0	EL PASO NATURAL G
8132955	31692	4213533354	103	GS ADOBE #17-10	GOLDSMITH 5600	15.7	EL PASO NATURAL G
8132824	24689	4217900000	108	PHIL-PAMPA UNIT #58-2	PANHANDLE GRAY	5.4	GETTY OIL CO
8132831	24893	4217900000	108	PHIL-PAMPA UNIT 7-2	PANHANDLE GRAY	1.0	GETTY OIL CO
8132830	24892	4217900000	108	PHIL-PAMPA 3-10	PANHANDLE GRAY	2.2	GETTY OIL CO
8132979	31939	4210332347	103	TUBB D #5	SANDHILLS (TUBB)	62.9	
				RECEIVED: 05/28/81 JA: TX			
8132987	31990	4206510000	103	SANFORD C #6	PANHANDLE	54.8	PHILLIPS PETROLEU
				RECEIVED: 05/28/81 JA: TX			
-R L BURNS CORP							
8132977	31892	4223531570	102-4	BAKER 1160 NO 2	CAL (CANYON-GAS)	337.6	CRA INC.
8132977	31892	4223531570	103	BAKER 1160 NO 2	CAL (CANYON-GAS)	337.6	CRA INC
				RECEIVED: 05/28/81 JA: TX			
-S R I PRODUCTION							
8132972	31843	4204932452	103	ULA B STONE #1 90274	BROWN COUNTY REGULAR (MA	36.0	ODESSA NATURAL CO
				RECEIVED: 05/28/81 JA: TX			
-SANFORD P FAGADAU							
8132763	22253	4223732757	103	WHITAKER NO 1	BOONSVILLE (BEND CONGL G	0.0	LONE STAR GAS CO
				RECEIVED: 05/28/81 JA: TX			
-SAXON OIL COMPANY							
8132817	24200	4231732132	103	GAY WADE NO 1	BREEDLOVE EAST (SPRABERR	17.3	PHILLIPS PETROLEU
8132815	24124	4231732128	103	GAY WADE NO 2	BREEDLOVE EAST (SPRABERR	14.6	PHILLIPS PETROLEU
8132814	24123	4231732129	103	GAY WADE NO 3	BREEDLOVE EAST (SPRABERR	19.2	PHILLIPS PETROLEU
8132813	24121	4231732166	103	GAY WADE NO 5	BREEDLOVE EAST (SPRABERR	41.4	PHILLIPS PETROLEU
8132845	25281	4238331483	103	PATTERSON A NO 2 WELL	SPRABERRY (TREND AREA)	11.3	PHILLIPS PETROLEU
8132900	28967	4238331637	103	PATTERSON B NO 4	SPRABERRY (TREND AREA)	24.5	PHILLIPS PETROLEU
8132890	27993	4238331667	103	STATE EIGHT NO 3	SPRABERRY (TREND AREA)	27.0	PHILLIPS PETROLEU
-SMACKOVER SHELL LIMITED							
8132885	27911	42213300?9	102-4	JOHNNIE MOSELEY UNIT 1 NO 1	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
				RECEIVED: 05/28/81 JA: TX			
-SOHIO PETROLEUM CO							
8132984	31968	4217331050	103	W A BIGBY A NO 3 WELL	CALVIN (DEAN)	23.0	EL PASO NATURAL G
				RECEIVED: 05/28/81 JA: TX			
-SOJOURNER DRILLING CORP							
8132864	26370	4226900000	102-4	CYNTHIA TAYLOR NO 1 (68382)	STESCOTT (ATOKA 6185) FI	400.0	PALO DURO PIPELIN
8132843	25231	4225331389	102-4	WM F MARSH #3 (15343)	JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
				RECEIVED: 05/28/81 JA: TX			
-SPINDLETOP OIL & GAS CO							
8132750	20481	4236730973	102-4	MCKEON #1 (76187)	MALES (4300)	41.0	LONE STAR GAS CO
8132926	31330	4236731530	102-4	WALKER 2C	MALES (4300)	5.0	LONE STAR GAS CO
8132926	31330	4236731530	103	WALKER 2C	MALES (4300)	5.0	LONE STAR GAS CO
8132925	31329	4236731530	102-4	WALKER 2T	DOSS (4900)	12.0	LONE STAR GAS CO
8132925	31329	4236731530	103	WALKER 2T	DOSS (4900)	12.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 05/28/81 JA: TX			
8132788	23696	4223732648		103		DURHAM A-1 GAS UNIT NO 3	JUPITER (CONGLOMERATE 3R	85.0	LONE STAR GAS CO
8132827	24757	4208100000		108		H H JAMESON NO 7	JAMESON (STRAWN)	5.0	EL PASO NATURAL G
8132759	21936	4213100000		108		L WIEDERKEHR NO 137	GOVERNMENT WELLS NORTH	17.0	TENNESSEE GAS PIP
-TAHOE OIL & CATTLE CO						RECEIVED: 05/28/81 JA: TX			
8132924	31323	4237100000		103		PAPOOSE #1	USM (QUEEN)	3.5	NORTHERN NATURAL
-TARTAN OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8132743	18216	4215700000		103		MELTON NO 2	HUNGERFORD EAST (FRIO 50	365.0	HOUSTON PIPELINE
-TAURUS OIL CORP						RECEIVED: 05/28/81 JA: TX			
8132879	27305	4214300000		108		FOSS #3 -- RRC #84604	MORGAN MILLS (MARBLE FAL	1.2	NORTHERN GAS PROD
-TENNECO OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8132991	32141	4250131846		103		PRENTICE CLEARFORK UNIT #1504	PRENTICE	15.3	AMOCO PRODUCTION
-TEXACO INC						RECEIVED: 05/28/81 JA: TX			
8132869	26802	4203931474		102-4		A R RUCKS FEE #2	DANBURY S W	1679.0	NATURAL GAS PIPEL
-TEXAS OIL & GAS CORP						RECEIVED: 05/28/81 JA: TX			
8132941	31518	4240130613		103		KANGERGA A #1	RUFUS (PETTIT LOWER)	111.0	DELHI GAS PIPELIN
8132821	24637	4240931412		102-4		ROOTS G U A #1 #88858	BRANNON FIELD	0.0	DELHI GAS PIPELIN
-TEXAS PACIFIC OIL COMPANY INC						RECEIVED: 05/28/81 JA: TX			
8132766	22462	4213300000		102-4		N C GAILEY NO 3	GAILEY ALLEN/MARBLE FALL	182.5	SOUTHWESTERN GAS
-TEXFEL PETROLEUM CORP						RECEIVED: 05/28/81 JA: TX			
8132822	24639	4244100000		103		WESSELS B #2	AUDAS-GRAHAM (CAPPS LIME	6.9	UNION TEXAS PETRO
-TEXLAND-RECTOR & SCHUMACHER						RECEIVED: 05/28/81 JA: TX			
8132929	31372	4236332074		103		C B LONG 1-54	BEND CONGLOMERATE - BEAR	110.0	SOUTHWESTERN GAS
8132964	31781	4221932851		103		D B BRYAN B #10	SLAUGHTER	5.0	AMOCO PRODUCTION
8132965	31782	4221932850		103		D B BRYAN B #9	SLAUGHTER	2.0	AMOCO PRODUCTION
8132963	31779	4221932993		103		D B BRYAN B NO 12	SLAUGHTER	7.0	AMOCO PRODUCTION
-TOWNSEND CO						RECEIVED: 05/28/81 JA: TX			
8132842	25173	4209300000		102-4		MILTON FORREST NO 1 (88375)	DELEON N (STRAWN)	113.0	SOUTHWESTERN GAS
-U S OPERATING INC						RECEIVED: 05/28/81 JA: TX			
8132945	31529	4205130921		102-2		CANDY NO 1 RRC ID	GIDDINGS (AUSTIN CHALK A	150.0	PHILLIPS PETROLEU
8132953	31685	4205130893		102-2		CARLA NO 1 RRC ID	GIDDINGS (AUSTIN CHALK A	100.0	PHILLIPS PETROLEU
-W W BOLDT						RECEIVED: 05/28/81 JA: TX			
8132819	24579	4208331763		103		B W POPNOE WELL NO 1 (85794)	CAMP COLORADO S (MARBLE	272.0	WEST CEN-TEX GAS
-WILSON ENERGY INC						RECEIVED: 05/28/81 JA: TX			
8132950	31639	4210500000		103		UNIVERSITY 13 B #2 08640	FARMER (SAN ANDRES)	73.0	BIG LAKE GASOLINE
8132940	31498	4210500000		103		UNIVERSITY 2 B #4 08641	FARMER (SAN ANDRES)	36.0	BIG LAKE GASOLINE

BILLING CODE 6450-85-C

OTHER PURCHASERS

8132747	E I DUPONT DE NEMOURS & CO INC
8132748	E I DUPONT DE NEMOURS & CO INC
8132752	E I DUPONT DE NEMOURS & CO INC
8132753	E I DUPONT DE NEMOURS & CO INC
8132757	E I DUPONT DE NEMOURS & CO INC
8132769	E I DUPONT DE NEMOURS & CO INC
8132770	E I DUPONT DE NEMOURS & CO INC
8132776	E I DUPONT DE NEMOURS & CO INC
8132778	E I DUPONT DE NEMOURS & CO INC
8132793	E I DUPONT DE NEMOURS & CO INC
8132794	E I DUPONT DE NEMOURS & CO INC
8132795	E I DUPONT DE NEMOURS & CO INC
8132796	E I DUPONT DE NEMOURS & CO INC
8132797	E I DUPONT DE NEMOURS & CO INC
8132798	E I DUPONT DE NEMOURS & CO INC
8132799	E I DUPONT DE NEMOURS & CO INC
8132800	E I DUPONT DE NEMOURS & CO INC
8132801	E I DUPONT DE NEMOURS & CO INC
8132802	E I DUPONT DE NEMOURS & CO INC
8132803	E I DUPONT DE NEMOURS & CO INC
8132804	E I DUPONT DE NEMOURS & CO INC
8132805	E I DUPONT DE NEMOURS & CO INC
8132806	E I DUPONT DE NEMOURS & CO INC
8132901	PIONEER NATURAL GAS CO
8132902	VALERO TRANSISSION COMPANY
8132935	TGP INC
8132966	NATURAL GAS PIPELINE OF AMERICA
8132990	E I DUPONT DE NEMOURS & CO INC

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MNCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enchanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19256 Filed 6–30–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 22, 1981.

JD NO	JA DKT	APT NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
-TENNECO OIL COMPANY			RECEIVED: 05/21/81 JA: CA				
8132364	81-4-0043	0402959271	103	TENNECO-TEXACO LOUDEN 45X	YOWLUMNE	66.0	ARCO OIL & GAS CO
8132365	81-4-0044	0402958784	103	TENNECO-TEXACO LOUDEN 47X	YOWLUMNE	47.0	ARCO OIL & GAS CO
8132366	81-4-0045	0402959090	103	TENNECO-TEXACO MCMAHON 67X	YOWLUMNE	1.0	ARCO OIL & GAS CO
8132367	81-4-0046	0402959402	103	TENNECO-TEXACO NEWMARK 25X	YOWLUMNE	27.0	ARCO OIL & GAS CO
8132368	81-4-0047	0402958943	103	TENNECO-TEXACO NEWMARK 27X	YOWLUMNE	40.0	ARCO OIL & GAS CO
8132363	81-4-0042	0402959319	103	TENNECO-TEXACO YOWLUMNE 14X	YOWLUMNE	19.0	ARCO OIL & GAS CO
8132361	81-4-0040	0402958252	103	WESTLAND 87X	YOWLUMNE	63.0	ARCO OIL & GAS CO
8132359	81-4-0038	0402958567	103	WISHON 57X	YOWLUMNE	22.0	ARCO OIL & GAS CO
8132360	81-4-0039	0402955350	103	YOWLUMNE 54X-4	YOWLUMNE	343.0	ARCO OIL & GAS CO
8132362	81-4-0041	0402957821	103	YOWLUMNE 61-5	YOWLUMNE	164.0	ARCO OIL & GAS CO
MONTANA BOARD OF OIL & GAS CONSERVATION							
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/26/81 JA: MT				
8132456	12-80-251	2509121283	103	GOETZ FEE 34-10	WILDCAT	10.0	PHILLIPS PETROLEU
8132457	12-80-252	2509121297	103	PEDERSON FEE 31-15	COMERTOWN	7.0	PHILLIPS PETROLEU
-SHELL OIL CO			RECEIVED: 05/26/81 JA: MT				
8132455	12-80-250	2508321355	102-4	BEAGLE 11-27	MONCAK WEST	8.5	MONTANA DAKOTA UT
8132454	12-80-253	2508321390	102-4	STEINBEISSER 41-35	MONCAK WEST	185.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMERADA HESS CORPORATION			RECEIVED: 05/26/81 JA: NM				
8132461		3002526617	103	STATE L M T #10	JALMAT	594.0	NORTHERN NATURAL
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/26/81 JA: NM				
8132482		3002524650	108	CURRAN JONES GAS UA WELL NO 10	JALMAT	7.7	EL PASO NATURAL G
-CONOCO INC			RECEIVED: 05/26/81 JA: NM				
8132484		3001503001	108	STATE S-19 NO 2	AID-CAVE-GRAYBURG JACKSO	4.3	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/26/81 JA: NM				
*8132458		3003982261	108	CANYON LARGO UNIT #138	OTERO-CHACRA	18.0	EL PASO NATURAL G
8132485		3004500000	108-ER	HUERFANITO UNIT 86-A	BLANCO - MESAVERDE	0.0	NORTHWEST P L COR
-ENERGY RESERVES GROUP INC			RECEIVED: 05/26/81 JA: NM				
8132465		3004120532	103	BLEDSOE #1	WILDCAT	24.8	TRANSWESTERN PIPE
8132464		3004120557	103	BLEDSOE #2	WILDCAT	36.0	TRANSWESTERN PIPE
-ENSERCH EXPLORATION INC			RECEIVED: 05/26/81 JA: NM				
8132487		3000560675	102-2	J G OBRIEN NO 1	WILDCAT	216.0	
-GETTY OIL COMPANY			RECEIVED: 05/26/81 JA: NM				
8132483		3002524909	108	A L CHRISTMAS WELL NO 2	JALMAT (GAS)	20.9	EL PASO NATURAL G
8132490		3002526721	102-4	GETTY 6 STATE COM WELL NO 1	NORTH BERRY-MORROW GAS P	273.0	EL PASO NATURAL G
8132467		3004524315	103	MAE GALE COM WELL NO 1E	BASIN DAKOTA	169.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132468		3004524312	103	MEXICO FEDERAL N WELL NO 1E	BASIN-DAKOTA	165.0	EL PASO NATURAL G
8132462		3002526058	103	MYERS LANGLIE MATTIX #147	LANGLIE MATTIX	170.2	EL PASO NATURAL G
8132479		3002526912	103	MYERS LANGLIE MATTIX #243	LANGLIE MATTIX	10.2	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED: 05/26/81 JA: NM			
8132474		3002500000	108	PARKS NO 9	DRINKARD	13.3	EL PASO NATURAL G
-HARVEY E YATES COMPANY				RECEIVED: 05/26/81 JA: NM			
8132488		3002520902	107-TF	HEYCO BETENBOUGH #1	WILDCAT	150.0	EL PASO NATURAL G
-HIXON DEVELOPMENT COMPANY				RECEIVED: 05/26/81 JA: NM			
8132486		3004500000	108-ER	MANDANA STATE COMM #1	WAW - FRUITLAND - PC	0.0	EL PASO NATURAL G
-MESA PETROLEUM				RECEIVED: 05/26/81 JA: NM			
8132469		3004524660	103	STATE COM AE #27R	BLANCO PICTURED CLIFF	73.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 05/26/81 JA: NM			
8132468		3002500000	108	BRUNSON-ARGO NO 10	DRINKARD	14.4	NORTHERN NATURAL
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/26/81 JA: NM			
8132473		3004522165	108	SAN JUAN 32-7 UNIT COM #24	BLANCO MESAVERDE	24.4	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/26/81 JA: NM			
8132477		3002526225	103	E VAC GB/SA TR 2801 #2	VACUUM GB/SA	0.2	EL PASO NATURAL G
8132478		3002526775	103	E VAC GB/SA TR 2658 #001	VACUUM GB/SA	2.5	EL PASO NATURAL G
8132476		3002526779	103	E VAC GB/SA TR 2739 #007	VACUUM GB/SA	24.5	EL PASO NATURAL G
8132475		3002526573	103	E VAC GB/SA TR 2622 #2	VACUUM GB/SA	35.8	EL PASO NATURAL G
8132469		3001523287	103	MALAGA A #2	MALAGA-MORROW (GAS)	182.5	EL PASO NATURAL G
8132471		3002524543	108	PHILLIPS-E STATE NO 18	MALJAMAR GB/SA	0.0	EL PASO NATURAL G
-READ & STEVENS INC				RECEIVED: 05/26/81 JA: NM			
8132459		3001500000	108	BOGLE FARMS A NO 4	UND WEST MESA UPPER QUEE	2.3	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED: 05/26/81 JA: NM			
8132472		3002500000	108	N HOBBS (G-SA) UNIT SEC 18 NO 431	HOBBS (G-SA)	11.1	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED: 05/26/81 JA: NM			
8132480		3001523034	103	F M ROBINSON B TR 1 #1	GRAYBURG-JACKSON	5.0	PHILLIPS PETROLEU
8132481		3001523345	103	STATE A 32 #1		65.0	EL PASO NATURAL G
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/26/81 JA: NM			
8132466		3002526418	103	J A AKENS A OIL COM NO 2	OIL CENTER BLINEBRY	39.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED: 05/26/81 JA: NM			
8132463		3004524508	103	TURNER B COM #2	BASIN DAKOTA	500.0	EL PASO NATURAL G
-W M GALLAWAY				RECEIVED: 05/26/81 JA: NM			
8132470		3003922475	103	TRIX #1	BLANCO MESAVERDE	100.0	NORTHWEST PIPELIN
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UTAH DIVISION OF OIL,GAS, & MINING							
**********							
-AMOCO PRODUCTION CO				RECEIVED: 05/29/81 JA: UT			
8132503	K-121-6	4304330135	102-2	CHAMPLIN 458 AMOCO F NO 1	ANSCHUTZ RANCH EAST	1058.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC				RECEIVED: 05/26/81 JA: UT			
8132452	K-129-4	4304730851	103	CIGE 54D-35-9-21	NATURAL BUTTES	157.0	COLORADO INTERSTA
-J C THOMPSON				RECEIVED: 05/26/81 JA: UT			
8132453	K-133-1	4301930317	108	STATE M-15	WESTWATER	1.9	NORTHWEST PIPELIN
-THE ANSCHUTZ CORPORATION				RECEIVED: 05/26/81 JA: UT			
8132451	K-126-3	4304330123	102-2	ANSCHUTZ RANCH EAST U 8-20	ANSCHUTZ RANCH	2000.0	NATURAL GAS PIPEL
**********							
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
**********							
-AMOCO PRODUCTION CO				RECEIVED: 05/28/81 JA: CO 1			
8132498	CD 0114-81-A	0506706361	103	SOUTHERN UTE TRIBAL A NO 1 (DAKOTA)	IGNACIO BLANCO - DAKOTA	59.0	NORTHWEST PIPELIN
8132497	CD 0114-81-B	0506706361	103	SOUTHERN UTE TRIBAL A NO 1 (MESAVE*	IGNACIO BLANCO - MESAVER	30.0	NORTHWEST PIPELIN
8132496	CD 0125-81	0506706302	103	WIRT GAS UNIT D NO 3M (DAKOTA)	IGNACIO BLANCO (DAKOTA	181.0	WESTERN SLOPE GAS

JF NO	JA DKT	APT NO	L SEC CAT WELL NAME	FIELD NAME	FMCD	PURCHASER
-ANADARKO PRODUCTION COMPANY			RECEIVED: 05/28/81 JA: CO 1			
8132494	CD 0098-80	0508106398	103 COTTONWOOD GULCH FEDERAL C NO 1	NORTH CRAIG	274.0	MOUNTAIN FUEL SUP
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/28/81 JA: CO 1			
8132502	CD 0067-81	0504500000	108 DIVIDE CREEK UNIT NO 12	DIVIDE CREEK	11.0	MOUNTAIN FUEL RES
-TWIN ARROW INC			RECEIVED: 05/28/81 JA: CO 1			
8132501	CD 0118-81	0510307926	108 DEPCO 1-5	CATHEDRAL	11.7	IGC PRODUCTION CO
8132499	CD 0120-81	0510307835	108 EAST DOUGLAS 4-34	CATHEDRAL	19.1	IGC PRODUCTION CO
8132500	CD 0119-81	0510308190	108 SHENANDOAH 5-7	CATHEDRAL	0.8	NORTHWEST PIPELIN
-NP ENERGY CORPORATION			RECEIVED: 05/28/81 JA: UT 1			
8132495	UO 0116-81	4301930348	103 NP ENERGY FEDERAL #13-1	CISCO DOME	0.0	NORTHWEST PIPELIN
**********						
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 05/21/81 JA: NM 4			
8132370	NM 1069-80	3004511739	108 GALLEGOS CANYON UNIT NO 240	BASIN-DAKOTA	21.0	EL PASO NATURAL G
8132425	NM-0364-81	3003906309	108 JICARILLA APACHE A 118 NO 5 (2ND)	GAVILAN	20.0	EL PASO NATURAL G
8132418	NM 0353-81	3003922145	103 JICARILLA CONTRACT 146 NO 28	SOUTH BLANCO PICTURED CL	59.0	EL PASO NATURAL G
8132387	NM-0258-81-A	3003922345	103 JICARILLA CONTRACT 155 NO 19E	OTERO CHACRA	29.0	EL PASO NATURAL G
8132388	NM-0258-81-B	3003922345	103 JICARILLA CONTRACT 155 NO 19E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8132426	NM-0366-81	3004506803	108 MADELINE N GALT F WELL NO 1	FULCHER KUTZ	19.0	SOUTHERN UNION GA
-COLEMAN OIL & GAS INC			RECEIVED: 05/21/81 JA: NM 4			
8132394	NM 0287-81	3004524784	103 NAVAJO WOOD #1	BISTI GALLUP	70.0	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION			RECEIVED: 05/21/81 JA: NM 4			
8132407	NM-0333-81	3003922221	103 APACHE #27	SOUTH BLANCO/P C & CHACR	150.0	NORTHWEST PIPELIN
8132408	NM-0333-81-B	3003922221	103 APACHE #27	SOUTH BLANCO/P C & CHACR	150.0	NORTHWEST PIPELIN
-DOME PETROLEUM CORP			RECEIVED: 05/21/81 JA: NM 4			
8132416	NM-0345-81	3004320481	102-2 DOME FEDERAL 18-22-6 #3	RUSTY CHACRA EXTENSION	152.6	SOUTHWEST GAS COR
8132410	NM-0337-81	3004320406	102-2 DOME FEDERAL 29-22-6 #2	RUSTY CHACRA	350.4	SOUTHWEST GAS COR
8132409	NM-0335-81	3004330407	102-2 DOME FEDERAL 30-22-6 #1	RUSTY CHACRA	151.5	SOUTHWEST GAS COR
8132417	NM-0346-81	3004320470	102-2 DOME NAVAJO 18-22-6 #2	RUSTY CHACRA EXTENSION	120.9	SOUTHWEST GAS COR
-DOYLE HARTMAN OIL OPERATOR			RECEIVED: 05/21/81 JA: NM 4			
8132391	NM-0278-81	3002527192	103 TERRA-CARLSON B FEDERAL NO 1	LANGLIE-MATTIX	62.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP			RECEIVED: 05/21/81 JA: NM 4			
8132424	NM-0362-81	3004524753	103 DAM DEAL #1	PICTURED CLIFFS	7.5	EL PASO NATURAL G
-EL PASO EXPLORATION CO			RECEIVED: 05/21/81 JA: NM 4			
8132380	NM-0130-81	3003906711	108 JICARILLA 119 N #9	TAPACITO - PICTURED CLIF	24.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/21/81 JA: NM 4			
8132371	NM-1211-80	3004511746	108 BLANCO #16	BLANCO SOUTH - PICTURED	24.0	EL PASO NATURAL G
8132445	NM-0384-81-A	3004521650	103 BOLIN A #2	UNDESIGNATED FRUITLAND	50.0	EL PASO NATURAL G
8132446	NM-0384-81-B	3004521650	103 BOLIN A #2	BLANCO PICTURED CLIFFS	75.0	EL PASO NATURAL G
8132376	NM-1800-80	3003920305	108 CANYON LARGO UNIT #159	OTERO-CHACRA	18.0	EL PASO NATURAL G
8132392	NM 0282-81	3003922202	103 CANYON LARGO UNIT #292	BASIN DAKOTA	36.0	EL PASO NATURAL G
8132443	NM-0383-81-A	3003922286	103 CARSON #3	BLANCO MESAVERDE	55.0	EL PASO NATURAL G
8132444	NM-0383-81-B	3003922286	103 CARSON #3	EAST BLANCO PICTURED CLI	35.0	EL PASO NATURAL G
8132429	NM 0371-81	3004523765	103 FROST #3R	FULCHER KUTZ PICTURED CL	35.0	EL PASO NATURAL G
8132400	NM-0324-81	3004523764	103 GORDON #1R	FULCHER KUTZ PICTURED CL	35.0	EL PASO NATURAL G
8132398	NM-0322-81	3004523718	103 HARGRAVE #2R	FULCHER KUTZ PICTURED CL	70.0	EL PASO NATURAL G
8132375	NM-1649-80	3004521627	108 HUBBELL #17	AZTEC - FRUITLAND	21.0	EL PASO NATURAL G
8132374	NM-1389-80	3004506206	108 HUERFANITO UNIT #46	BLANCO SOUTH PICTURED CL	24.0	EL PASO NATURAL G
8132399	NM-0323-81	3003922381	103 LINDRITH UNIT #100	SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
8132428	NM 0370-81	3004524142	103 MORRIS A #11	AZTEC PICTURED CLIFFS	25.0	EL PASO NATURAL G
8132397	NM-0321-81	3004523281	103 MUDGE #50	BLANCO PICTURED CLIFFS	150.0	EL PASO NATURAL G
8132377	NM-1801-80	3004520469	108 PIERCE #6	BLANCO - PICTURED CLIFFS	19.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132390	NM-0277-81	3003960853		108		RINCON UNIT #107 PC & PC	BLANCO SOUTH-PICTURED CL	20.0	EL PASO NATURAL G
8132373	NM-1385-80	3004507093		108		RUSSELL #2	BLANCO-MESAVERDE GAS	21.0	EL PASO NATURAL G
8132378	NM-0002-81-B	3003922369		103		SAN JUAN 27-4 UNIT #15A	TAPACITO PICTURED CLIFFS	20.0	EL PASO NATURAL G
8132441	NM-0382-81-A	3003922184		103		SAN JUAN 27-5 UNIT #52A	BLANCO MESAVERDE	290.0	EL PASO NATURAL G
8132442	NM-0382-81-B	3003922184		103		SAN JUAN 27-5 UNIT #52A	TAPACITO PICTURED CLIFFS	35.0	EL PASO NATURAL G
8132439	NM-0381-81-A	3003922106		103		SAN JUAN 27-5 UNIT #68A	BLANCO MESAVERDE	145.0	EL PASO NATURAL G
8132440	NM-0381-81-B	3003922106		103		SAN JUAN 27-5 UNIT #68A	SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
8132447	NM-0385-81	3003922428		103		SAN JUAN 27-5 UNIT #78E	BASIN DAKOTA	100.0	EL PASO NATURAL G
8132449	NM-0387-81	3003922205		103		SAN JUAN 28-5 UNIT #14A	BLANCO MESAVERDE	110.0	EL PASO NATURAL G
8132433	NM-0378-81-A	3003922236		103		SAN JUAN 28-6 UNIT #10A	BLANCO MESAVERDE	180.0	EL PASO NATURAL G
8132434	NM-0378-81-B	3003922236		103		SAN JUAN 28-6 UNIT #10A	SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
8132427	NM 0368-81	3003922265		103		SAN JUAN 28-6 UNIT #123R	BASIN DAKOTA	60.0	EL PASO NATURAL G
8132437	NM-0380-81-A	3003922189		103		SAN JUAN 28-6 UNIT #28A	BLANCO MESAVERDE	270.0	EL PASO NATURAL G
8132438	NM-0380-81-B	3003922189		103		SAN JUAN 28-6 UNIT #28A	UNDESIGNATED PICTURED CL	55.0	EL PASO NATURAL G
8132435	NM-0379-81-A	3003922206		103		SAN JUAN 28-6 UNIT #50A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8132436	NM-0379-81-B	3003922206		103		SAN JUAN 28-6 UNIT #50A	UNDESIGNATED PICTURED CL	75.0	EL PASO NATURAL G
8132448	NM-0386-81	3004524068		103		SAN JUAN 32-9 UNIT #35A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8132372	NM-1214-80	3004505460		108		SHEETS C #2	BALLARD - PICTURED CLIFF	21.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED: 05/21/81 JA: NM 4					
8132384	NM-0254-81	3000520719		103		STRANGE FEDERAL #3	TOMAHAWK SAN ANDRES	1.0	
8132385	NM-0255-81	3000520752		103		STRANGE FEDERAL #5	TOMAHAWK SAN ANDRES	1.0	
-GETTY OIL COMPANY				RECEIVED: 05/21/81 JA: NM 4					
8132393	NM-0283-81	3004505778		108		NAVAJO C WELL NO 1	UNDESIGNATED (GALLUP)	7.6	EL PASO NATURAL G
-HNG OIL COMPANY				RECEIVED: 05/21/81 JA: NM 4					
8132396	NM-031781103	3002526729		103		BELL LAKE 11 FEDERAL #1	LA VOCA DRAW (MORROW)	511.0	INTRATEX GAS CO
8132450	NM172980 103	3002526138		103		WILSON 21 FEDERAL #8	COMANCHE STATELINE TANSI	41.7	EL PASO NATURAL G
8132379	NM0018-81103	3002526252		103		WILSON 8 FEDERAL #6	SIOUX TANSILL YATES	19.6	EL PASO NATURAL G
-JACK A COLE				RECEIVED: 05/27/81 JA: NM 4					
8132493	NM-0303-81	3003921908	D	108		APACHE HILLS NO 4	BALLARD PICTURED CLIFFS	14.4	EL PASO NATURAL G
-JOHN E SCHALK				RECEIVED: 05/27/81 JA: NM 4					
8132491	NM 0542-80	3003920085	D	108		CINCO DIABLOS #9	BALLARD PICTURED CLIFFS	0.0	EL PASO NATURAL G
-KOCH INDUSTRIES INC				RECEIVED: 05/21/81 JA: NM 4					
8132432	NM-0377-81	3004521830		108		CAIN #2	BLANCO PICTURED CLIFFS	18.0	EL PASO NATURAL G
8132430	NM-0372-81	3004521901		108		LAMBE #7	BLANCO PICTURED CLIFFS	18.0	EL PASO NATURAL G
-MARKS & GARNER PRODUCTION CO				RECEIVED: 05/21/81 JA: NM 4					
8132415	NM-0342-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 10	SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
8132413	NM-0341-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 3	SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
8132414	NM-0341-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 6	SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 05/21/81 JA: NM 4					
8132386	NM-0256-81	3003922555		103		LINDRITH B UNIT NO 15	CHACON-DAKOTA ASSOCIATED	136.5	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/21/81 JA: NM 4				3.0	NORTHWEST PIPELIN
8132431	NM-0375-81	3003921781		103		SAN JUAN 29-5 UNIT 84			
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/27/81 JA: NM 4					
*8132492	NM-0595-80	3003907812	D	108		SAN JUAN 30-5 #15	BLANCO MESAVERDE	22.5	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED: 05/21/81 JA: NM 4					
8132369	NM-1066-80	3004507514		103		LUCERNE A #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
8132381	NM 0192-81	3004507375		103		OHIO #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 05/21/81 JA: NM 4					
8132382	NM-0229-81-B	3003922052		103		JICARILLA A #23	TAPACITO	28.0	GAS CO OF NEW MEX
8132383	NM-0230-81-B	3003921929		103		JICARILLA B #11	BLANCO	88.0	GAS CO OF NEW MEX
8132395	NM 0295-81	3004524326		103		NEWSOM #23	BALLARD	647.0	GAS CO OF NEW MEX
-SOUTHLAND ROYALTY CO				RECEIVED: 05/21/81 JA: NM 4					
8132421	NM-0357-81	3004524028		103		FRONTIER C #2E	BASIN	79.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132419	NM-0355-81-A	3004524489			103	GRENIER A #8M	BLANCO	300.0	SOUTHERN UNION GA
8132420	NM-0355-81-B	3004524489			103	GRENIER A #8M	BASIN	250.0	SOUTHERN UNION GA
-SUPRON ENERGY CORPORATION		RECEIVED: 05/21/81 JA: NM 4							
8132389	NM-0273-81	3004524417			103	ALBRIGHT 6-E	BASIN DAKOTA	171.0	EL PASO NATURAL G
8132406	NM-0332-81	3004524367			103	QUINN 5-A	BLANCO MESAVERDE	753.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY		RECEIVED: 05/21/81 JA: NM 4							
8132402	NM-0326-81	3004524295			103	CALLOW #11E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8132412	NM-0339-81-B	3004524096			103	DAWSON A #1M (DAKOTA)	BASIN DAKOTA	500.0	EL PASO NATURAL G
8132422	NM-0361-81-A	3004524418			103	EATON COM B #1	BLANCO MESAVERDE	140.0	EL PASO NATURAL G
8132423	NM-0361-81-B	3004524418			103	EATON COM B #1	BLANCO MESAVERDE/CHACRA	120.0	EL PASO NATURAL G
8132404	NM-0328-81	3004524501			103	FIELDS #3	BASIN DAKOTA	500.0	EL PASO NATURAL G
8132403	NM-0327-81	3004524126			103	FLORANCE #124	BASIN DAKOTA	500.0	EL PASO NATURAL G
8132401	NM-0325-81	3004524015			103	YEAGER COM #1	BASIN DAKOTA	500.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION		RECEIVED: 05/21/81 JA: NM 4							
8132411	NM-0338-81	3000560834			102-2	MCCLELLAN MB FEDERAL #2	UNDESIGNATED	0.0	TRANSWESTERN PIPE
8132405	NM-0329-81	3001523506			103	MURPHY NW FEDERAL #1	UNDESIGNATED	0.0	TRANSWESTERN PIPE

OTHER PURCHASERS VOLUME NO :447

8132458 NORTHWEST PIPELINE CORPORATION
8132492 NORTHWEST PIPELINE CORPORATION

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservior on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary

[FR Doc. 81–19254 Filed 6–30–81; 8:45 am]

BILLING CODE 6450–85–M

Western Area Power Administration

Central Valley Project; Rate Order Confirming and Approving a Revised Passthrough Rate Methodology for Centralia and Other Northwest Sales to Pacific Gas and Electric Co.

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of a rate order for sales of Northwest capacity and energy to the Pacific Gas and Electric Company—Central Valley Project, California.

SUMMARY: Notice is given of Rate Order No. WAPA–8 of the Assistant Secretary for Conservation and Renewable Energy approving a revised passthrough rate methodology effective April 1, 1981, for sales of Centralia capacity and energy and Northwest energy to the Pacific Gas and Electric Company (PGandE). Western Area Power Administration (Western) estimates that based on a declared project dependable capacity (PDC) of 813 megawatts the Centralia passthrough rate will increase Central Valley Project (CVP) revenues by $2,884,000 over the current split rate method from April 1, 1981, to December 31, 1981, the end of Western's contract to purchase power from the Centralia powerplant which is located in the Northwest. However, if the PDC level remains at 554 megawatts, which is PGandE's position, there will not be a change in revenues to the CVP. The rate order discusses the principal factors leading to the decision and responds to the major comments, criticisms, and alternatives offered during the rate increase proceedings.

DATES: The rates will be effective from April 1, 1981, through December 31, 1981, for Centralia sales and from April 1, 1981, through March 31, 1986, for other Northwest sales.

ADDRESSES: For further information contact:

Mr. Dave Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, CA 95825 (916) 484–4251;

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231–1535;

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461 (202) 633–8338.

SUPPLEMENTARY INFORMATION: Proceedings on the rates were initiated on February 27, 1981, with an announcement in the **Federal Register**, 46 FR 14434, stating a rate adjustment was being considered. A public information forum was held on March 17, 1981, with a public comment forum following on March 31, 1981. Written comments were received through April 16, 1981.

Pursuant to article 32 of Contract No. 14–06–200–2948A entitled "Contract with Pacific Gas and Electric Company for the Sale, Interchange, and Transmission of Electric Capacity and Energy" (PGandE contract) between PGandE and Western and as provided for by **Federal Register** notice entitled the "Central Valley Project Proposed Centralia and Northwest Power Rate Adjustment" (46 FR 14434, February 27, 1981), implementation of the rates approved by this rate order is dependent on PGandE's concurrence. PGandE does not concur with this rate order. Therefore, the approved rates will not become effective on an interim basis and the matter will be submitted to the Federal Energy Regulatory Commission for final determination as provided for by article 32 of the PGandE contract.

Issued in Washington, DC, June 19, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy, Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Western Area Power Administration—Central Valley Project Rates for Centralia and Other Northwest Sales to Pacific Gas & Electric Co.; Rate Order No. WAPA–8.

Order Conforming and Approving Revised Rate Methodology

June 19, 1981.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), for the Bureau of Reclamation were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0244–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Public Notice and Comment

In accordance with the rate adjustment procedures in 45 FR 86976 (December 31, 1980), on February 27, 1981, the Western Area Power Administration (Western) announced a proposed power rate adjustment for sales to the Pacific Gas and Electric Company (PGandE) for Centralia and other Northwest power (46 FR 14434). Interested persons were invited to participate in public forums and to submit written comments relative to the rate adjustment. A public information forum was held in Sacramento, California, on March 17,

1981. A presentation of the proposed rates, basis for the rates, and the method to be used in computing Centralia "passthrough" rates was made along with a discussion of sales for other Northwest energy. An overview of Centralia history was discussed. A question and answer session followed, after which the meeting was concluded. A public comment forum was held in Sacramento, California, on March 31, 1981. No oral comments were made. Two written comments were received by April 16, 1981, the end of the comment period.

History of Existing Rates (Split Rate)

The power resources of the Central Valley Project (CVP) consist of 10 hydroelectric plants totaling 1,709 megawatts which are currently supplemented by the import of 400 megawatts of capacity and associated energy from the Northwest. Most of the power imported from the Northwest is obtained at the Centralia Powerplant located 85 miles south of Seattle, Washington.

Under Contract No. 14-06-200-2948A with PGandE (the PGandE contract), the output from CVP hydroelectric powerplants, plus the 400 megawatts of capacity and associated energy imported from the Northwest, are first used within the northern California area to serve CVP preference customer loads. The contract also provides for the sale of capacity and energy in excess of the quantities currently needed to meet the CVP's obligations to serve preference customer loads to PGandE for credit in a banking arrangement. These amounts can be repurchased as needed in future years to meet the CVP's load requirements.

Initially the PGandE contract provided for the sale of Northwest power at a rate consisting of a capacity charge of 75 cents per kilowatt per month and energy block charges of 4, 3, and 2 mills per kWh. This was the same rate that was then being charged CVP customers for power and energy from the CVP facilities.

Northwest imports began in 1968 with the purchase of power from the Bonneville Power Administration. Regular imports from the Centralia Powerplant began in 1972, and where delivered pursuant to the terms in the PGandE contract.

Article 32 of the PGandE contract provides in part that:

"Rates and charges under this contract shall be fair and equitable and shall . . . be jointly reviewed and adjusted as appropriate on April 1, 1971, and every 5 years thereafter. . . . Such review shall take into account substantial savings accruing to either party and applicable costs of construction and production, including changes therein and appropriate service charges, during the preceding 5 years. If the parties are unable to agree on a change of any rate or charge, the matter shall be submitted to the Federal Power Commission for final decision."

The first opportunity to review and adjust the Centralia rate was April 1, 1971. However, the rate was not adjusted at that time because the Centralia plant was not then in operation and the costs of Centralia capacity and energy were not known. When the first unit of the Centralia plant was placed in service in the fall of 1971, its costs were greater than those which were originally estimated. Principally because of the higher cost of Centralia power, the CVP began falling behind in its repayment obligation under Federal law.

In conjunction with the review of the proposed general rate increase for the CVP in 1974 and 1975, the possibility of adjusting the Centralia rates at the next opportunity, April 1, 1976, for that portion of the capacity and energy sold to PGandE was also considered. This resulted in the existing method for setting Centralia rates which is embodied in a December 14, 1976, Department of the Interior final position document entitled "Final Position on and Adjustment in Rates to the Pacific Gas and Electric Company for Northwest Capacity and Energy," also known as the Frizzell decision. Under the Frizzell decision, PGandE is charged the flowthrough or actual cost for energy received from the Northwest, and the flow-through capacity charge for that portion of the capacity associated with energy at a 60-percent capacity factor. The balance of the Northwest capacity delivered to PGandE is charged at the CVP rate for firm capacity. This resulted in a "split rate" for capacity charges to PGandE.

The costs of transmission service for the Pacific Northwest-Pacific Southwest Intertie from Malin, Oregon, to Tracy, California, were excluded as an element to be recovered by the rate formula established by the Frizzell decision.

1981 Rate Adjustment (Passthrough Rate)—

Again in 1978 and 1979 the possibility of adjusting the Centralia rates was considered in conjunction with the proposed general rate increase for the CVP. The Assistant Secretary for Resource Applications' rate order of October 2, 1979, WAPA-2 (44 FR 57962 dated October 9, 1979), which approved increased rates on the CVP on an interim basis, discussed the flowthrough of costs to PGandE. The position taken in the rate order was that the split rate would not be perpetuated beyond April 1, 1981, which, as provided in the PGandE contract, was the next opportunity to adjust the rates for Centralia power.

By letter agreement on January 27, 1981, between Western and PGandE, the date for review was extended to July 1, 1981. However, pursuant to that letter agreement, rates for Centralia capacity and energy would be retroactively effective from April 1, 1981, to December 31, 1981, the end of the Centralia contract.

The method for determing rates for the next 5 years beginning April 1, 1981, for other energy which may become available from the Northwest for sale to PGandE is also a part of this rate order. Except for the addition of a ceiling, the rate for other Northwest energy is the same as the rate under the Frizzell decision.

Discussion

Basis for Changing From Split Rate to the Passthrough Rate

The passthrough rate will recover all costs incurred by CVP in the purchase and sale of Centralia power to PGandE, including reserves and the intertie wheeling charge from Malin, Oregon, to Tracy, California. In computing costs to PGandE, the rate will apply to the portion of Centralia capacity and energy that is not used to supply preference customer loads. However, Western is not attempting to recover from PGandE past losses in the sale of Centralia power to PGandE.

The passthrough rate is consistent with the discussion on "'Flow Through' of Costs to PGandE" in the rate order WAPA-2 dated October 2, 1979, (44 FR 57462 dated October 9, 1979).

The rate more nearly reflects the cost to the CVP and is considered to be fair and equitable. Western estimates that, based upon a declared project dependable capacity (PDC) of 813 megawatts, the Centralia passthrough rate will increase CVP revenues by $2,884,000 over the current "split rate" method. However, if the PDC level remains at 554 megawatts, which is PGandE's position, the rate will not change the revenues to the CVP.

The estimated Centralia project rate to PGandE is $5.07 per kilowatt (kw) per month for capacity, and 16.758 mills per kilowatthour (kwh) for energy.

CVP preference customers have in the past supported the concept of a full cost passthrough rate to PGandE for sales from Centralia and other Northwest energy that cannot be used by the customers. PGandE feels that the passthrough rate is an unwarranted change from the split rate policy established in 1976 (decision document dated December 14, 1976) by the Department of the Interior.

CVP preference customers rightfully claim that under the current criteria they must repay any cost not recovered in sales to PGandE. Customers estimate that through April 1, 1981, $70 million was lost on sales to PGandE and that this loss will have to be recovered from CVP preference users. Western agrees with these points. The customers state that at one time it was suggested that the loss could be recovered through lower bank account rates, but that the rates for withdrawal from the bank accounts are not estimated to be above the costs of alternative power resources. Thus, it is possible there will be no savings to the customers.

PGandE contends that the split rate recovers Western's costs and that Western does not give any reason to depart from the split rate method. PGandE maintains that conditions have not changed since 1976 and that they get whatever Centralia power is left over.

PGandE agreed to the provisions in the PGandE contract regarding disposition of Centralia power to PGandE and this provision is only one part of the costs and benefits of the whole contract. The reason Western proposes the full passthrough rate to PGandE is to recover all of the costs associated with delivering the power to PGandE. The split rate does not recover all costs and thus requires CVP customers to repay those costs not recovered from PGandE. In addition, article 32 of the PGandE contract requires consideration of substantial savings accruing to either party during the

preceding 5 years. Previous sales to PGandE have without question resulted in substantial savings to the company. Therefore, we believe it is entirely equitable and contractually valid within the intent of article 32 for the rates on Centralia sales to PGandE to be based on the passthrough of all costs.

PGandE claims that its customers would pay for Centralia capacity without sufficient energy to justify the rate. They state that PGandE consumers are required to pay for nearly all of the Centralia capacity even through they receive little or no energy. PGandE cites a Department of the Interior memorandum dated September 1, 1976, which supports the split rate decision because the alternative-costs concept requires that the rates set for PGandE accurately reflect the value to PGandE of Northwest energy and capacity it receives. The Department of the Interior 1976 decision document also showed that PGandE is expected to receive Northwest power at an annual load factor decreasing from about 35 percent in 1976 to 12 percent during 1980.

The PGandE contract covering the period from July 31, 1967, through 2004 is a complex contract designed to benefit both parties. It provides that power made available from the Northwest is delivered to CVP preference customers first with the remainder delivered to PGandE and PGandE agrees to accept and pay for the surplus Northwest energy and firm capacity. PGandE fails to give an overview of the benefits received by PGandE under the entire contract for the delivery of Centralia power. Nor does PGandE demonstrate that the value of service which Western provides is less than the cost of alternative sources available to PGandE.

The level of project dependable capacity for the CVP is currently an item of dispute between PGandE and Western. PGandE fails to mention that under their position on the determination of the level of PDC they would be receiving firm energy without paying a capacity charge. Under Western's position, PGandE would pay for 145 megawatts of the 382 megawatts imported from Centralia. Under either level of PDC, the cost of the full passthrough rate will be much less than the alternative cost available to PGandE of either purchasing power or constructing new facilities.

PGandE's arguments concerning the relatively low capacity factor for the Centralia power sold to PGandE are irrelevant, since firm capacity with variable amounts of energy is what PGandE contracted to take and pay for. The capacity factor which results from such sales has no bearing on Western's cost of providing service. Under the passthrough rates, Western will simply recover its costs of capacity and energy, irrespective of capacity factor. However, even assuming a less-than-average water year, PGandE would still receive Centralia power at approximately a 45-percent capacity factor from April 1, 1981, through December 31, 1981, instead of the 12 percent quoted in the 1976 memorandum. Thus, PGandE's argument that PGandE receives little or no energy with the firm capacity is not correct.

Burden on PGandE's Customers

PGandE contends that the passthrough of the full cost of Centralia capacity sold to PGandE would result in an inequitably high price for its consumers. PGandE states that while Western estimates its unit cost of Centralia power (capacity and energy) to be 25 mills per kWh, Western proposes to sell Centralia power to PGandE at a unit price of about 41 mills kWh while the unit price to CVP preference customers would be about 10 mills per kWh. PGandE believes this places an unfair burden on its customers and results in an unauthorized subsidy to CVP preference customers.

PGandE derived the unit price of Centralia power to PGandE by using a much lower capacity factor than they will actually receive from April 1 through December 31, 1981. Based on a realistic capacity factor of approximately 45 percent for that time period, the unit price of Centralia power to PGandE is about 33 mills per kWh under Western's proposed PDC level. Under PGandE's proposed PDC level, the Centralia rate to PGandE would be approximately 17 mills per kWh. Since the incremental cost for energy alone for PGandE is more than twice the 33 mills per kWh rate, Western does not feel that the Centralia rate results in an inequitable price to PGandE.

The average CVP rate to its preference customers, which includes power from both CVP hydro facilities and Centralia, is approximately 10 mills per kWh. If Centralia power was sold separately to CVP preference customers, the rate for such power would be much higher than the 10 mills per kWh quoted.

As pointed out earlier, Western, under the passthrough rate for capacity and energy separately, irrespective of capacity factor, will simply recover its costs of purchasing the capacity and energy. Western also does not believe that selling Centralia power to PGandE at the same cost incurred by Western in purchasing it involves a subsidy to the CVP preference customers. Recovering cost is a basic guideline in setting rates. PGandE relieves on this principle in its own rate filings.

Recovery of Pacific Northwest-Pacific Southwest Intertie Cost in Centralia Rate

PGandE notes that the split rate arrangement for Centralia power did not include a portion of transmission cost for the Pacific Northwest-Pacific Southwest Intertie (Intertie) and questions the rationale for Western including transmission costs in its current proposal. They state that there is no provision in the PGandE contracts for PGandE payment of any transmission charge associated with non-CVP power.

The split rate decision was an administrative decision based on other considerations in addition to costs incurred in the delivery of Centralia power. Western's proposal is to use a cost-based rate, the same principle that utilities use in setting rates. The Centralia power cannot be delivered without transmission costs.

It is true that the PGandE contract does not specifically provide for transmission costs to be charged in the rate. However, the contract does not specify any costs to be included in or excluded from the rate. The only limitation in the contract is that the rates should be "fair and equitable." Western believes that since transmission costs are incurred in rendering the service to PGandE, then those costs should appropriately be reflected in the rate.

Intertie Costs After Expiration of Centralia Contract

One customer disagreed with Western's proposal of not charging PGandE for use of the intertie for sales of surplus energy to PGandE after December 31, 1981. They cite that intertie costs are correctly included in the computation of Centralia rates and that a procedure should be developed to assign intertie costs between the preference customers and PGandE based upon surplus sales transmitted over the intertie.

Under Western's proposal for Centralia rates, the cost of the interties is already included and thus there is no basis for an extra charge for surplus energy during that time period. After December 31, 1981, the Centralia contract for firm energy expires and only surpluse energy will be transmitted. Western does not believe that the $3.35 per kW per year firm capacity charge should be included in nonfirm energy costs as this would require marketing capacity based on an equivalent energy charge. Western does not anticipate significant sales of nonfirm Northwest energy to PGandE under this rate. Further, Western is seeking a source of firm capacity and energy to input into the area utilizing the intertie, and is currently proposing to market surplus transmission capacity available in Western's share of the intertie. Separate rates would be negotiated for such power and transmission capacity.

Rate for Other Northwest Energy

One customer and PGandE recommended that the method of cost calculation be more clearly defined with regard to capacity as well as energy. PGandE further commended that Western's rate to PGandE is open-ended in that there is no ceiling on the cost of the energy and that there is no provision in the rate that the energy imported into the area must be capable of being beneficially used by PGandE.

Because Western currently does not have any specific sources for importation of energy from the Northwest, the cost associated with the purchase of any surplus energy from that area cannot be quantitatively described. Western also agrees to place a ceiling on the cost of Northwest energy sold to PGandE and proposes that the ceiling be based on PGandE's rate (based on alternative costs) from small power producers and cogenerators under the requirements of the Public Utility Regulatory Policies Act of 1978. This does not affect the rate methodology approved by this rate order, but rather places a variable ceiling on the rate. Interested parties may review the costs that are incurred by Western in purchasing energy from the Northwest.

Western agrees with PGandE's proposal that energy should be imported into the area only when it can be beneficially used. This issue is covered by the PGandE contract; and to the extent the PGandE contract does not

cover the issue, Western believes that it should be a matter of contract negotiation between the parties and not made a part of a rate order.

Environmental Impact

Western has reviewed the possible environmental impacts of the power rate adjustment and has concluded that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the action is not a major Federal action for which an environmental impact statement is required.

Availability of Information

Information regarding this rate adjustment is available for public review in the Sacramento Area Office, Western Area Power Administrative, 2800 Cottage Way, Sacramento, California 95825, Office of the Administrator, Western Area Power Administration, 1536 Cole Boulevard, Golden, Colorado 80401, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, DC 20461.

Rates Not Being Placed in Effect on an Interim Basis

In view of PGandE's disagreement on the proposed rates and consistent with article 32 of the PGandE contract cited above, the rates are not being placed in effect on an interim basis, but are being submitted to FERC for final determination.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby approve Western's passthrough rate methodology for determining the rates for sales of Centralia capacity and energy and Northwest energy to the Pacific Gas and Electric Company. These rates will be effective April 1, 1981, through December 31, 1981, for Centralia power sales and April 1, 1981, through March 31, 1986, for other Northwest energy sales if this order is approved by the FERC.

Issued in Washington, D.C., on June 19, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Rate Schedule CV-NW1

Department of Energy Western Area Power Administration

Central Valley Project, Calif.

Schedule of Rates for Centralia and Northwest Sales to the Pacific Gas & Electric Co.

Effective: The rates for Centralia power will be effective from April 1, 1981, through December 31, 1981, and the rate for Northwest power will be effective from April 1, 1981, through March 31, 1986.

Available: In the area served by the Central Valley Project (CVP).

Applicable: To sales of capacity and/or energy to the Pacific Gas and Electric Company (PGandE) under the terms of Contract Number 14-06-200-2948A.

Character and Condtions of Service: Power will be deemd to be delivered at the Tracy Switchyard at a nominal voltage of 230,000 volts.

Monthly Rate: The rate for Centralia power will be determined as follows: The *capacity rate* will be the annual cost of Centralia capacity and will be calculated as the sum of:

1. One hundred percent of the annual fixed cost to CVP of the Centralia facilities.
2. Sixty-five percent of the annual operation and maintenance cost to CVP of the Centralia facilities.
3. Ten percent of the annual fuel cost to CVP of the Centralia facilities.
4. That part of the annual cost of wheeling and capacity reserve paid to the Bonneville Power Administration by CVP proportional to the capacity component of the total capacity and energy cost of Centralia.
5. The annual cost to CVP for the use of the Pacific Northwest-Pacific Southwest Intertie facilities, which includes a $3.35 charge per kilowatt/year plus an operation and maintenance cost.

The monthly capacity charge per kilowatt will be the total annual cost for Centralia capacity divided by 12, and then by 382,000 kilowatts, which is the Centralia capacity delivered to the CVP load center at Tracy.

The *energy rate* will be the annual cost of Centralia energy up to 7,050 kilowatt hours per kilowatt/year, and will be calculated as the sum of:

1. Thirty-five percent of the annual operation and maintenance cost to CVP of the Centralia facilities.
2. Ninety percent of the annual fuel cost to CVP of the Centralia facilities.
3. That part of the annual cost of wheeling and capacity reserve paid to the Bonneville Power Administration by CVP proportional to the energy component of the total capacity and energy cost of Centralia.
4. Estimated annual energy support for Centralia purchased by CVP.

The energy costs per kilowatt-hour will be the total energy cost to CVP of the Centralia energy divided by the Centralia energy delivered to the CVP load center at Tracy during the year.

The rate for Northwest energy in excess of 7,050 kilowatt-hours per kilowatt per year from Centralia through December 31, 1981, and all Northwest energy after December 31, 1981, will be determined by cost as purchased from the Northwest and adjusted upward for losses to the CVP load center at Tracy, provided that the rate for Northwest energy will not exceed PGandE's energy rate(s) which PGandE would offer to small power producers and cogenerators under the Public Utility Regulatory Policies Act of 1978.

Adjustments: The billing to PGandE for Centralia power purchased from April 1, 1981, through December 31, 1981, will be adjusted during January 1982, as necessary, based upon the best date available to the CVP, and as soon as possible thereafter will be readjusted as necessary based on the actual billed power costs to CVP.

[FR Doc. 81-19244 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2475/T313; PH-FRL-1873-4]

Albany International; Temporary Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance for residues of the artichoke plume moth pheromone, (*Z*)-11-hexadecenal when used as a pheromone on artichokes has been established.

DATE: This temporary exemption expires May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: Albany International, 110 A St., Nedham Heights, MA 02194, has submitted a pesticide petition (PP 1G2475) to the EPA requesting that a temporary exemption from the requirement of a tolerance be establishd for residues of the artichoke plume moth pheromone, (*Z*)-11-hexadecenal when used as a pheromone on artichokes.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit 36638-EUP-4 which is being established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Albany International will immediately notify the EPA of any findings from the experimental use that

have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption expires May 1, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-19301 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31049; PH-FRL-1872-5]

Aqua Brom/Tesco; Receipt of Applications To Register Pesticide Products Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that Aqua Brom/Tesco has submitted applications to conditionally register pesticide products entailing a changed use pattern.

DATE: Written comments must be received by June 30, 1981.

ADDRESS: Written comments to: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo (703-557-7170).

SUPPLEMENTARY INFORMATION: Applications to conditionally register pesticide products entailing a changed use pattern have been received from Aqua Brom/Tesco, PO Box 6549, Marietta, GA 30065. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of applications does not indicate a decision by the agency on the applications.

EPA Registration No. 1729-REE. Product name: SPA Brom mini-pak, containing 96 percent of the active ingredient bromochloro-5,5-dimethylhydantoin. The application proposes that the disinfectant be conditionally registered for general use in spas and hot tubs. The product is currently registered for use in swimming pools.

EPA Registration No. 1729-REG. Product name: SPA Brom feeder sticks, containing 96 percent of the active ingredient bromochloro-5,5-dimethylhydantoin. The application proposes that the desinfectant be conditionally registered for general use in spas and hot tubs. The product is currently registered for use in swimming pools.

Notice of approval or denial of these applications to conditionally register the pesticide products will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819, 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on these applications. Comments may be submitted and inquiries directed to the product manager. The comments must be received within 30 days from the date of publication of this notice in the **Federal Register** and should bear a notation indicating the document control number "[OPP-C31049]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19300 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[AS-FRL-1872-1]

Conditional Extension of Prevention of Significant Deterioration Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of conditional extension of permit.

SUMMARY: EPA hereby gives notice that it conditionally extends the Prevention of Significant Deterioration permit issued to the Pittston Company on August 18, 1978.

DATE: Effective June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Jeffry Fowley, Office of Regional Counsel, U.S. EPA, JFK Federal Building, room 2203, Boston, MA 02203. Tel: (617) 223-5246.

SUPPLEMENTARY INFORMATION: The Pittston Company has requested a third extension of the PSD permit issued to it on August 18, 1978 for its proposed oil refinery in Eastport Maine. After reviewing public comments, EPA has determined that an extension is justified, as the Pittston Company has shown that it has been unable to commence construction by the otherwise required deadline due to circumstances beyond its control.

The Pittston Company has stipulated not to commence construction until a final order is entered in cases now pending before the United States Court of Appeals for the First Circuit in which the granting of the PSD permit and a prior extension of the permit are being challenged. EPA is extending the Pittston Company's permit until the

sooner to occur of April 18, 1984 or eighteen months from a final, non-reviewable order in the cases in the First Circuit. [Nos. 78-1484, 78-1486, 78-1487 and 80-1819]. However, this extension will automatically terminate in the event that the Pittston Company decides not to proceed with the project which is the subject of the PSD permit. The extension is granted subject to the condition that there be an amendment to the applicable grandfather regulation in 40 CFR 52.21(i)(4) which extends the deadline contained in that provision for Pittston to commence construction. Also, any shorter extension which may be provided by any final amendment to the grandfathering regulations will take precedence over the present extension. An order of the First Circuit will be considered to be final when it concludes the cases and to be non-reviewable when all appeals from the order have been decided or the time for bringing such appeals has expired.

EPA has prepared a more detailed discussion of its decision entitled "Supplementary Discussion of Third Extension of Pittston Company PSD Permit." This document may be obtained by writing or telephoning Jeffry Fowley whose address and telephone number are listed above.

EPA hereby conditionally extends the Pittston Company's PSD permit. This conditional extension is a "locally or regionally applicable" "final action" within the meaning of section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1). As a result, it is reviewable only in the U.S. Court of Appeals for the First Circuit. Any petition for review must be filed on or before September 3, 1981.

Dated: June 19, 1981.

Robert C. Thompson,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region I.

[FR Doc. 81-19296 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-59054; TS-FRL-1872-3]

Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such a manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of applications for exemptions from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemptions.

DATES: The agency must either approve or deny these applications by:

TM-81-16—July 24, 1981
TM-81-17, 81-18, 81-19—July 26, 1981

Interested persons may submit written comments on the applications no later than July 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For TM No.	Notice manager	Telephone	Room No.
81-16, 81-19.	Robert Jones	202-426-2601	E-208
81-17	Rachel Diamond	202-426-8816	E-221
81-18	Carrie Berlin	202-426-8816	E-221

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 16, 1981, submit to the Document

Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59054]". Commnets received may be seen at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 25, 1981.

Edward A Klein,

Director, Chemical Control Division.

TM–81–16

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 24, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Co., 26 Main St., Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carbocyclic sulfonic acid salt.

Use. Claimed confidential business information. Generic use information provided: industrial component.

Production Estimates. Claimed confidential business information.

Physical Properties

Percent Nonvolatile—37 (assumed).
Viscosity—A_3.
Color—3 Max.
Acid value—228–238.
Density—.894
Solubility of PMN product at 25°C—Soluble in water, butanol, isopropanol, and ethylene glycol monomethyl ether; insoluble in acetone, xylene, and butyl acetate.

Toxicity Data: No data were submitted.

Exposure. The manufacturer states that a total of 72 workers involved in the manufacture, processing, and use of the new substance could have skin exposure 4–8 hr/da, 60 days during the test period.

Environmental Related Disposal. The submitter claims that up to 1,000 kg may be released to a landfill. Disposal of waste will be by inceneration or landfill.

TM–81–17

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Sherwin Williams Chemicals Div., Chicago Technical Center, 10909. S. Cottage Grove Ave., Chicago, IL 60628.

Specific Chemical Identity. 2-Dodecyl-9-*H*-thioxanthen-9-one.

Use. Photoinitiator additive in UV light cured inks and coatings.

Production Estimates. The manufacturer states that a maximum of 500 pounds will be manufactured for test marketing purposes to be provided to about 20 customers. The test period will be for three months.

Physical/Chemical Properties

Boiling point, 12 mm. Hg—300°C.
Specific gravity ($H_2O=1$, at 240°C)—1.07.
Vapor density—13.19.
Percent Volatiles at 115°C—2.33.
Freezing point—<-25°C.
Vapor pressure at 20°C—0.790 mm. Hg.
Solubility in water, percent by weight at 24°C—3.7.
Evaporation rate (butyl acetate=1)—$<.01$.
Appearance and odor—Yellow-brown liquid slightly sweet odor.
Flash point—222°C (Closed up).

Toxicity Data. The submitter states that there are no known data on environmental or health effects of this substance and that relevant data from selected analogs (isopropylthioxanthone, methylthioxanthone, and chlorothioxanthone) have been shown to be of low order of toxicity.

Exposure. The manufacturer states that a maximum of 30 persons for a total of 80 hours, may have skin exposure to the new substance during the manufacture and test marketing period.

Environmental Release/Disposal. The manufacturer states that essentially none of the new chemical will be released into the environment during the test period.

TM–81–18

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Thiokol/Specialty Chemicals Div. P.O. Box 8296, Trenton, NJ 08650.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: urethane polyester prepolymer acrylate capped.

Use. Base for ultra-violet (UV) cured coatings.

Production Estimates. The manufacturer intends to produce 5,000 kg of the substance for test marketing purposes.

Physical/Chemical Properties

Specific gravity—1.21.
Color, APHA—50.
Viscosity at 126 poise @ 160°F—1.26 poise.
Unsaturates—0.057%.
NCO—0.150%.

Toxicity Data

Oral LD_{50} (rat)—5 gm/kg.
Skin irritation—Not a primary skin irritant.
Eye irritation—Not a primary eye irritant.

Exposure. The manufacturer states that a total of 8 workers may be exposed dermally 3 hours per day, for a maximum of 4 days while manufacturing and disposing the new substance. In a typical user's site (undetermined number of participating companies) approximately 4 workers per company may be dermally exposed.

Environmental Release/Disposal. The submitter claims that less than 10 kg may be released to land.

TM–81–19

The following summary is taken from data submitted by the manufacturer in the test marketing application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Manufacturing site—Middle Atlantic, U.S. Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer dispersion of a diisocyanate and substituted alkanediols.

Use. Claimed confidential business information. Generic use provided: open use that will release more than 50 but less than 5,000 kg/yr into the environment with potential for skin and eye exposure to both chemical and nonchemical industry employees.

Production Estimates. The submitter estimates a production of 65 to 800 kilograms for test marketing purposes.

Physical/Chemical Properties

MEQ acid—0.096 mg KOH/gm.
MEQ base—0.087 ng KOH/gm.
*Percent total solids—30.3%.
*Viscosity (Gardner Holdt)—380 sec.
*Flash point—190°F.
*(Values determined on a solution of the new substance at percent total solid shown above.)

Toxicity Data. No data were submitted.

Exposure. The submitter states that a total of 30 workers involve in the manufacture, processing, and use of the new substance may have skin and eye exposure 4 to 16 hr/da for 15 days; that during use, exposure concentration at peak will range from 0–1 mg/m³.

Environmental Release/Disposal. The submitter states that more than 50 but less than 5,000 kg of the substance may be released to the environment.

[FR Doc. 81-19298 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51273; TSH-FRL-1872-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of seven PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–261, 81–264, 81–265, 81–266—August 1, 1981

PMN 81–267, 81–268, 81–272—August 3, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS–51273]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–261	Wendy Cleland-Hamnett.	202–426–0503	E–229
81–264	Mary Cushmac	202–426–0503	E–229
81–265, 81–268, 81–272.	Rachel Diamond	202–426–8815	E–221
81–266	Carrie Berlin	202–426–8816	E–221
81–267	George Bagley	202–426–2601	E–210

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–261

Close of Review Period. August 31, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—$100,000,000 to $499,999,999. Manufacturing site—Middle Atlantic U.S. Standard Industrial Classification Code—2891: Adhesives and Sealants."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: amine derivative.

Use. The manufacturer states that the PMN substance will be used as a curing agent.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	15,000
3d year	15,000	20,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

	Reactant A	Reactant B
LD_{50} (rats)	>500 mg/kg	1,600 mg/kg (approx.).
Skin irritation	Moderate	Slight to moderate.
Skin sensitizer	Potent	N.A.
Mutagenicity	Negative	N.A.
Carcinogenicity	Negative	N.A.

Exposure. The submitter states that 20 to 40 manufacturing workers per year and at least 100 workers using the new chemical could have potential exposure to the PMN substance.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste distillate and cleanup solvents will be disposed in accordance with Resource Conservation and Recovery Act (RCRA) standards.

PMN 81–264

Close of Review Period. August 31, 1981.

Manufacturer's Identitiy. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: pyridine derivative..

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Environmental Test Data

BOD tests (standard APHA method):

Concentration		BOD g oxygen/g compound	
Parts per million	Percent	5 day	19 day
2.5	0.00025	0	0
5.0	0.0005	0	0.15
10.0	0.001	0	0.066

Toxicity Data

Acute oral LD_{50} (male rat)—707 mg/kg.

Acute oral LD_{50} (female rat)—535 mg/kg.

Acute dermal LD_{50} (rabbit)—2 g/kg and < 4 g/kg.

Primary skin irritation (rabbit)—Score is zero.

Primary eye irritation (rabbit)—Washed—zero (24 hours); Unwashed—zeor (24 hours).

Inhalation (rat)—In an initial screening test, a concentration of 14 mg/liter killed all animals in less than 2 hours. Further test will be done.

Exposure. The submitter states that 4 manufacturing and 8 processing workers will have inhalation exposure to the new chemical for a maximum of 1.5 hrs/yr and 4 hrs/yr, respectively.

Environmental Release/Disposal. The manufacturer states that at the manufacturing and processing sites, there will be incidental release of the new chemical into the environment.

PMN 81–265

Close of Review Period. August 31, 1981.

Manufacturer's Identitiy. Claimed confidential business information.

Specific Chemical Identity. Adipic acid, diethylenetriamine, tall oil fatty acid condensate, acetic acid salt.

Use. The manufacturer states that the PMN substance will be used in an industrial use as an additive to wet lay nonwoven web.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Viscous brown liquid.

Odor—Sharp acidic odor.

Boiling point—118—340°C with 10% residue.

Specific gravity—1.024

Solubility in water—Completely soluble.

pH (as is)—6.31

pH (1% solution)—4.36

Percent volatile (after 16 hr at 110°C)—25%.

Flash point—245°F (COC), 154°F Pensky-Martens closed cup.

Toxicity Data.

Acute oral LD_{50} (rats)—>5.0 g/kg.

Acute dermal LD_{50} (rabbits)—>2.0 g/kg.

Skin irritation (rabbits)—Primary irritation index, 5.75; an irritant to rabbit skin, but its effects appear reversible.

Eye irritation (rabbits)—Irritating to both washed and unwashed eyes.

Exposure. The submitter states that 22 workers manufacturing and using the new chemical could have incidental skin exposure for 77 to 250 da/yr during accidental spills, leaks, or transfer operations.

Environmental Release/Disposal. The manufacturer states that emissions will be passed through a scrubber before release into the air. Liquid wastes will be collected, neutralized, and sent to an on-site wastewater treatment system consisting of dissolved air floatation. At the sites of five industrial users, liquid wastes containing less than 0.01% of the new chemical will be sent to approved wastewater treatment systems.

PMN 81-266

Close of Review Period. August 31, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization description provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification—Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer of alkanedioic acid and epoxy ester.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as coatings.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	1,500	2,500
2d year	125,000	175,000
3d year	225,000	275,000

Physical/Chemical Properties

Molecular weight—800.

Acid number—0.5-2.

Hydroxyl number—135-155.

Weight/gallon—8.7 lbs.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that no workers will be exposed to the new chemical substance during manufacturing, processing, use, or disposal operations.

Environmental Release/Disposal. The manufacturer states that because the PMN substance will be manufactured in a closed system, there will be no release of the new chemical into the environment.

PMN 81-267

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: urethane polymer.

Use. Claimed confidential business information. Generic use information provided: contained use that will release more than 50 but less than 5,000 kg per year with potential skin exposure to both nonchemical industry and commercial employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	700	2,000
2d year	1,000	8,000
3d year	5,000	20,000

Physical/Chemical Properties.

Density—1.1—1.2 gm/cc.

Solubility in water at 20°C—<0.1%.

Viscosity at 20°C—200,000 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers may have skin exposure to the new chemical for 3 hr/da, 20 da/yr, when the product is drained into containers. At a site not controlled by the submitter, 60 workers processing and using the substance may have skin exposure for 3 to 8 hr/da, 100 to 250 da/yr, during formulation and application operations. Commercial use may involve weekly skin exposure for 40 workers.

Environmental Release/Disposal. The manufacturer states that the new substance will be produced in a closed system and that, at a site controlled by others, up to 1,000 kg/yr will be released into the land as industrial and commercial loss to a landfill.

PMN 81-268

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of 1,4-cyclohexanedimethanol; 1,6-hexanedioic acid; 1,9-nonanedioic acid; 1,4-butanediol; and 4,4'-methylenebis (phenyl isocyanate).

Use. The manufacturer states that the PMN substance will be used as magnetic media binder.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
Starting Aug. 1981	100,000	700,000
Starting Aug. 1982	150,000	1,100,000
Starting Aug. 1983	200,000	1,800,000

Physical/Chemical Properties. The manufacturer states that the PMN substance is a high melting-point solid, containing less than 0.5% volatile material.

Toxicity Data

Eye irritation (rabbits)—Nonirritating.

Primary skin irritation (rabbits)—Nonirritating.

Acute oral LD_{50} (albino rats)—>5 g/kg.

Exposure. The submitter states that 28 manufacturing workers could have inhalation and skin exposure to the new chemical for 8 hr/da, 100 da/yr, at an average concentration of 0 to 1 mg/m^3 and a peak concentration of 1 to 10 mg/m^3. At three sites not controlled by the submitter, 15 manufacturing, processing, and disposal workers could have inhalation and skin exposure for 1 to 8 hr/da, 10 to 100 da/yr, during handling, analyzing, loading, and unloading operations. Commercial use may expose 60 persons daily.

Environmental Release/Disposal. The manufacturer states that less than 20 kg/yr of the new substance will be released into th air and water and from 100 to 1,000 kg/yr into the land. Disposal will be in accordance with Federal, state, and local regulations. At three sites not controlled by the submitter, less than 20 kg/yr will be released into the water, less than 30 kg/yr will be released into the air, and up to 11,000 kg/yr into the land.

PMN 81-272

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyester resin.

Use. The manufacturer states that the PMN substance will be used in the manufacture of reinforced plastics.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid number—5.0–10.0.
Viscosity at 25°C—5.0–G.0.
Gel time at 25°C:
Gel time, minutes—25–30.
Gel to cure, minutes—30–40.
Peak temperature—100.
SPI gel time:
Gel time, minutes—4–6½.
Cure time, minutes—8–11.
Peak temperature—155–170.

Toxicity Data

Oral toxicity, single dose (rats)—No deaths at 16.0 ml/kg.

Skin toxicity, single dose (rabbits)—No deaths at 12.0 g/kg.

Inhalation toxicity, single exposure (rats)—No deaths from static, substantially saturated vapor at 20°C.

Skin irritation, uncovered (rabbits)—Nonirritating.

Eye irration (rabbit)—Nonirritating.

Ames *Salmonella*/microsome assay—Nonmutagenic.

Exposure. The manufacturer states that six workers may have inhalation and skin exposure to the new chemical for 8 hr/da, 1 to 14 da/yr.

Environmental Release/Disposal. The manufaturer states that at a site not controlled by the submitter, there will be incidental disposal into the land.

Dated: June 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19299 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-53026; TSH-FRL-1872-7]

Premanufacture Notices; Monthly Status Report for May 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for May 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA detemines that an extention is necessary, it will publish a notice in the **Federal Register**.

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is publishing the May 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The commen's are to be identified with the document control number "[OPTS–53026]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: June 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, May 1981

PMN No.	Identity and generic name	FR citation	Expiration date
	I. Remanufacture Notices Received During the Month		
81-218	Adipic acid-dipropylene glycol-linseed oil fatty acid-trimethylol propane polymer	46 FR 29524 (6/2/81)	Aug. 3, 1981.
81-219	*N*-[2-(4-Aminophenyl)ethyl] methanesulfonamide	46 FR 30884 (6/11/81)	Aug. 3, 1981.
81-220	Generic name: Trisubstituted-benzisoquinoline	do	Aug. 3, 1981.
81-221	Generic name: Disubstituted-heteropolycyclic salt	do	Aug. 3, 1981.
81-222	Generic name: Oligomer of, alkanedioic acid, dimer fatty acids, substituted and unsubstituted alkanediols, and benzene dicarboxylic acids.	In preparation	Aug. 6, 1981.
81-223	Butanenitrile, 3-hydroxy-2-methylene	do	Aug. 6, 1981.
81-224	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates	do	Aug. 6, 1981.
81-225	Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylic, and vinylidene chloride.	do	Aug. 6, 1981.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethol acrylate, and vinylidene chloride	do	Aug. 6, 1981.
81-227	1,1,2,2-Tetrahydroperfluoro alkyl (C_9-C_{11}) ACRYLATE	do	Aug. 6, 1981.
81-228	Ethylthiosulfuric acid, 2-[(1,1,2,2-tetrahydroperfluorooctyl)oxycarbonyl]amino-, sodium salt	do	Aug. 6, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-229	Generic name: Polymer of aliphatic polyols, carbomonocyclic anhydrides, and aromatic diacid	do	Aug. 9, 1981.
81-230	Generic name: Polyester of aliphatic polyols and aliphatic and aromatic diacids	do	Aug. 9, 1981.
81-231	Generic name: [[2-methylsubstituted) ethyl] substituted)hetherocyclic]benzene	46 FR 30684 (6/11/81)	Aug. 10, 1981.
81-232	Generic name: Substitutedalkanoic acid derivative	do	Aug. 10, 1981.
81-233	Generic name: Substitutedalkanoic acid	do	Aug. 10, 1981.
81-234	Generic name: Disubstitutedalkanamide	do	Aug. 10, 1981.
81-235	Generic name: Disubstitutedalkanamide	do	Aug. 10, 1981.
81-236	Generic name: Organohalo modified silica	In preparation	Aug. 11, 1981.
81-237	Generic name: Silicon modified unsaturated oil based alkyd resin	do	Aug. 11, 1981.
81-238	Generic name: Polyhalo alkanoic acid chloride	do	Aug. 11, 1981.
81-239	Generic name: Carboxylated arylalkane alkadiene copolymer	do	Aug. 11, 1981.
81-240	*N,N'*-Bis(2-ethylhexyloxycarbonylphenyl)formamidene	do	Aug. 11, 1981.
81-241	Generic name: Polymer of phenol, formaldehyde, and substituted benzene	do	Aug. 12, 1981.
81-242	Sodium 2,2,3,3-tetrafluoropropionate	do	Aug. 16, 1981.
81-244	Generic name: Ester of dicic acid and substituted diols	do	Aug. 16, 1981.
81-245	Generic name: Carbocyclic sulfonic acid salt	do	Aug. 16, 1981.
81-246	Generic name: Hydroxyl terminated saturated polyester	do	Aug. 16, 1981.
81-247	Generic name: Polyurethane acrylate blocked	do	Aug. 17, 1981.
81-248	Generic name: Poly(methyl vinyl ether/mono methyl maleate)	do	Aug. 17, 1981.
81-249	Generic name: Pentasubstitutedpentanamide	do	Aug. 17, 1981.
81-250	Generic name: Disubstitutedbenzeneamine	do	Aug. 17, 1981.
81-251	2-Chloro-4-trifluoromethyl-5-thiazolecarboxylic acid, phenylmethyl ester	do	Aug. 20, 1981.
81-252	Generic name: Disubstituted thiazolecarboxylic acid ester	do	Aug. 20, 1981.
81-253	*N*-[2-(4-hydrozinophenyl)ethyl]-methasulfonamide hydrochloride	do	Aug. 20, 1981.
81-254	Generic name: Polymer product of a methacrylate ester and polyhydroxy compound	do	Aug. 24, 1981.
81-255	Generic name: Di(2-propenyl)3,4,5,6-tetrabromo-1,2-benzene-dicarboxylate	do	Aug. 25, 1981.
81-256	Generic name: Poly(2-hydroxypropyl) monoheterocylictriamine	do	Aug. 27, 1981.
81-257	Generic name: Silicone polyol	do	Aug. 27, 1981.
81-258	Generic name: Linseed-isophthalic polyester/amide	do	Aug. 27, 1981.
81-259	Generic name: Linseed isophthalic-hydroxy acid polyester	do	Aug. 27, 1981.
81-260	Generic name: Trimethylolpropane neopentylglycol phthalic anhydride siloxanes and silicones, di-me, methoxy ph, polymers with ph silsesquioxanes, methoxy-terminated.	do	Aug. 27, 1981.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

81-101	Generic name: Polyester-amide	46 FR 22645 (4/20/81)	June 1, 1981.
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	June 1, 1981.
81-103	Generic name: Alkylamine methacrylic copolymer	46 FR 22645 (4/20/81)	June 3, 1981.
81-104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	June 3, 1981.
81-105	Generic name: Alkoxylated alkylphenol sub-substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	June 3, 1981.
81-106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkanoic ester.	46 FR 20767 (4/7/81)	June 3, 1981.
81-107	Generic name: Modified water-borne, linseed fatty acid based alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-109	Generic name: Modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	June 3, 1981.
81-110	Acetamide, N-(2-((2-chloro-4,6-dinitrophenyl)-azo)-5-(diethylamino)-4-(2-methoxy) ethoxyphenyl	46 FR 22645 (4/20/81)	June 3, 1981.
81-111	4-[[4-Chloro-6-[[8-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	June 3, 1981.
81-112	Butanamide,-2-[(4-(4-aminocarbonlyphenyl)-aminocarbonlyphenyl)azo)-N-(2,3-dihydro-2-oxo-1H-benzimidazole-5-yl)-3-oxo.	46 FR 22645 (4/20/81)	June 3, 1981.
81-113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	June 3, 1981.
80-356 [1]	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sufonyl)amino-3,6-disulfo-2-napthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-napthalenyl]azo]-5-nitro-, trisodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
80-357 [1]	Benzoic acid, 2-[[-amino-6-[[4'-[[5-[[2,5-disulfophenyl)-azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl-azo]-5-hydroxy-7-sulfo-1-naphthalenylazo-5-nitro-, tetrasodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
81-114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1-3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	June 4, 1981.
81-116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-118	Generic name: Polyurethane polyisocyanate silane	46 FR 22260 (4/16/81)	June 7, 1981.
81-119	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-120	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-121	Generic name: Polyacrylocarbamoyl alkyl silane	46 FR 22646 (4/20/81)	June 7, 1981.
81-122	Generic name: Isocyanatodsilane substituted polyester	46 FR 22646 (4/20/81)	June 7, 1981.
81-123	Fatty acids, C_{18}-unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	46 FR 22646	June 7, 1981.
81-124	Generic name: Substituted anisole	46 FR 22643 (4/20/81)	June 9, 1981.
81-125	Generic name: Benzophenol tetracarboxylic dianhydride polyimide	46 FR 22646 (4/20/81)	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22643 (4/20/81)	June 14, 1981.
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22646 (4/20/81)	June 14, 1981.
81-128	Generic name: Unsaturated alicyclic ether	46 FR 22648 (4/20/81)	June 14, 1981.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, terbutyl perbenzoate, dimethyl ethanol amine.	46 FR 22648 (4/20/81)	June 14, 1981.
81-130	Generic name: Unsaturated alicylic alcohol	46 FR 22648 (4/20/81)	June 14, 1981.
81-131	Generic name: Allylglycidyl ether polyol resin	46 FR 23796 (4/20/81)	June 15, 1981.
81-132	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acid.	46 FR 22648 (4/20/81)	June 15, 1981.
81-133	Generic name: Unsaturated carboxylic amide	46 FR 23796 (4/28/81)	June 15, 1981.
81-134	Generic name: Unsaturated carboxylic amide-carboxylic acid	46 FR 23796 (4/28/81)	June 15, 1981.
81-135	Generic name: Acrylic polymer	46 FR 23796 (4/28/81)	June 15, 1981.
81-136	Generic name: Water-borne, linseed acid based modified alkyd	46 FR 22648 (4/20/81)	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	46 FR 22648 (4/20/81)	June 16, 1981.
81-138	Generic name: Acrylate-nitrogen hereocycle copolymer	46 FR 24683 (5/1/81)	June 21, 1981.
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	46 FR 24683 (5/1/81)	June 21, 1981.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	46 FR 24683 (5/1/81)	June 21, 1981.
81-141	4,*N,N*-Diethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-145	4-*N,N*-Dimethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{16} to C_{22}	46 FR 24683 (5/1/81)	June 23, 1981.
81-147	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanato-benzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	46 FR 24683 (5/1/81)	June 24, 1981.
81-148	Generic name: Carboxylic sulfonic acid salt	46 FR 24990 (5/4/81)	June 25, 1981.
81-149	Generic name: Styrene acrylic polymer	46 FR 24990 (5/4/81)	June 25, 1981.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked	46 FR 24681 (5/1/81)	June 25, 1981.
81-151	Copolymer of styrene and mixed alkyl acrylate	46 FR 24990 (5/4/81)	June 29, 1981.
81-152	Generic name: Poly(ester)-Co-poly(hydantoin polyether)	46 FR 24681 (5/1/81)	June 30, 1981.
81-153	Generic name: Substituted alkadienal	46 FR 24681 (5/1/81)	July 1, 1981.
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	July 1, 1981.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	July 1, 1981.
81-156	Generic name: Neutralized polymer of styrene, an alkeneoic acid, and an alkeneoic ester	46 FR 24681 (5/1/81)	July 1, 1981.
81-157	Vegetable oil fatty acid ester	46 FR 24988 (5/4/81)	July 5, 1981.
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-159	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-160	Generic name: Ethylene interpolymer	46 FR 25693 (5/8/81)	July 6, 1981.
81-161	Generic name: Polyacrylate	46 FR 24988 (5/4/81)	July 6, 1981.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 24990 (5/4/81)	July 6, 1981.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25693 (5/8/81)	July 8, 1981.
81-164	Generic name: Allylglycidyl ether polyol resin	46 FR 25693 (5/8/81)	July 6, 1981.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	July 6, 1981.
81-166	2-Naphthalenesulfonyl chloride, 2-acetamino	46 FR 24990 (5/4/81)	July 6, 1981.
81-167	Ethanol,2-(6-acetaminonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	July 6, 1981.
81-168	*p*-Chlorophenol-resorcinol-formaldehyde polymer end blocked with carbanil	46 FR 24990 (5/4/81)	July 7, 1981.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981.
81-170	Generic name: (Oxy-1,2-ethanediyl-alpha-acyl-omega-alkyl	46 FR 25693 (5/8/81)	July 8, 1981.
81-171	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxy-methyl-1,3-propanediol, and tall oil acids.	46 FR 24988 (5/4/81)	July 8, 1981.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25693 (5/8/81)	July 8, 1981.
81-173	Adipic acid, isophthalic acid trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24988 (5/4/81)	July 8, 1981.
81-174	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-175	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-176	Generic name: Disubstitutednaphthalenol	46 FR 28683 (5/15/81)	July 8, 1981.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-178	Generic name: Chloroalkylchlorosilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-179	Generic name: Derivatized fatty alcohols	46 FR 25693 (5/8/81)	July 12, 1981.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	July 14, 1981.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	July 14, 1981.
81-184	Generic name: Silicone polyol	46 FR 27170 (5/18/81)	July 14, 1981.
81-185	Generic name: Polymer of alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester	46 FR 27170 (5/18/81)	July 14, 1981.
81-186	Generic name: Polyester polyurethane	46 FR 27170 (5/18/81)	July 14, 1981.
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	46 FR 28004 (5/22/81)	July 14, 1981.
81-188	Hexahydropyrimidine-1,3-diacetonitrile	46 FR 28505 (5/27/81)	July 14, 1981.
81-189	Generic name: Unsaturated polyester	46 FR 28004 (5/22/81)	July 21, 1981.
81-190	Generic name: Unsaturated polyester resin	46 FR 28505 (5/27/81)	July 21, 1981.
81-191	Acrylic acid, bisphenol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polyer.	46 FR 28004 (5/22/81)	July 16, 1981.
81-192	Generic name: Trisubstituted silylalkanolacetate	46 FR 28505 (5/27/81)	July 21, 1981.
81-193	Generic name: Poly(oxyalkyldisubstituted silane) aroyl, alkoxy terminated	46 FR 28505 (5/27/81)	July 21, 1981.
81-194	Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde	46 FR 28503 (5/27/81)	July 21, 1981.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	do.	July 21, 1981.
81-196	Polymer from propylene oxide and ethylene oxide acetylated	do.	July 21, 1981.
81-197	Monylphenol, ethoxylated, acetate	do.	July 21, 1981.
81-198	Polymer of: *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester	do.	July 21, 1981.
81-199	Polymer of: Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt.	do.	July 21, 1981.
81-200	Generic name: Trisubstitutedbenzene	46 FR 28004 (5/22/81)	July 23, 1981.
81-201	Generic name: Polymer of substitutedacrylic acid derivative and substitutedstyrene	do.	July 23, 1981.
81-202	Generic name: Polyether alkenyl alkanyl esters	46 FR 29524 (6/2/81)	July 26, 1981.
81-203	Generic name: Substituted alkyl cyanoacrylate	do.	July 26, 1981.
81-204	Generic name: Aliphatic alcohol	do.	July 26, 1981.
81-205	Generic name: Aliphatic alcohol ester	do.	July 26, 1981.
81-206	Generic name: Substituted thiol salt	46 FR 29527 (6/2/81)	July 26, 1981.
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxides	46 FR 29524 (6/2/81)	July 26, 1981.
81-208	Generic name: Alkenyltri (substituted alkoxy) silane	do.	July 26, 1981.
81-209	Generic name: Polymer of: Adipic acid, isophthalic acid, trimethyloi propane, neopentyl glycol, and silicone.	do.	July 26, 1981.
81-210	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 26, 1981.
81-211	Generic name: Aromatic disazo dye	do.	July 26, 1981.
81-212	Generic name: Aromatic disazo dye	do.	July 26, 1981.
81-213	Generic name: Aromatic disazo dye	do.	July 26, 1981.
81-214	Generic name: Aromatic disazo dye	do.	July 26, 1981.
81-215	Generic name: Aromatic disazo dye	do.	July 26, 1981.
81-216	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 26, 1981.
81-217	Generic name: Amide functional silane	46 FR 29524 (6/2/81)	July 29, 1981.

III. Premanufacture Notices in Which the Review Period Has Expired during the month

81-44	3,4,5,6-Tetrahydro-2(1H)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	May 3, 1981.
81-46	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	May 3, 1981.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Disazo dye	46 FR 16319 (3/12/81)	May 10, 1981.
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	May 10, 1981.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.	46 FR 16933 (3/16/81)	May 10, 1981.
81-57	Acetamide, *N*-[4-((2-hydroxyethly)sufonyl-2-methoxy 5-methylphenyl]	46 FR 16931 (3/16/81)	May 10, 1981.
81-58	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-59	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	May 10, 1981.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981.
81-63	Isocyanic acid, tetramethylene bis-(oxytrimethylene)ester	46 FR 16931 (3/16/81)	May 11, 1981.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	46 FR 16933 (3/16/81)	May 11, 1981.
81-65	Generic name: Disubstitutednitrobenezene	46 FR 16933 (3/16/81)	May 11, 1981.
81-66	Generic name: Bis[(Substituted)-aminophenyl]-substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	May 12, 1981.
81-70	Generic name: 2-Methyl-2-propenioc acid, polycyclohexyl ester	46 FR 16936 (3/16/81)	May 14, 1981.
81-71	Generic name: Alkenylpyrolidinedione	46 FR 19075 (3/27/81)	May 14, 1981.
81-72	2-2-Chloro-6-cyano-4-nitrophenylazo)-5-[di(*n*-pentyl)amino acetoanilide	46 FR 19305 (3/30/81)	May 14, 1981.
81-73	Generic name: *N*-(Tetrasubstitutedphenyl)acetamide	46 FR 19307 (3/30/81)	May 14, 1981.
81-74	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide.	46 FR 19305 (3/30/81)	May 19, 1981.
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	46 FR 19305 (3/30/81)	May 19, 1981.
81-77	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 19307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstitutedbenzenamine	46 FR 19307 (3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 19312 (3/30/81)	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 19307 (3/30/81)	May 19, 1981.
81-84	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-85	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-86	Generic name: Disubstitutedbenzenamine hydrochloride	46 FR 19307 (3/30/81)	May 14, 1981.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 19303 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 19312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981.
81-90	Generic name: Oxime blocked polyurethane prepolymer, waterborne	46 FR 19314 (3/30/81)	May 21, 1981.
81-91	Generic name: Hydroxy aryl ether ester of alkenoic acid	46 FR 19314 (3/30/81)	May 21, 1981.
81-92	Lithium-lime-hydrogenated castor oil-tallow-naphthenic acid	46 FR 19314 (3/30/81)	May 19, 1981.
81-93	Acrylic alkenyl ester polymer	46 FR 19314 (3/30/81)	May 27, 1981.
81-94	Polymer of: *D*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *D*-mannose, 6-deoxy; *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-95	Polymer of: *D*-glucose; succinic acids; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-96	Oxidized soy isolate	46 FR 19303 (3/30/81)	May 27, 1981.
80-308[1]	(Cuprate(3-), {3-[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-2-methylphenyl]azo]'-1,5-naphthalenedisulfonato-(5)}, arisodium.	46 FR 20770 (4/7/81)	May 27, 1981.
80-309[2]	(Cuprate(6-),[u-[[3,3'-iminobis[[[-hydroxy-3-sulfo-6,2-naphthalendiyl]azo[5-hydroxy-2-methyl-4-,1-phenylene]azo]]bis[1,5-naphthalene-disulfonate]](10-1)]dihexasodium.	46 FR 20770 (4/7/81)	May 27, 1981.
81-97	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 19303 (3/30/81)	May 31, 1981.
81-98	Generic name: 4-Diazo-2,5-diethoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	May 31, 1981.
81-99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	May 31, 1981.
81-100	Generic name: Hydroxymethyheteromonocycle	46 FR 29763 (4/7/81)	May 31, 1981.

[1] Received by EPA Dec. 10, 1980. 90-day review period started March 5, 1981.
[2] Received by EPA Oct. 10, 1980. 90-day review period started Feb. 26, 1981.

PMN No.	Submitter	Chemical identification	FR citation
	IV. Chemical Substances for Which EPA Has Received Notice of Commencement to Manufacture		
80-91	American Color & Chemical	1,3-Naphthalene disulfonic acid, 6,6'-[12-ethene-diylbis[(3-sulfo-4,1-phenylene)azo]]bis[4-amino-5-hydroxy,- compounded with tris (2 substituted ethyl) ammonium hydroxide (1:6).	45 FR 32426 (5/16/80).
80-184	Confidential Business Information (CBI)	Polymer of castor oil fatty acid, benzoic acid, epoxy resin, fumaric acid, styrene and *N-N*-dimethyl ethanol amine, cumene hydroperoxide.	45 FR 56429 (8/25/80).
80-220	CBI	Generic name: Poly basic acid ester of mixed short alkyl mono alcohol and polyol.	45 FR 62965 (9/22/80).
80-229	American Color & Chemical	Generic name: Dichloro dimethyl oxy diethyl amino azo benzene sulfonic acid, sodium salt.	45 FR 62897 (9/22/80).
80-283	CBI	Generic name: Styrene methacrylate acrylate polymer	45 FR 74993 (11/13/80).
80-325	Milliken	Generic name: Chomophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80).
80-326	Milliken	Generic name: Chomophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80).
80-328	Monsanto	Generic name: Unsaturated melamine formaldehyde methanol resin.	45 FR 83019 (12/12/80).
80-345	Phillips	Generic name: Dialkyl trithiocarbonate	45 FR 5058 (1/19/81).

PMN No.	Submitter	Chemical identification	FR citation
81-353	CBI	Generic name: Polymer of an isocyanate and mixture of aliphatic polyols.	45 FR 8710 (1/27/81).
81-358	CBI	Generic name: Neutralized polymer substituted polypropylene oxide and an epoxy resin.	45 FR 8714 (1/27/81).
81-20	CBI	Generic name: Sodium salts of *N*-methylene phosphonic acids of complex substituted amine mixture (a forecut from fraction of a crude carbohet> erocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	45 FR 16118 (3/11/81).
81-35	CBI	*N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from fraction of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	45 FR 16118 (3/11/81).
80-36	CBI	Generic name: Alkyl acid phosphorus esters	45 FR 16118 (3/11/81).
80-59	CBI	Generic name: Phenole novalak resin	45 FR 16933 (3/11/81).

[FR Doc. 81-19302 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP-50485A; PH-FRL-1872-8]

Shell Chemical Co.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 201-EUP-59, issued to Shell Chemical Company, Washington, D.C. 20036 for use of 4,400 pounds of the insectide fenvalerate in or on apples, beans (snap and dried), bell peppers, broccoli, cabbage, cauliflower, corn (fresh and grain), cucumbers, grapes, head lettuce, peaches, peas, summer squash, and tomatoes to evaluate control of various insects.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 18, 1980 (45 FR 48245) announcing that Shell Chemical Company had been issued an experimental use permit for 4,400 pounds of insecticide fenvalerate. The raw agricultural commodities peaches and peas were inadvertently omitted, and corn squash was erroneously included. Shell Chemical Company has requested that the permit be amended to add 225 additional acres for cabbage and peaches in the States of California, Colorado, Florida, Georgia, Illinois, Kansas, Michigan, New Jersey, New York, Pennsylvania, South Carolina, Texas, Washington, and Wisconsin. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: June 17, 1981

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19303 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-32-M

[PF-234; PH-FRL-1873-2]

Certain Pesticide Chemicals; Filing of Food and Feed Additive and Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed food and feed additive and pesticide petitions for certain pesticides in or on certain food and feed items and raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-234]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food and feed additive and pesticide petitions have been submitted to the EPA to establish food and feed additive regulations and tolerances for certain pesticides, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5305. EM Industries, Inc., Plant Protection Division, 5 Skyline Dr., Hawthorne, NY 10532, proposes that 21 CFR Part 193 be amended by establishing a food additive regulation permitting residues of the plant growth regulator chlorflurenol (methyl-2-chloro-9-hydroxyfluorene-9-carboxylate, methyl-9-hydroxyfluorene-9-carboxylate, methyl 1-2, 7 dichloro-9-hydroxyfluorene-9-carboxylate) in or on cottonseed oil at 0.1 part per million (ppm) and cottonseed meal at .05 ppm. (PM 25, Robert J. Taylor, 703-557-7066).

FAP 1H5306. Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611, proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation be established permitting residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolites 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on cottonseed meal at 5 ppm. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2525. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.383 by establishing tolerances for the combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-trifluoromethyl)phenoxy]-2-nitrobenzoate) and its metabolites (the corresponding acid, methyl ester and amino analogs) in or on the raw agricultural commodities rice grain at 0.1 ppm and rice straw at 0.1 ppm. The proposed analytical method for determining residues is by column chromatography and electron capture gas detection. (PM 23, Richard F. Mountfort, 703-557-7070).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 17, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19304 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-233; PN-FRL-1873-3]

International Diatoms Industries LTD.; Filing of a Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that International Diatoms Industries Ltd., has filed a request with the EPA to amend 21 CFR Part 193 by establishing a food additive regulation permitting residues of the insecticide diatomaceous earth in spot and or crack and crevice treatments in food processing and food storage areas.

ADDRESS: Written comments to: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-233]" and the petition number 1H5305. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: George T. LaRocca, (703-557-7406).

SUPPLEMENTARY INFORMATION: EPA gives notice that International Diatoms Industries Ltd., 904 West 23rd St., Yankton, SD, has submitted a food additive petition (1H5305) to the EPA, proposing establishment of a food additive regulation permitting the residues of the insecticide diatomaceous earth in spot and or crack and crevice treatments in food processing and food storage areas in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins and piperonyl butoxide for control of insects in food processing and food storage areas: provided that the food is removed or covered prior to such use.

(b) To assure safe use of the additive, its label and labeling shall conform to that registered with the EPA, and it shall be used in accordance with such label and labeling.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19305 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL RESERVE SYSTEM

Bent Tree Bancshares, Inc.; Formation of Bank Holding Company

Bent Tree Bancshares, Inc., Dallas, Texas, 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 80 per cent or more of the voting shares of Bent Tree National Bank, Dallas, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19325 Filed 6-30-81; 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, except as noted, received by the appropriate Federal Reserve Bank not later than July 24, 1981.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261: The Wachovia Corporation, Winston Salem, North Carolina (mortgage banking and insurance activities; Georgia) to engage through its subsidiary, Wachovia Mortgage Company, in providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans; the purchase, the sale or the placement of mortgage loans; the administration and servicing of mortgage loans; the management and the sale of properties acquired through foreclosure or transfer in lieu of foreclosure; and acting as agent for credit life and accident and health insurance related to extensions of credit. These activities will be conducted from an office in Atlanta, Georgia, serving the Atlanta SMSA.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Bankamerica Corporation, San Francisco, California (financing, servicing and insurance activities; Chattanooga metropolitan area): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Tennessee corporation, in the activities of making or acquiring for its own accounts, loans and other extensions of credit such as will be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health and

credit-related property insurance, except that property insurance will not be offered in the state of Georgia. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small business; making loans secured by real and personal property; and the offering of credit-related life, accident and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an existing office in Chattanooga, Tennessee, serving the entire states of Tennessee, Georgia and Alabama.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19331 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

City Bancshares, Inc.; Formation of Bank Holding Company

City Bancshares, Inc., Mineral Wells, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1843(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The City National Bank of Mineral Wells, Mineral Wells, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19328 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

Cullen/Frost Bankers, Inc., Acquisition of Bank

Cullen/Frost Bankers, Inc., San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of North Frost Bank, National Association, San Antonio, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 24, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19327 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

First Burlington Corp.; Formation of Bank Holding Company

First Burlington Corporation, La Grange, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less director's qualifying, shares, of the voting shares of the successor by merger to La Grange State Bank, La Grange, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19329 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

First Dodge City Bancshares, Inc.; Formation of Bank Holding Company

First Dodge City Bancshares, Inc., Dodge City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank and Trust Company in Dodge City, Dodge City, Kansas and thereby indirectly acquire control of First National Bank and Trust Co. in Dodge City, Dodge City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 24, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-79329 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

Platteville Capital Corp.; Formation of Bank Holding Company

Platteville Capital Corporation, Platteville, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Platteville State Bank, Platteville,

Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 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 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19330 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

Correction

In FR Doc. 81-17900 appearing on page 31769 in the issue of Wednesday, June 17, 1981; on page 31770, first column, second line under *"Washington"*, delete the asterisk in front of "53076".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Nooksack Reservation, Washington; Resolution and Ordinance Regulating the Sale and Use of Intoxicating Beverages

June 23, 1981.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Nooksack Indian Reservation, Washington, were adopted on December 18, 1980, by the Nooksack Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Roy H. Sampsel,

Deputy Assistant Secretary, Indian Affairs.

Nooksack Indian Tribe

Resolution 341

Whereas, the Nooksack Tribal Council is the duly elected governing body of the Nooksack Indian Tribe of Washington under the Constitution and Bylaws of the Nooksack Indian Tribe; and

Whereas, the Nooksack Tribe is a signatory to the Treaty of Point Elliott and possesses a tribal right thereunder to exercise jurisdiction over all lands held in the name of the Nooksack Indian Tribe; and

Whereas, pursuant to its treaty right and its constitutional powers of government, the Nooksack Tribe now desires to enact a Liquor Ordinance to govern practices on the Nooksack Reservation and lands;

Now therefore be it resolved, that the Nooksack Tribal Council hereby enacts the Liquor Ordinance attached hereto.

Certification

The above resolution was adopted by the Nooksack Council at a regular meeting held December 18, 1980, by a vote of 5 FOR and 0 AGAINST at which time a quorum was present.

Helen Paul,

Council Chairman.

Rick MacWilliams,

Treasurer.

for J. K. Cline,

Council Secretary.

Title 50 Chapter 2

Nooksack Tribal Liquor Ordinance

Section 1. Findings and Purpose.

1.1 The introduction, possession, and sale of liquor on Indian reservations have, since Treaty time, been clearly recognized as matters of special concern of Indian tribes and the United States Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

1.2 Beginning with the Treaty of Pt. Elliott, Art. X, to which the ancestors of the Nooksack Indian Tribe were parties, the Federal Government has respected the determinations of the Tribes of Western Washington regarding liquor related transactions and activities on the various reservations. The historical desire to exclude "ardent spirits" from Indian Country has been honored by Congress by the enactment of 18 U.S.C. Sec. 1154 and 18 U.S.C. Sec. 1161, which prohibit the introduction of liquor into any part of Indian Country except as shall be permitted by ordinance of the governing body of the Tribe having jurisdiction over such part or area. Present day circumstances have made it clear that a complete ban on liquor on Nooksack tribal lands is neither realistic nor effective. Therefore, in order to safeguard the peace and safety of members of the Nooksack Indian Tribe and to protect the public health and morals, the Nooksack Tribal Council has determined that it is now necessary to exert strict tribal control and regulation over all aspects of liquor sale, distribution, and use within the territorial jurisdiction of the Nooksack Indian Tribe.

This ordinance shall apply to all Nooksack tribal lands, which term shall include all territory within the exterior boundaries of the Nooksack Reservation and all lands owned by the Nooksack Tribe the legal title to which is held in trust for the Tribe by the United States government.

1.3 The enactment of the tribal ordinance governing liquor sales on Nooksack Tribal lands and providing for exclusive purchase and sale through a tribally owned and operated establishment will increase the ability of the Tribal Government to control liquor distribution and possession, and, at the same time, will provide an important source of revenue for the continued operation of essential tribal governmental services and the delivery of essential tribal social services.

1.4 Tribal regulation of the sale, posession, and consumption of liquor on Nooksack Tribal lands is necessary to protect the health, security and general welfare of the Nooksack Indian Tribe. In order to further these goals and to provide for an urgently needed additional source of governmental revenue, the Nooksack Tribal Council adopts this liquor ordinance to be known as the "Nooksack Liquor Ordinance". This ordinance shall be liberally construed to fulfill the purposes for which it has been adopted.

Section 2. Definitions. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

2.1 "Alcohol" that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixures of this substance.

2.2 "Alcoholic Beverage" is synonymous with the term liquor as defined in Sec. 2.5 of this ordinance.

2.3 "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer".

2.4 "Board" means the Nooksack Indian Liquor Board as constituted under this ordinance.

2.5 "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi-solid, solid, or other substances, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

2.6 ",Malt Liquor" means beer, strong beer, ale, stout, and porter.

2.7 "Package" means any container or receptacle used for holding liquor.

2.8 "Public Place" includes streets and alleys of incorporated cities and towns; state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may not be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls, and dining rooms of hotels, restaurant, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds, and all other places of like or similar nature to which the general public has unrestricted right of access and which are generally used by the public.

2.9 "Sale" and "Sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by a person to any person.

2.10 "Spirits" means any beverage which contains alcohol obtained by distillation, including wines, exceeding seventeen percent of alcohol by weight.

2.11 "Tavern" means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of beer, as herein defined.

2.12 "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

Section 3. Nooksack Indian Liquor Board.

3.1 Liquor Board Established—Composition. There is hereby established a Nooksack Indian Liquor Board. The Board shall consist of three (3) members serving staggered terms of two (2) years, each, commencing on March *1st* of each year, and seleted by vote of the Nooksack Tribal Council as follows:

(1) one member shall be a member of the Nooksack Tribal Council,

(2) two members shall be members of the Nooksack Indian Tribe who reside in Whatcom County at the time of their selection; provided that no member who fails to be re-elected to the Nooksack Tribal Council shall be removed from the Board for that reason. No person shall serve on the Board who has ever been convicted of a felony or misdemeanor involving dishonesty.

3.2 Vacancies. All vacancies occurring on the Board shall be filled by a vote of the Nooksack Tribal Council.

3.3 Initial Board. The initial terms of office of the Board shall be as follows:

(1) one (1) member shall serve a one (1) year term; and

(2) two (2) members shall serve two (2) year terms.

The members serving respective terms shall be determined by lot after the members have been selected by the Nooksack Tribal Council.

3.4 Board Compensation. The members of the board shall serve without compensation unless otherwise directed by the Nooksack Tribal Council, but may receive reimbursement for necessary expenses and mileage actually incurred in the performance of their duties.

3.5 Removal. Members of the Board shall serve in good behavior and shall be subject to removal only by the Nooksack Tribal Council and only after a full hearing at which the member shall be afforded the right to notice of the specific charges against him, to present evidence in his own behalf, and to cross-examine witnesses against him. The member may be represented by counsel or a spokesman admitted to the Nooksack Tribal Court, but such representation shall not be paid for out of funds under the control of the Board. If the Board member who is the subject of the hearing is also a member of the Nooksack Tribal Council, he shall be disqualified from voting as a member of the Nooksack Tribal Council at the hearing. Removal shall be by simple majority of the eight (8) members of the Council. Grounds for removal shall include, but not be limited to,

(1) conviction of a felony or a crime involving dishonesty;

(2) misuse of Board funds;

(3) receiving improper gratuities or payments from liquor salesmen or wholesalers;

(4) gross neglect of duty;

(5) failure to comply with a proper directive of the Nooksack Tribal Council.

3.6 Board Reports to Nooksack Tribal Council. The Board shall prepare an annual written report on its activities to be submitted to the Nooksack Tribal Council at the March meeting of the Nooksack

Tribal Council. The report shall include an accounting of all receipts and expenditures and such other information as shall seem appropriate to the Board or as shall be directed by the Nooksack Tribal Council. The Board may submit such other further reports as it deems appropriate or as the Nooksack Tribal Council shall direct.

3.7 Board—Powers and Duties. The Board shall have the following powers and duties:

(1) to publish and enforce rules and regulations adopted by the Nooksack Tribal Council governing the sale, manufacture, and distribution of alcoholic beverages on Nooksack Tribal lands;

(2) to employ managers, warehousemen, accountants, security personnel, drivers, and such other persons as shall be reasonably necessary to allow the Board to perform its functions. Such employees shall be hired through the Nooksack Indian Tribal Personnel office, and although paid by and responsible to, the Board, shall be considered tribal employees for all other purposes;

(3) to lease or construct appropriate warehouse facilities;

(4) To bring suit in the appropriate court with the consent of the Nooksack Tribal Council. The Board shall not, without the specific consent of the Nooksack Tribal Council, waive the Board's or the Nooksack Indian Tribe's immunity from suit;

(5) to contract with liquor wholesalers and distributors for the purchase and delivery of alcoholic beverages;

(6) to make such reports as may be required by the Nooksack Tribal Council;

(7) to take orders, receive, and distribute shipments of alcoholic beverages, establish wholesale base prices, collect taxes and fees levied or set by the Nooksack Tribal Council, and to keep accurate records, books, and accounts;

(8) to exercise such other powers as are delegated by the Nooksack Tribal Council.

3.8 Board-Prohibited Actions. In the exercise of its powers and duties, neither the Board nor any of its members shall:

(1) accept any gratuity, compensation or other thing of value from any liquor wholesaler or distributor or from any licensee, applicant, or prospective applicant, except as he is duly established for licensing;

(2) waive the immunity of the Board or the Nooksack Indian Tribe from suit without the express consent of the Nooksack Tribal Council.

3.9 Warehouse. The Board shall purchase, lease, or construct an appropriate secure warehouse located on Nooksack Tribal lands, for the receipt, storage, and distributionof alcoholic beverages.

3.10 Inspection. The premises of the Board shall be open by its employees for inspection by the Board, or by any member of the Nooksack Tribal Council directed by the Nooksack Tribal Council to so inspect, at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Board and the liquor laws of the Nooksack Indian Tribe are being complied with.

Section 4. Sales.

4.1 Only Tribal Sales Allowed. No sales of alcoholic beverages shall be made on Nooksack Tribal lands, except at a tribal liquor store.

4.2 All Sales Cash. All sales at tribal liquor stores shall be on a cash only basis and no credit shall be extended to any person, organization, or entity.

4.3 All Sales For Personal Use. All sales shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at a tribal liquor store is prohibited on Nooksack Tribal lands. Any person who purchases an alcoholic beverage at a tribal store and resells that beverage for profit, whether in the original container or not, shall be guilty of an offense and punished in accordance with Sec. 6.15 herein.

4.4 Tribal Property. The entire stock of liquor and alcoholic beverages referred to under this ordinance shall remain tribal property owned and possessed by the Nooksack Indian Tribe until sold.

Section 5. Taxation.

5.1 Tax Imposed. There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on Nooksack Tribal lands in the amount of 15% of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on Nooksack Tribal lands, and shall pre-empt any tax imposed on such liquor sales by the State of Washington. No municipality, city, town, county, nor the State of Washington shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof in any manner on Nooksack Tribal lands.

5.2 Distribution of Taxes. All taxes from the sale of alcoholic beverages on Nooksack Tribal lands by or through the Board shall be paid over to the General Treasury of the Nooksack Indian Tribe and be subject to the distribution by the Nooksack Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services; Provided, however, that the following tribal programs shall have priority in funding in the percentages set out in this section upon demonstration of need and past performances in the normal tribal budgetary appropriation process:

(1) to the Nooksack Tribal Alcoholism Program in an amount at least 15% of the total tax received;

(2) to the Nooksack Tribal Elders Program in an amount of at least 15% of the total tax received;

(3) to the Nooksack Tribal Law and Order Program in an amount of at least 15% of the total tax received;

(4) to other tribal needs as designated by the Nooksack Tribal Council

Section 6. Illegal Activities.

6.1 Liquor Stamp—Contraband. No Alcoholic beverages shall be sold on the Nooksack Tribal lands unless there shall be affixed to the package a stamp of the Board. Any sales made in violation of this provision shall be a violation of this ordinance and shall be punishable as set out in Sec. 6.15 herein. All alcoholic beverages not so stamped which are sold or held for sale on the Nooksack Tribal lands are hereby declared contraband and, in addition to any penalties imposed by the Court for violation of this section it shall be confiscated and forfeited in accordance with the procedures set out in Title 10 of the Nooksack Code of Laws.

6.2 Proof of Unlawful Sale—Intent. In any proceeding under this ordinance, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this ordinance.

6.3 Use of Seal. No person other than an employee of the Board shall keep or have in his possession any legal seal prescribed under this ordinance unless the same is attached to a package which has been purchased from a tribal liquor store, nor shall any person keep or

have in his possession any design in imitation of any official seal prescribed under this ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed or otherwise marked. Any person who willfully violates any provision of this section shall be guilty of an offense.

6.4 Illegal Sale of Liquor by Drink or Bottle. Except as otherwise provided in this ordinance, any person who sells by the drink or bottle any liquor, shall be guilty of an offense.

6.5 Illegal Transportation, Still, or Sale Without Permit. Any person who shall sell or offer for sale or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have in his possession without a permit, any mash capable of being distilled into liquor, shall be guilty of an offense.

6.6 Illegal Purchase of Liquor. Any person on Nooksack Tribal lands who buys liquor from any person other than at a properly authorized tribal liquor store shall be guilty of an offense.

6.7 Illegal Possession of Liquor. Any person who keeps or possesses liquor upon his person or in any place or on premises conducted or maintained by him as a principal or agent with the intent to sell it contrary to the provisions of this ordinance, shall be guilty of an offense.

6.8 Sales to Pesons Apparently Intoxicated. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of an offense.

6.9 Drinking In a Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of an offense.

6.10 Furnishing Liquor to Minors. Except in the case of liquor given or permitted to be given to a person under the age of twenty one (21) years by his parent or guardian, for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person under the age of twenty one (21) years shall consume, acquire, or have in his possession any alcoholic beverages except when such beverage is being used in connection with religious services. No person shall permit any other person under the age of twenty one (21) to consume liquor on his premises or on any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of an offense.

6.11 Sales of Liquor to Minors. Any person who shall sell any liquor to any person under the age of twenty one (21) years shall be guilty of an offense.

6.12 Unlawful Transfer of Identification. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; Provided, that corroborative testimony of a witness other than the minor shall be a requirement of conviction.

6.13 Drinking at Tribal Center. Except as may be provided by order of the Nooksack Tribal Council, any person who shall drink any liquor within the buildings of the Nooksack Tribal Center, or within 100 feet thereof, shall be guilty of an offense.

6.14 Possession of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of an offense.

6.15 General Penalties. Any Indian person guilty of a violation of this ordinance for which no penalty has been specifically provided shall be liable upon conviction for imprisonment for a period of not to exceed six (6) months, or a fine of not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.

6.16 Identification—Proof of Minimum Age. Where they may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:

(1) liquor control authority card of identification of any state;

(2) driver's license of any state or "Identi-Card" issued by an State Department of Motor Vehicles;

(3) United States Active Duty Military Identification;

(4) Passport;

(5) Nooksack Tribal Identification or Enrollment card.

6.17 Illegal Items Declared Contraband. Alcoholic beverages which are possessed contrary to the terms of this section are declared to be contraband. Any officer who shall make an arrest under this section shall seize all contraband which he shall have the authority to seize consistent with the Nooksack Constitution and the applicable provisions of 25 U.S.C. Sec. 1302.

6.18 Preservation and Forfeiture. Any officer seizing contraband shall preserve the contraband in accordance with the provisions established for the preservation of impounded property in Title 10 of this Code. Upon conviction, the guilty party shall forfeit all right, title and interest in the items seized and when the conviction shall become final, the items shall be disposed of as provided for in Title 10 of the Code; Provided, however, that the items so forfeited shall not be sold to any person not entitled to possess them under applicable law.

Section 7. Abatement.

7.1 Declaration of Nuisance. Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

7.2 Institution of Action. The Chairman of the Board shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. The plaintiff should not be required to give bond in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the penal sum of not less than One Thousand Dollars

($1000.00), payable to the Tribe and on the condition that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this ordinance or of any other applicable tribal law, and that he will pay all fines, costs, and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the tribe. Any action taken under this section shall be in addition to any criminal penalties provided in this ordinance.

7.3 Abatement. In all cases where any person has been convicted of a violation of this ordinance or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action a certified copy of the record of such conviction shall be admissable in evidence and prima facie evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Section 8. Profits.

8.1 Distribution of Profits. The gross proceeds collected by the Board for all sales of alcoholic beverages on the Nooksack Tribal lands shall be distributed as follows:

(1) For the cost of goods;

(2) for the payment of taxes provided in Sec. 5 of this ordinance;

(3) for payment of all necessary personnel, administrative costs, and legal fees for the Board and its activities;

(4) the remainder shall be turned over to the General Fund of the Nooksack Indian Tribe in quarterly payments and expended by the Nooksack Tribal Council.

8.2 Expenditure of Profits. All profits transferred to the tribal General Fund by the Board shall be expended by the Nooksack Tribal Council for the general governmental services of the Tribe.

Section 9. Severability and Effective Date.

9.1 If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this ordinance or to render such provisions inapplicable to other persons or circumstances.

9.2 Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register.**

9.3 Inconsistent Enactments Rescinded. Any and all prior enactments of the Nooksack Tribal Council which are inconsistent with the provisions of this ordinance are hereby rescinded.

9.4 Disclaimer. Nothing in this ordinance shall be construed to require or authorize the criminal trial and punishment by the Nooksack Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the United States Supreme Court.

9.5 Application of 18 U.S.C. Sec. 1161. All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Washington as that term is used in 18 U.S.C. Sec. 1161.

[FR Doc 81-19239 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-02-M

Coharie Intra-Tribal Council, Inc.; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

June 17, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Coharie Intra-Tribal Council, Inc., c/o Romie G. Simmons, Route 3, Box 356-B, Maxton, North Carolina 28328, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The March 31 petition as amended was received by the Bureau of Indian Affairs on May 1. The petition was forwarded and signed by Mr. Romie G. Simmons.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined, by appointment, in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Roy H. Sampsel

Deputy Assistant Secretary—Indain Affairs.

[FR Doc. 81-19322 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Burns District Advisory Council Meeting; Field Tour

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Burns District Advisory Council will be held on July 21, 1981.

The tour will start at the district office, Burns, Oregon at 8:00 a.m. and the John Day Resource Area will be of primary interest.

The tour agenda is as follows:

1. Silvies Valley Coop grazing program.
2. Timber thinning project on Calamity Butte.
3. Proposed land exchange.
4. North Silvies Valley timber sale.
5. Explanation of some grazing problems.
6. Fish Habitat work done on the South Fork of the John Day River.
7. The expections of the new District Manager.

The tour is open to the public and news media. Those individuals interested in participating in the tour need to provide their own transportation and lunches.

A report of the Council tour will be maintained at the District Office and be made available for public inspection and reprodution at the cost of duplication.

Joshua L. Warburton,

District Manager.

June 17, 1981

[FR Doc. 81-19166 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-24]

Sun Valley Grazing Final Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy

Act of 1969, the BLM has prepared a final environmental impact statement (FEIS) on proposed livestock grazing management for the Sun Valley Planning Area of the Shoshone District in south-central Idaho. The proposal would adjust stocking rates, establish new grazing systems, and provide for additional range improvements on a portion of 97 allotments encompassing approximately 245,000 acres of public land.

FOR FURTHER INFORMATION CONTACT: Terry Costello, EIS Team Leader, at P.O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886–2208 or FTS 554–6576.

SUPPLEMENTARY INFORMATION: Copies of the FEIS are being distributed to a mailing list of identified interested parties, including all parties who received the draft EIS. A limited number of additional copies of both the draft and final EIS are available at the above address.

Dated: June 26, 1981.

T. G. Bingham,

Acting State Director, Idaho.

[FR Doc. 81–19309 Filed 6–30–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Contract Negotiations With H&RW Irrigation District; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and Its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the H&RW Irrigation District for deferment of the 1981 construction charge and its subsequent repayment.

The district is located in southwestern Nebraska with its headquarters in Culbertson, Nebraska. The low storage conditions of Enders Reservoir in 1979 and again in 1980, and the subsequent delivery of only 6,520 acre-feet of water during the 1980 irrigation season, has imposed an undue burden on the irrigators of the H&RW Irrigation District. The district is, therefore, seeking a deferment of its $37,487 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of about $1,210 over the remaining 31 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 564), Pub. L. 86–308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice or local publicity, the availability of the proposed contract for public review and comment will not be further publicized through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, Project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382–3660. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: June 25, 1981.

Clifford I. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81–19307 Filed 6–30–81; 8:45 am]

BILLING CODE 4310–09–M

Office of the Secretary

Consolidation of the Heritage Conservation and Recreation Service Functions Into the National Park Service

This notice is issued in accordance with the provisions of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and Secretarial Order No. 3060 dated February 19, 1981, as amended April 9, 1981, transferring and consolidating the major functions of the Heritage Conservation and Recreation Service (HCRS) into the National Park Service (NPS) as well as transferring those functions related to the Federal Land Acquisition budget planning portion of the Land and Water Conservation Fund to the Assistant Secretary for Fish and Wildlife and Parks. The consolidation became effective on May 31, 1981. The Order is published in its entirety below.

Any questions regarding the Order may be obtained from the Management Consulting Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240, telephone—(202) 523–5133.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

United States Department of the Interior

Office of the Secretary, Washington, D.C.

Order No. 3060

Subject: Consolidation of Heritage Conservation and Recreation Service Functions into the National Park Service

Section 1. *Purpose.* The purpose of this order is to achieve economies in the utilization of funds, personnel, and equipment and to improve program services by:

(a) Effecting the transfer and consolidation of the major functions of the Heritage Conservation and Recreation Service into the National Park Service;

(b) Terminating the residual functions of HCRS;

(c) Abolishing HCRS as a separate entity of the Department of the Interior.

Section 2. *Authority.* This order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Section 3. *transfer of Functions to the National Park Service.* Except as provided in Sections 4 and 5, all functions vested in the Director, Heritage Conservation and Recreation service, the Heritage Conservation and Recreation service, or any officer or employee of the Heritage Conservation and Recreation service are transferred to the Director, National Park Service.

Section 4. *Transfer of Functions to the Assistance Secretary—Policy, Budget and Administration.* The functions and responsibilities of the Heritage Conservation and Recreation Service for Federal land acquistion budget planning under the Land and Water Conservation Fund Act are transferred to the Assistant Secretary—Policy, Budget and Administration. These functions and responsibilities may be further assisgned to an appropriate official within Policy, Budget and Administration, as determined by the Assistant Secretary.

Section 5. *Termination of HCRS Functions.*

(a) In accordance with the need to reduce Governmental expenditures and terminate Federal Functions which are unnecessary or duplicative, repetitious or parallel of those being performed elsewhere within the Department, the following functions of the Heritage Conservation and Recreation Service are terminated:

(i) Federal Interagency Coordination.
(ii) Water Resources.
(iii) Policy, Planning and Evaluation For Cultural Programs.
(iv) Envoronmental and Compliance Review.
(b) The Heritage Conservation and Recreation Service and the position of Director of the Service are abolished.

Section 6. *Incidental Transfers.* The personnel, property, records and unexpended balances of appropriations, allocations and other funds employed, used, held, or available in connection with the functions transferred to the Director, National Park Service and the Assistant Secretary—Policy, Budget and Administratin are transferred to the National Park Service and the Office of the Secretary. No unexpended balances transferred shall be used for purposes other than those for which the appropriations were originally made.

Section 7. *Implementation.*

(a) The Assistant Secretary—Policy, Budget and Administration is responsible for implementing this order. The Assistant Secretary shall identify the personel, property, records and funds transferred in Sections 3, 4 and 6 and shall issue a determination order specifying his findings. The Assistant Secretary shall also take such steps as are necessary to provide for the orderly termination of the functions identified in Section 5. The Assistant Secretary may call upon such officails of the Department as he deems necessary to accomplish the implementation of this order.

(b) The Director, National Park Service, subject to the supervision of the Assistant Secretary—Fish and Wildlife and Parks, and after consultation with the Assistant Secretary— Policy, Budget and Administration in accordance with 101 DM 3, shall make such organizational arrangements for the performance of the transferred functions as he deems necessary. In making these arrangements, the Director shall seek to improve the economy and efficiency of organization and performance of the transferred functions.

Section 8. *Performance of Transferred Functions by the National Park Service.* After the transfer provided for in sections 3 and 6 take effect, the Director, National Park Service shall perform the functions transferred subject to the supervision of the Assistant Secretary—Fish and Wildlife and Parks, as provided in 109 DM 6 and 209 DM 6.

Section 9. *Effective Date.* This order is effective immediately. The transfers and terminations provided for in this order shall take effect on a date specified by the Assistant Secretary—Policy, Budget and Administration in the determination order issued under Section 7, but not later than May 31, 1981. The order will lapse upon its conversion to the Departmental Manual, but no later than June 30, 1981.

Dated: February 19, 1981.

James G. Watt,

Secretary of the Interior.

Order No. 3060, Amendment No. 1

Subject: Consolidation of Heritage Conservation and Recreation Service Functions into the National Park Service

This Order amends Secretary's Order No. 3060, dated February 19, 1981, as prescribed below:

a. Section 4 is amended to read as follows:

"Section 4. *Transfer of Functions to the Assistant Secretary—Fish and Wildlife and Parks.* The Headquarters Office functions and responsibilities of the Heritage Conservation and Recreation Service for Federal land acquisition budget planning under the Land and Water Conservation Fund Act are transferred to the Assistant Secretary—Fish and Wildlife and Parks."

b. Section 5. Under paragraph (a), delete (iv) Environmental and Compliance Review.

c. Section 6 is amended to read as follows:

"Section 6. *Incidental Transfers.* The personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, used, held, or available in connection with the functions transferred to the Director, National Park Service and the Assistant Secretary—Fish and Wildlife and Parks are transferred to the National Park Service and the Office of the Secretary. No unexpended balances transferred shall be used for purposes other than those for which the appropriations were originally made."

Dated: April 9, 1981.

James G. Watt,

Secretary of the Interior.

[FR Doc. 81-19587 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-52)]

Baltimore & Ohio Railroad Co.—Discontinuance of Operations and Abandonment Between Copperweld and Fairport Harbor, OH; Correction; [1] Findings

Notice is hereby given pursuant to 49 U.S.C 10903 that by a decision dated May 26, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment of discontinuance of operations by the Baltimore and Ohio Railroad Company of its line of railroad known as the Lake Branch, in Trumbull, Geauga and Lake Counties, OH. The segments of line proposed for abandonment lie between Copperweld, OH (milepost 94.38) and Painesville, OH (milepost 136.34), and between milepost 137.38 and milepost 139.01 at Fairport Habor, Oh. Discontinuance of operation is proposed between milpost 136.34 and milepost 137.38 at Fairport Harbor, OH. The abandonment and discontinuance of operations are subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979). The applicant shall keep intact all of the rights-of-way underlying the track, bridges and drainage culverts on the line for a period of 120 days from June 26, 1981 to permit any State or local government agency or other interested party to negotiate acquisition for public use of all or any portion of the line. A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance 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.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect.

[1] This notice corrects the notice published in the **Federal Register**, Vol. 46, No. 102, Thursday, May 28, 1981 which inadvertently did not contain the public use condition.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 C.F.R. 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19289 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures; Approval of Railroad Cost Index

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* The application of the index provides a maximum increase of 2.8% above the level prescribed in our decision served June 1, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275–7656 or Raymond Hobbs (technical) (202) 275–7457.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981, [46 FR 22594, April 20, 1981], we outlined the procedures for calculation of the Interim Mid-Quarter Index of railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also decided to require the Association of American Railroads (AAR), no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

The indices derived from these calculations are shown in the table below.

Interim Mid-Quarter Index

[1979—100]

Category	Oct. 1, 1980	1st quarter, 1981	2d quarter, 1981	3d quarter, 1981
Salaries, wages & supplements	112.6	119.6	119.6	124.7
Fuel	153.1	170.8	187.5	186.4
Other materials & supplies	119.1	121.9	123.6	125.0
Other expenses	117.3	121.7	124.0	127.2
Weighted average [1]	118.6	125.4	127.9	131.4

[1] Based on the following 1979 weights: Salaries, wages & supplements—49.9%; fuel—9.6%; Other materials & supplies—12.5%; other expenses—28.0%

The Rail Cost Adjustment Factors for first, second and third quarters, 1981, are computed in the following table.

Rail Cost Adjustment Factor

Item	Oct. 1, 1980	1st quarter, 1981	2d quarter, 1981	3d quarter, 1981
Weighted Index	118.6	125.4	127.9	131.4
Rail Cost Adjustment Factor		1.057	1.078	1.108

In computing the Rail Cost Adjustment Factor, the October 1, 1980 index was used in the demoninator in lieu of the mid-quarter index for fourth quarter, 1980. We believe that this is appropriate, since the application of the adjustment factor commenced with rates at the October 1, 1980 level.

The factor of 1.028 applicable to present rates was computed by dividing the third quarter adjustment factor (1.108) by the second quarter adjustment factor (1.078).

We note the absence of an actual second quarter index. We require the ARR to submit this index by September 10, 1981.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96–354, it is our opinion that it will not have a significant adverse impact on a substantial small entities.

Authority: 49 U.S.C. 10321, 10701a, 5 U.S.C. 553.

Dated: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19288 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–133

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 22311 (Sub-4–3TA), filed June 18, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Metals* between points in the commercial zones of Chicago, IL, Detroit, MI, Pittsburgh, Erie and Philadelphia, PA, Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH, St. Louis and Kansas City, MO, Milwaukee, Green Bay and Madison, WI, Des Moines, Davenport, Cedar Rapids and Keokuk, IA, Gary, Indianapolis and Evansville, IN, Charleston, Clarksburg and Huntington, WV and Louisville, KY and Putman County, IL. Supporting shipper: Nance Steel Sales, Inc., Box 388, South Field, MI 18307.

MC 133189 (Sub-4–14TA), filed June 19, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *General commodities,* between the facilities of American-Canadian

Distribution Centers, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: American-Canadian Distribution Centers, Inc., 7801 East Bush Lake Rd., Minneapolis, MN 55435.

MC 139667 (Sub-4-5TA), filed June 17, 1981. Applicant: CHARLES SCHMIDT, JR., d.b.a. SCHMIDT TRUCKING CO, 101 West Sanger, Salem, IL 62881. Representative: Brenda Schmidt, 906 Meadow Lane, Salem, IL 62881. *Building materials,* between points in the states of LA, AL, TX, MI, AR, TN, MO, IL, IN, IA, and WI. Supporting shippers: There are 9 statements of support.

MC 145454 (Sub-4-9TA), filed June 22, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312/782-8880. *Bananas and agricultural commodities* from Galveston, TX and Gulfport, MS to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shippers: Castle & Cooke Foods, 2900 Veterans Boulevard, Metairie, Louisiana 70002, and Chiquita Brands, Inc., 15 Mercedes Drive, Montdale, New Jersey 07645.

MC 146121 (Sub-4-3TA), filed June 17, 1981 Applicant: BAY CARTAGE COMPANY, 1122 East Barney, Muskegon, MI 49444. Representative: William H. Heritage, Jr., Landman, Luyendyk, Latimer, Clink & Robb, 444 Union Bank Plaza, Grand Rapids, MI 49503. *Contract:* irregular; *Foundry supplies, materials, machinery and equipment used in foundry production* between points in the U.S. (except AK and HI) under continuing contract with Carpenter Brothers, Inc., Muskegon, MI. Supporting shipper: Carpenter Brothers, Inc., 793 W. Western Ave., Muskegon, MI 49440.

MC 156133 (Sub-4-2), filed June 19, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber and wood products,* from the facilities of or utilized by Weyerhaeuser Company located at Latonia, KY, Palmer, MA; Detroit, MI, St. Paul, MN; Chicago, IL and Kansas City, MO to points in IA, IL, IN, KY, MI, MO, NY, OH, PA, WI and WV. Supporting shipper: Weyerhaeuser Company, Chicago, Illinois 60606.

MC 156624 (Sub-4-1TA), filed June 18, 1981. Applicant: ANKER TRUCKING, INC., 19800 Rose Street, Lynwood, IL 60411. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Concrete Pipe and Concrete Structures,* between points in IL on the one hand, and, on the other, points in WI. Supporting shipper: Continental Concrete Pipe Corp., P.O. Box 174, Blue Island, IL 60406.

MC 156679 (Sub-4-1TA), filed June 22, 1981. Applicant: LEXCO, INC., 111 Poyott Rd., Lake In The Hills, IL 60102. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *General commodities* (except Classes A & B explosives, household goods and commodities in bulk) between points in the U.S. in and east of MT, WY, CO and NM under continuing contract(s) with Jensen-Souders Associates, Inc. Itasca, IL and CHC Tire and Auto Supply, Inc., 120 Fairbank St., Addison, IL 60101.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 88368 (Sub-5-12TA), filed June 22, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart, 11901 Cartwright Avenue, Grandview, MO 64030. *(1) Water Beds, (2) Rattan Furniture, and (3) Parts and Accessories for (1) and (2) above* from Anaheim, Brea, Costa Mesa, Los Angeles and Santa Ana, CA and Phoenix, AZ to Clinton, Des Moines and Waterloo, IA. Supporting shipper: McGowan's Inc., 3754 Airline Highway, West Waterloo, Iowa 50701.

MC 114274 (Sub-5-14TA), filed June 22, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Fresh Meat and Packing House products and articles distributed by meat packing houses.* From the facilities used by the Iowa Packing Co. at or near Des Moines, IA to AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, NE, ND, NH, NJ, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, WV. Supporting shipper: The Iowa Packing Co., 1801 Maury, Des Moines, IA 50317.

MC 117832 (Sub-5-1TA), filed June 22, 1981. Applicant: BILL BRUTON, d.b.a. TRI-WESTERN EXPRESS, #8 Westwood Lane, Little Rock, AR 72204. Representative: Bill Bruton (same as applicant). *Bananas in truck loads* between Gulfport, MS, Mobile, AL, Galveston and Houston, TX, to: Affiliated Food Stores, Inc. and Dillaha Fruit Co., in Little Rock, AR. Supporting shippers: Affiliated Food Stores, Inc., P.O. Box 3627, Little Rock, AR 72203 and Dillaha Fruit Company, P.O. Box 546, Little Rock, AR 72203.

MC 128273 (Sub-5-41TA), filed June 22, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities (except A & B Explosives, Household Goods, as defined by the Commission, and Commodities which, because of size or weight, require special equipment),* between the facilities of the Norton Company at or near Worcester, MA, and Watervliet, NY, on the one hand, and, on the other, points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities of the Norton Company. Supporting shipper: Norton Company, 1 New Bond Street, Worcester, MA 01606.

MC 142672 (Sub-5-27TA), filed June 22, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Plastic Games and Toys, and Materials, Equipment and Supplies*—used in the manufacture thereof—Between Canonsburg, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Coleco Industries, Inc., 50 Part Street, Amsterdam, NY 12010.

MC 143768 (Sub-5-2TA), filed June 22, 1981. Applicant: F. R. ANDERSON, INC., 2744 S.E. Market Street, Des Moines, IA 50309. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *(1) Paper products* between Polk County, IA on the one hand, and, on the other, pts in IL. *(2) General commodities* between Omaha, NE, Des Moines, IA and Moline, IL on the one hand, and, on the other, pts in IA. Supporting shippers: K Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084, Eastman Kodak Co., 1901 W 22nd Street, Oak Brook, IL, Jacobsen Warehouse, 1400 Market Street, Des Moines, IA 50317.

MC 144117 (Sub-5-10TA), filed June 22, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Petroleum lubricating oil, in containers,* from Lemont, IL, and points in its commercial zone to points in the U.S., except AK, HI, and IL. Supporting shipper: Massey Ferguson, Inc., 2200 DeKoven Avenue, Racine, WI 53403.

MC 144511 (Sub-5-1TA), filed June 22, 1981. Applicant: ED O'GRADY, R.R. #2, Falls City, NE 68355. Representative:

Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Malt beverages (except in bulk),* from Peoria, IL and Milwaukee, WI, and pts in their respective commercial zones, to the facilities of Falls City Beverage Co., at or near Falls City, NE. Supporting shipper: Falls City Beverage Co., 7th & Berda Streets, Falls City, NE 68355.

MC 145904 (Sub-5–12TA), filed June 22, 1981. Applicant: SOUTH WEST LEASING, P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Meat, meat products, meat by-products and related products distributed by meat packinghouses,* from the facilities of National Beef Packers at Liberal and Kansas City, KS, to pts in NE, SD, MN, IA, MO, WI, IL, MI, IN, and OH. Supporting shipper: National Beef Packers, P.O. Box 978, Liberal, KS 67091.

MC 148107 (Sub-5–7TA), filed June 22, 1981. Applicant: JESSE J. MESA d.b.a. J. J. MESA TRUCKING CO., 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald Mercier (same as applicant). *(1) Tile, and (2) materials, equipment and supplies used in the manufacture, sale, or distribution of tile (except items in bulk,)* between TX on the one hand, and, FL, GA, AL, MS, TN, KY, IN, IL, MO, NE, KS, NV, AR and LA, on the other. Supporting shippers: (1) Aztec Ceramics, 4735 Emil Road, San Antonio, Texas 78219. (2) Materials Marketing Co., 123 Rhapsody Drive, San Antonio, Texas 78216.

MC 152942 (Sub-5–2TA), filed June 22, 1981. Applicant: TOGO TRUCKING CO., Route 3, St. Joseph, MO 64505, (816) 232–8321. Representative: James H. Counts, 320 Robidoux Center, St. Joseph, MO 64501, (816) 232–8411. Contract irregular *frozen meat and frozen meat products,* from: MN, IA, SD, NE, KS, MO. To: Laredo, TX, El Paso, TX. Supporting shipper: International Meat & Food Products, Inc., P.O. Box 10762, El Paso TX 79997.

MC 155595 (Sub-5–11TA), filed June 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, Texas 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., Suite 1600, 10 South LaSalle Street, Chicago, Illinois 60603. *Such commodities as are dealt in or utilized by manufacturers of (1) heating and air conditioning systems; (2) seed, feed and feed ingredients; (3) chemicals; (4) petroleum and petroleum products; (5) agricultural machinery; (6) lawn and garden implements; (7) animal pharmaceuticals; and (8) sporting goods,* between points in Davidson, Marshall, Williamson, Madison, Cheatham, Wilson, Rutherford, Robertson, Sumner, Montgomery, and Dickson Counties, TN on the one hand, and, on the other, points in AL, AR, DE, DC, FL, GA, CT, 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, WV, and WI. Supporting shippers: (1) Tennessee Farmers Cooperative, 149 Old Murphreesboro Road, LaVergne, Tennessee. (2) Heil-Quaker Corporation, 635 Thompson Lane, Nashville, TN 37204.

MC 156256 (Sub-5–1TA), filed June 22, 1981. Applicant: MEMBAR INCORPORATED, 6070 Gateway East, Suite 404, El Paso, Texas 79905. Representative: Lloyd W. Harmon, 1340 N. Hampton Rd., Dallas, Texas 75208. Contract; irregular; *food and related products and restaurant supplies,* between points in the U.S. under continuing contract with Duff's Enterprises, Inc. Cincinnati, Ohio.

MC 156692 (Sub-5–1TA), filed June 22, 1981. Applicant: JACK GRIFFITH and M. H. JONES, d/b/a/ A&M DELIVERY, partnership, 9917A Carnegie, El Paso, TX 79925. Representative: Bruce J. Ponder, 521 Texas Avenue, El Paso, TX 79901. *General Commodities,* (except household goods, Class A and B explosives, those commodities which because of their size and weight require special equipment to haul, and hazardous wastes,) between pts. in TX and NM. Supporting shippers: Copy Machines, Inc., 2514 E. Yandell, EL Paso, TX 79903; Business Forms, Inc., 2514 E. Yandell, El Paso, TX 79903; Amway Corporation, 14700 E. 38th Avenue, Aurora, CO 80011.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19290 Filed 6–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. III]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 26, 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 21866 (Sub-196)X, filed June 18, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-No. 150 certificate to: (1) broaden the commodity description to "general commodities (except Classes A and B explosives)" from general commodities with exceptions; (2) authorize radial service in lieu of existing one-way authority between points in the United States and points in described portions of PA, those in NJ and New York, NY; and (3) eliminate the except AK and HI restrictions.

MC 37896 (Sub-47)X, filed June 16, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same as applicant). Applicant seeks to remove restrictions in its permits No. MC 144303 Sub-Nos. 8F, 12F, 15F, and 18F, to (1) broaden its commodity description from zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metallic cadmium, lead sheets, to "chemicals and related products, and metal products", in Sub-No. 8F part (1); from paints and caulking compounds to "chemicals and related products" in Sub-No. 15F, part (1); from electrical distribution transformers and parts, to "machinery", in Sub-No. 12F, part (1); from plastic products, to "rubber and plastic products, and materials, equipment and supplies used in the manufacture or distribution thereof", in Sub-No. 18F; (2) broaden its

territorial authority to between points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the commodities in bulk exception, in Sub-No. 15F.

MC 41098 (Sub-62)X, filed June 22, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 36 certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods, and furniture and fixtures."

MC 73134 (Sub-4)X, filed June 16, 1981. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Ave., St. Louis, MO 63103. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead certificate No. MC-73134 and in its Permits No. MC-143452 (Sub-Nos. 1F and 2F) to (A) in its lead certificate, broaden the commodity description by removing all exceptions other than classes A and B explosives from its general commodities authority, (B) in its permit Sub-No. 1F, (1) broaden the commodity description from copper, copper products, and insulated tubing to "ores and minerals, chemicals and related products, metal products, and waste or scrap materials not identified by industry producing," (2) remove the bulk exception, and (3) broaden the territorial description to between points in the U.S., under contract(s) with a named shipper, and (C) in its permit Sub-No. 2F, (1) broaden the commodity descriptions from non-alcoholic beverages, in containers, to "food and related products," and from materials and supplies used in the production and distribution of non-alcoholic beverages to "materials and supplies used in the production and distribution of food and related products," and (2) broaden the territorial description under each commodity description to between points in the U.S., under contract(s) with a named shipper.

MC 109847 (Sub-37)X, filed June 9, 1981. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee Street, Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 and MC-71459 Sub-No. 72 certificates to: (1) broaden its commodity descriptions (a) from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and MC-71459 Sub-No. 72 certificates; (b) cork rods in bulk to "lumber or wood products", in Sub-No. 9; (c) food and foodstuffs to "food and related products", in Sub-No. 11; (d) sulphur (except in bulk), empty sulphur containers, magnesia and whiting (except such commodities in bulk), empty magnesia and whiting containers, litharge (except in bulk), empty litharge containers to "chemicals and related products", in Sub-No. 16; (e) vegetable oil fibre, solid or liquid and lead oleate and leather dressings (except commodities in bulk), empty vegetable oil fibre, lead oleate and leather dressing containers to "food and related products and chemicals and related products", in Sub-No. 16; (f) wines and liquors (except in bulk) and empty containers therefor to "food and related products", in Sub-No. 16; (2) authorize service at all intermediate points in its regular routes and remove restrictions limiting such service to specified intermediate points in its lead and Sub-Nos. 3, 4, 5, 9, 16, 22, 24, 28 and MC-71459 Sub-No. 72; (3) change one way to radial authority in its lead and Sub-Nos. 4, 9, 11, 16, 21, 25, 31 and MC-71459 Sub-No. 72 (4) expand to countywide authority as follows: (a) in lead, sheet 7 change the off-route points from Angelica, Canisteo, Anmore, Tonawanda, and North Tonawanda, NY to Allegany, Stueben, Erie, and Niagara Counties, NY; in lead, sheet 9 change the off-route points from Parish, Fernwood, Lacona, Belleville, Ellisburg, Woodville, Smithville, Brownville, Odessa, and McGraw, NY and those in Dickinson and Fenton Townships, Broome County, NY to Oswego, Jefferson, Schuyler, Cortland and Broome Counties, NY; in lead, sheet 12 change the route from points within 5 miles of Buffalo, NY including Buffalo to Erie County; in Sub-No. 4, sheet 2 change off-route points from Shinglehouse, PA, Richburg, Obi and West Clarksville, NY to Potter County, PA and Allegany County, NY; in Sub-No. 4, sheet 3 change the off-route point from Duke Center, PA to McKean County, PA; in Sub-No. 4, sheet 3 change the off-route point from Duke Center, PA to McKean County, PA; in Sub-No. 4, sheet 3 change the off-route point of Naples, NY to Ontario County, NY; in Sub-No. 5, sheet 3 change off-route points of Clinton, Cahoes, Franklin Springs, Gloversville, Green Island, Johnstown, Manlius, March, Menands, New Hartford, New York Mills, Oneida, Oneonta, Solvay, Stittville, Troy, Warners, Washington Mills, Waterford, Watervliet, Willard, and Willowvale, NY, and Arlington, Barber, Bayway, Belleville, Bloomfield, Bogota, Butler, Carlton Hill, Carlstadt, Carteret, Clifton, Dunellen, East Orange, East Rutherford, Edgewater, Elizabethport, Englewood, Garfield, Garwood, Hackensack, Harrison, Hoboken, Irvington, Kearny, Lyndhurst, Maurer, New Market, North Bergen, Orange, Passaic, Paterson, Plainfield, Rahway, Ridgefield Park, Sewaren, Union City, Waverly, Weehawken, Westfield, West New York, and West Orange, NJ, Dolgeville, and Broadalbin, NY, and all off-route points within 25 miles of Newark, NY to Albany, Fulton, Herkimer, Madison, Oneida, Onondaga, Rennsselaer and Seneca Counties, NY and Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, NJ; in Sub-No. 5, sheet 3 change off-route points from Princeton, Beverly, and Camden, NJ to Mercer, Burlington and Camden Counties, NJ; in Sub-No. 5, sheet 4 change the irregular route points from Amsterdam, Broadalbin, Canajoharie, Gloversville, Johnstown, Dolgeville, Middleville, Mohawk, Newport, Northville, Fonda, Fort Plain, Frankfort, Fultonville, Cohoes, Schenectady, Herkimer, Ilion, Little Falls, Mayfield, and St. Johnsville, NY and points in NY within 15 miles of the points specified above, and, Wilmington, DE, to Montgomery, Fulton, Herkimer, Saratoga, Albany and Schenectady Counties, NY, and, New Castle County, DE; in Sub-No. 15 change the off-route points from Middleville and Newport, NY to Herkimer County, NY; in Sub-No. 16, sheet 2 change the off-route points from Yonkers, NY, Conshohocken, PA, and Bristol, Pawtucket, and Warren, RI to Westchester County, NY, Montgomery County, PA, and Bristol County, RI; in Sub-No. 16, sheet 2 change the off-route points from Yonkers, NY, Conshohocken, PA and Bristol, Pawtucket, and Warren, RI to Westchester County, NY, Montgomery County, PA, and Bristol County, RI; in Sub-No. 16, sheets 2 and 3 change the off-route points from Linden, Elizabeth, Newark, Jersey City, Perth Amboy, Bayonne, Carteret, North Bergen, Passaic, Paterson, and Hillside, NJ, East Port Chester, South Norwalk, New Canaan, West Haven, Danbury, Shelton, Hamden, Mr. Carmel, New Britain, Elmwood, and Ansonia, CT to Union, Middlesex, Essex, Hudson, Bergen, Passaic, and Camden Counties, NJ, Fairfield, New Haven, and Harford Counties, CT; in Sub-No. 16, sheet 3 change the off-route point of Amston, CT to Tolland County, CT; in Sub-No.

16, sheet 4 change Lansdowne, Allentown, and Bethleham, PA to Northampton, Lehigh, Bucks, Montgomery and Delaware Counties, PA; in Sub-No. 25, sheet 1 (irregular route) change Coraopolis, McKeesport, Neville Island and Pittsburgh, PA, and Auburn and Syracuse, NY, to Allegheny County, PA, Cayuga and Onondaga Counties, NY; in Sub-No. 25, sheet 2, change Pittsburgh, PA and points in PA within 15 miles of Pittsburgh, to points in Allegheny County, PA and points in PA within 15 miles of Pittsburgh, PA; in Sub-No. 25, sheet 2 change Chartiers Township, PA, to Allegheny County, PA, in Sub-No. 25, sheet 2 change Pittburgh, PA to Allegheny County, PA in Sub-No. 25, sheets 2 and 3 change Chartiers Township, PA, to Allegheny County, PA; change the off-route points from Canterbury, Wauregan, and Oneco, CT and Scituate and Thorton, RI to points in Windam County, CT, and Providence County, RI; in Sub-No. 31, sheet 2 change from Scranton, PA to Lackawanna County, PA; in MC–71459, Sub-No. 72, sheets 2 and 3 change the off-route points of North Chicago and Great Lakes to Lake County, IL; in MC–71459, Sub-No. 72, sheet 4 change the off-route points from Shirley, Townsend, Dunstable, and Sudbury, MA to Middlesex County, MA; in Sub-No. 29, sheet 2 change the off-route point of Amsterdam, NY to Montgomery County, NY; (5) remove (a) "(except commodities in bulk in tank vehicles) in vehicles equipped with mechanical refrigeration" in Sub-No. 11; (b) all "in bulk", and "tank vehicles" restrictions in Sub-No. 16; (c) "commodities in bulk" restrictions in Sub-No. 29; (6) remove specified service restrictions at named points and within defined areas; (a) remove limitation to traffic moving from or to Buffalo, NY and points beyond Buffalo, NY in Sub-No. 6; (b) remove "for joinder only" and limitation to traffic moving between New York, NY and points within 25 miles of Newark, NY on the one hand, and, on the other, Jamestown and Olean, NY, and points on carrier's authorized regular routes in Chautaugqua, Cattanauqua and Alleghany Counties, NY and Warren, McKean and Potter Counties, PA in Sub-No. 7; (c) remove "serving Binghamton, NY for purposes of joinder only" in Sub-No. 10; (d) remove restriction against service to or from Eastman Kodak facilities or its affiliates between Philadelphia, PA, on the one hand, and, on the other, points in that part of Camden County, NJ, on, north and west of U.S. Highway 130 in Sub-No. 16; (e) remove the restriction to traffic moving over Boss-Linco's routes to and from points in the Philadelphia, PA Commercial Zone in Sub-No. 19; (f) remove "for purposes of joinder only" from route descriptions 3 and 8 and remove the condition requiring the insertion of a restriction providing that the carrier shall not, pursuant to the irregular route authority contained in those certificates, serve any points authorized to be served by irregular route authority via regular route authority in Sub-No. 24; (g) remove "for purposes of joinder only" in the Sub-No. 28; (h) remove the restriction to transportation of shipments moving by joinder with carrier's otherwise authorized rights in Rt. 291 of MC–71459 (Sub-No. 72); (7) remove plant site restrictions: (a) remove the restriction to transportation of traffic originating at named origin points and destined to named destination points in Sub-No. 11; (b) remove the restriction to the facilities of Sears & Roebuck Co. in the Sub-No. 25.

Note:—Applicant's authority to tack will be governed by 49 CFR 1042. 10(b).

MC 118811 (Sub-19)X, filed May 4, 1981, previously noted in the **Federal Register** of May 22, 1981, republished as corrected this issue. Applicant: LAWRENCE MCKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 13F and 15F certificates to (1) broaden the commodity descriptions in the lead from lumber to "lumber and wood products"; in Sub-No. 3 from lumber to "lumber and wood products"; in Sub-No. 13F from scrap metal to "metal products"; and in Sub-No. 15F from lard cans, shower stalls, furnaces and stoves, and parts, accessories and supplies to "building materials and metal products"; (2) authorize radial service between specified points mainly in the eastern and central portions of the U.S.; (3) remove facilities limitations in Sub-No. 3, and 15F; (4) replace city-wide authority with county-wide authority as follows: Winchester with Clark County, KY in Sub-No. 3; Lexington with Fayette County, KY in Sub-No. 13F; and Louisville with Jefferson County, KY in Sub-No. 15F; and (5) delete the exception of (a) Erie, Jamestown, Lawrence Park, North East and Wesleyville, PA, (b) the following OH cities or points; Delaware, Hamilton, Lebanon, Lodi, Hansfield, Massillon, Middletown, Washington Court House, Wright-Patterson Field, and Xenia and (c) the prohibition against service to points in TN on U.S. Highway 27 and U.S. Highway 25-W from Jellico to Knoxville and U.S. Highway 11 from Knoxville to Chattanooga in Sub-No. 3. The purpose of this republication is to indicate that applicant seeks to delete the exceptions in 5(c).

MC 148036 (Sub-3)X, filed June 16, 1981. Applicant: RED WING TRANSPORTATION CORPORATION, 3154 North Service Drive, Red Wing, MN 55066. Representative: Robert L. Cope, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions from its Sub-No. 2F certificate and its No. MC–129166 and Sub-Nos. 2F, 3F, and 4F permits to: (1) in its certificate broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; and (2) replace facilities limitations at specified cities with county-wide authority as follows: (a) Minneapolis, MN, with Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN; (b) Denver, CO, with Adams, Arapahoe, Denver, Douglas, and Jefferson Counties, CO; (c) Atlanta, GA, with Clayton, Cobb, DeKalb and Fulton Counties, GA, (d) Detroit, MI, with Macomb, Monroe, Oakland, Washtenaw and Wayne Counties, MI, (e) Dallas, TX, with Collin, Dallas, Denton, Ellis, Kaufman, Rockwall and Tarrant Counties, TX, and (f) Houston, TX, with Brazoria, Chambers, Fort Bend, Harris, Montgomery and Waller Counties, TX. In its Sub-No. 4F permit broaden the commodity description general commodities (except household goods as defined by the Commission and classes A and B explosives), to "general commodities (except classes A and B explosives)" and broaden the territorial description in its lead and Sub-Nos. 2F, to between points in the U.S. under continuing contract(s) with named shippers. In its Sub-No. 3F permit broaden the commodity description from (1) meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) foodstuffs; and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) and (2) alone, to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products".

MC 149408 (Sub-1)X, filed June 12, 1981. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801.

Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions in its lead No. MC-129328 and Sub-Nos. 1, 2, 4, 5, 6, 7, 8, 10F, 11F, 12F, 14F, 16F and 17F permits to (1) broaden the commodity descriptions to "clay, concrete, glass or stone products, containers and related materials, equipment and supplies" from glassware (other than cut glassware), wooden containers, wooden pallets, and corrugated paper boxes, closures and materials equipment and supplies used in the manufacture, sale and distribution of glassware and closures, in the lead and Sub-Nos. 1, 2, 5, 7, 10F and 16F; to "pulp, paper and paper products and related materials, equipment and supplies" from paper, paper products and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products, in Sub-Nos. 4, 6, 8, 12F and 17F, and to "food and related products and related materials, equipment and supplies" from fruit juice, foodstuffs, non-alchoholic beverages and materials, equipment and supplies used in the manufacture, sale, and distribution of foodstuffs and non-alcoholic beverages, in Sub-Nos. 11F and 14F, (2) remove the "in bulk" restrictions, in Sub-Nos. 6, 7, 8, 10F, 11F, 12F, 14F, 16F and 17F, (3) remove the "except frozen" restriction, in Sub-Nos. 11F and 14F and (4) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-19362 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-5-90]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 24, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

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."

Please direct all telephone status inquiries to the Ombudsman Office on 202-275-7440.

MC 848 (Sub-1), filed June 8, 1981. Applicant: H. A. NEVLIN MOVING & TRANSFER CO., 1022 East Broadway, Alton, IL 62002. Representative: Harry A. Nevlin, Jr. (same address as applicant), (618) 462-0653. Transporting (1) *containers*, (2) *pulp, paper, and related products*, and (3) *household goods and furniture*, between points in IL, WI, MI, IN, OH, KY, TN, AR, OK, MO, and LA.

MC 2368 (Sub-105), filed June 9, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-8565. Transporting *commodities in bulk*, between points in the U.S.

MC 2428 (Sub-39), filed June 8, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *such commodities* as are dealt in or used by manufacturers of copper products, between points in the U.S., under continuing contract(s) with Ullrich Copper, Incorporated, of Kenilworth, NJ.

MC 31879 (Sub-44), filed June 8, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *Pulp, paper and related products*, between points in Madison County, IL, and Louisville, KY.

MC 52979 (Sub-27), filed June 8, 1981. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting (1)(a) *machinery* and (b) *such commodities* as are dealt in or used by manufacturers of buildings, between the facilities of Butler Manufacturing Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., and (2)(a) *metal products* and (b) *machinery*, between points in Pocahontas County, IA, on the one hand, and, on the other, points in the U.S.

MC 57778 (Sub-39), filed June 9, 1981. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave,, Detroit, MI 48209. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616) 941-5313. Transporting *such*

commodities as are dealt in or used by manufacturers and distributors of drugs, hospital supplies, health care products, beauty aid products and pet care products, between Detroit, MI, on the one hand, and, on the other, points in Lucas, Fulton, Ottawa and Wood Counties, OH, and MI.

MC 119099 (Sub-40), filed June 8, 1981. Applicant: BJORKLUND TRUCKING, INC., First Avenue N.E. and 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402, (612) 333–1341. Transporting *metal products*, between points in WI, IL, IN, OH, PA, NJ, MI, IA, TX, SC, TN, GA, ND, SD, MO, and NE, on the one hand, and, on the other, Minneapolis, MN.

MC 121489 (Sub-25), filed June 3, 1981. This application was published in the **Federal Register** initially on June 16, 1981. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612–227–7731. Transporting *food and related products*, between those points in the U.S. in and west of MI, IN, IL, MO, AR, and TX.

Note—This application is republished to show the correct territorial authority requested.

MC 124198 (Sub-2), filed May 4, 1981. Applicant: B & F TOWING & SALVAGE CO., INC., 449 Airport Rd., New Castle, DE 19270. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036, (202) 862–2038. Transporting *wrecked or disabled motor vehicles* and *replacement vehicles* for wrecked or disabled vehicles, by use of wrecker equipment only, between points in AL, CT, DE, FL, GA, IL, IN, KY, MA, ME, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 127019 (Sub-17), filed June 8, 1981. Applicant: LA RUE LAMB TRUCKING, INC., P.O. Box 374, Myton, UT 94052. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Halliburton Services, a Division of Halliburton Company, of Duncan, OK.

MC 133178 (Sub-5), filed June 9, 1981. Applicant: PAPER CARGO CORPORATION, P.O. Box 13, Grandville, MI 49418. Representative: Gregory G. Prasher, 700 Commerce Building, Grand Rapids, MI 49503, 616–459–9487. Transporting (1)(a) *pulp, paper and related products*, (b) *rubber and plastic products*, and (c) *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA, and its subsidiaries (a) James River Paper Co., Papermaking Division, of Richmond, VA; (b) James River Paper Co., Converting Division, of Richmond, VA; (c) James River-Pepperell, Inc., of East Pepperell, MA; (d) James River-Fitchburg, Inc., and James River-Massachusetts, Inc., both of Fitchburg, MA; (e) Curtis Paper Division Newark, Delaware Mill, of Newark, DE; (f) Curtis Paper Division of Ypsilanti, Michigan Mill, of Ypsilanti, MI; (g) James River-Rochester, Inc., Rochester Division, of Rochester, MI; (h) James River-Rochester, Inc., Adams Division, of Adams, MA; (i) Riegel Products Corporation, of Milford, NJ; (j) James River-Otis, Inc., of Jay, ME; (k) James River Graphics, Inc., of South Hadley, MA; (l) James River Corporation, of Kalamazoo, MI; (m) James River Corporation Berlin-Gorham Group, of Berlin, NH; (n) James River Corporation Patapar Division, of Bristol (Edgely), PA; (o) Superior Match Co., Div., of James River Corporation, of Chicago, IL; and (p) James River-Gilco, Inc., of Perrysberg, OH; and (2) *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Louis Padnos Iron & Metal Co., of Holland, MI and National Fibre Supply Company, of Chicago, IL.

MC 134838 (Sub-30), filed June 9, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S. Wallace (same address as applicant), (404) 794–2401. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of precast concrete products and electrical and telephonic relay equipment, between the facilities of Southeast Precast Concrete Products, Inc., at Tucker, GA, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 135068 (Sub-2), filed June 1, 1981. Applicant: PAULK'S MOVING & STORAGE, INC., 724 North Kraft Avenue, Panama City, FL 32401. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Washington, DC 20036, 202–785–0024. Transporting *household goods*, as defined by the Commission, (1) between points in FL and GA on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, MD, DE, NC, SC, GA, FL, AL, MS, LA, TX, AR, OK, TN, NM, KS, CO, and DC, and (2) between points in CT, NY, NJ, and PA, on the one hand, and, on the other, points in VA, NC, SC, TN, NM, KS, AL, MS, LA, AR, TX, OK, and TN.

MC 136899 (Sub-56), filed June 8, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *machinery*, between the facilities of Control Data Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139018 (Sub-2), filed June 11, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Road, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Cascade Asphalt Sealing Co., of Tacoma, WA.

MC 142368 (Sub-35), filed June 3, 1981. Applicant: DANNY HERMAN TRUCKING, INC., P.O. Box 3048, Pomona, CA 91766. Representative: John Ruggles (same address as applicant), (800) 251–7500. Transporting *such commodities* as are dealt in or used by (a) precious metal reclaiming or processing companies and (b) scrap film processing or salvaging companies, between point in the U.S.

MC 145468 (Sub-47), filed June 8, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and related products*, between points in IA, KS, NE, MO, SD, MN, WI, OH, and IL, on the one hand, and, on the other, points in the U.S.

MC 145559 (Sub-11), filed June 4, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tires, between points in the U.S., under continuing contract(s) with The Firestone Tire and Rubber Co.

MC 146689 (Sub-10), filed June 10, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717–236–9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, Housewares & Audio Business Division, of Bridgeport, CT.

MC 147259 (Sub-16), filed June 8, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 Van Dam Road, South Holland, IL 60473, (312) 596–9200. Transporting *transportation equipment* between points in AL, AR, CA, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI, on the one hand, and, on the other, points in AL, AR, CA, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI.

MC 147528 (Sub-6), filed June 4, 1981. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701 (208) 343–5454. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (a) Idaho Timber Corporation, The Masonry Center, Inc., Terry Kirby d/b/a/ Craft Stoves, and Pressure Treated Timber Company, all of Boise, ID, (b) Aluma-Glass Industries, Inc., of Nampa, ID, and (c) Inland Glass Company, of Pasco, WA.

MC 150239 (Sub-6), filed June 10, 1981. Applicant: PACESETTER TRANSPORT DIVISION, EDGEMERE TERMINALS, INC., 8004 Stansbury Rd., Baltimore, Md 21222. Representative: Chester A Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005, 202–296–3555. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151049 (Sub-1), filed June 8, 1981. Applicant: ED WIERSMA TRUCKING, 239 Holborn Drive, Kitchener, Ontario, Canada, N2A 2W4. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167 (313) 349–3980. In foreign commerce only, transporting *lumber and wood products*, between ports of entry on the international boundary line between the United States and Canada in MI and NY, on the one hand, and, on the other, points in the U.S.

MC 151409 (Sub-1), filed June 4, 1981. Applicant: ROBERT BALO TRUCKING, Savageton Rt. S245, Gillette, WY 82716. Representative: Robert Balo (same address as applicant) (307) 686–3723. Transporting (1) *machinery*, between points in WY, MT, CO, SD, UT, ID, NE, and ND, (2)(a) *petrolem, natural gas and their products*, and (b) *chemicals and related products*, between Kansas City, KS, and points in WY, MT, CO, SD, NE, and UT, and (3) *compost*, between points in Eaton and Campbell Counties, WY, on the one hand, and, on the other, points in CO, WY, MT, and SD.

MC 153328 (Sub-7), filed June 11, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: G. H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701 (314) 335–6636. Transporting *transportation equipment*, between points in Stoddard County, MO, Fayette County, AL, Drew County, AR, and Bartholomew, Jennings, Johnson and Marion Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 156258, filed June 1, 1981. Applicant: TRAILS END TRUCKING, INC., Route 1, Box 9C, Orting, WA 98360. Representative: Jack R. Davis, 1100 IBM Bldg. Seattle, WA 98101, (206) 624–7373. Transporting (1) *such commodities* as are dealt in or used by manufacturers, distributors, and suppliers of clothing, between points in WA and UT, on the one hand, and, on the other, points in WA, OR, CA, UT, CO, MN, OH, IL, PA, NY, MA, NJ, RI, CT, and Teton County, WY, (2) *such commodities* as are dealt in or used by manufacturers, distributors, and suppliers of ceramic tile, between points in Spokane County, WA, on the one hand, and, on the other, Portland, OR, points in King County, WA, and points in CA, and (3) *food and related products*, between points in King and Pierce Counties, WA, on the one hand, and, on the other, Denver, CO Milwaukee, WI, and Los Angeles, CA.

MC 156408, filed June 8, 1981. Applicant: SOUTHWEST CANNERS, INC., P.O. Box 862, Portales, NM 88130. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting (1) *metal products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in NM and TX, (2) *clay, concrete, glass or stone products*, between points in Okmulgee County, OK, on the one hand, and, on the other, points in NM and TX, and (3) *such commodities* as are dealt in or used by manufacturers and distributors of soft drinks, (a) between points in TX, on the one hand, and, on the other, points in Laramie and Albany Counties, WY, and (b) points in Taylor County, TX, on the one hand, and, on the other, points in CO, NM, and OK.

MC 156478, filed June 8, 1981. Applicant: WILLIS J. OLSON, d.b.a., TRIPLE OH TRANSPORTATION, 8162 San Pablo Dr., Buena Park, CA 90620. Representative: Milton W. Flack, 8363 Wilshire Blvd., Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *rubber and plastic products*, (2) *transportation equipment*, (3) *water flotation devices*, and (4) *sporting and athletic goods*, between points in the U.S., under continuing contract(s) with Foam Molders & Specialties, of Cerritos, CA, and (5) *such commodities* as are dealt in by manufacturers and distributors of water flotation devices and plastic products, between points in the U.S., under continuing contract(s) with Environmental Plastics & Engineering Co., of Dana Point, CA.

[FR Doc. 81-19363 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-187]

Motor Carriers Permanent Authority Decisions; Decision-Notice

Decided: June 24, 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 fine, 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 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 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.

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".

Agatha L. Mergenovich,

Secretary.

MC 156541, filed June 8, 1981. Applicant: GERALD W. REN, d.b.a. G.W. TRUCKING, RD 1, Box 123, Pine Island, NY 10969. Representative: John P. Healy (same address as applicant), (914) 726–4120. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156601, filed June 10, 1981. Applicant: FORT PITT CONSOLIDATORS INC., 1601 Penn Ave., P.O. Box 86018, Pittsburgh, PA 15221. Representative: Maury S. Sheer (same address as applicant), (412) 731–7200. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–19361 Filed 6–30–81; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

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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.

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". Any status inquiries should be directed to 202–275–7326.

Volume No. OPY–2–111.

Decided: June 23, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC–3252 (Sub-118), filed June 12, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617–749–6500. Transporting *commodities in bulk*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, KY, and PA.

MC 38403 (Sub-5), filed June 12, 1981. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court Industrial Dr., Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 S. LaSalle St., Chicago, IL 60603, (312) 263–1600. Transporting *food and related products*, between St. Louis, MO, and points in Washington, Marion, and Crawford Counties, IL, on the one hand, and, on the other, points in MO, IA, IN, WI, KS, and OH.

MC 120633 (Sub-6), filed June 12, 1981. Applicant: SPECIALIZED CARRIERS, INC., d.b.a. LE-BUR TRANSPORTATION CO., 16223 I–10 East, Houston, TX 77013. Representative: Joe G. Finder, 9601 Katy Freeway, Suite 320, Houston, TX 77024, 713–827–1407. Transporting (1) *Mercer commodities*, (2) *metal products*, and (3) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in TX. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–120633 Sub 1.

MC 124212 (Sub-114), filed June 16, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O.

Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 888–6500. Transporting *lumber and wood products,* between points in VA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, WV, and DC.

MC 144572 (Sub-55), filed June 16, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St. Ste. 2600, Denver, CO 80202, 303–892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Land O'Lakes, Inc., of Spencer, IA.

MC 145362 (Sub-3), filed June 12, 1981. Applicant: NORTHEAST PRODUCE TRANSPORT, INC., 135 Skyline Drive, Ringwood, NJ 07456. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, 914–835–4411. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 147402 (Sub-7), filed June 16, 1981. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Piedmont Mop Company, of Charlotte, NC.

MC 148423 (Sub-15), filed June 12, 1981. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153273 (Sub-2F), filed June 11, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine St., Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *food and related products,* between points in the U.S., under continuing contracts) with Gordon Food Services, Inc., of Grand Rapids, MI.

Volume No. OPY–4–216

Decided: June 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156497, filed June 12, 1981. Applicant: AAA GEORGIA MOTOR CLUB d.b.a. AAA WORLD WIDE TRAVEL AGENCY, 1100 Spring St., N.W., Atlanta, GA 30367. Representative: John L. Girard (same address as applicant), (404) 875–7171. As a broker, at Atlanta, GA, to arrange for the transportation by motor vehicles, *of passengers and their baggage,* in special or charter operations, beginning and ending at Atlanta, GA, and extending to points in the U.S. including AK and HI.

MC 156527, filed June 8, 1981. Applicant: A. B. TRANSFER, INC., 17031 Green Dr., City of Industry, CA 91745. Representative: Armando M. Bernai (same address as applicant), (213) 912–6921. Transporting *furniture and furniture parts,* between points in AZ, CA, NV, OR and WA.

MC 156537, filed June 11, 1981. Applicant: CARBEC, INC., 108 Montcalm, N., Candiac, Quebec, Canada. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives), between points in NY, VT, NJ, PA, MD, DE and CT.

Volume No. OPY–4–218

Decided: June 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 109887 (Sub-2), filed June 16, 1981. Applicant: WEST END MOVING & STORAGE, INC., 241 Pine St., Bridgeport, Ct 06605. Representative: James C. Hardman, 33 N. LaSalle, St., Chicago, IL 60602, (313) 236–5944. Transporting *Household goods* and *furniture and fixtures,* between points in the U.S.

MC 134637 (Sub-7), filed May 27, 1981, and previously noticed in the **Federal Register** issue of June 11, 1981, and republished this issue. Applicant: SILICA TRANSPORT, INC., West Market St., P.O. Box 232, Guion, AR 72540. Representative: Kay L. Matthews, 401 Kane Bldg., Little Rock, AR 72201, (501) 376–8363. Transporting *commodities in bulk and in bags,* (1) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and WY, and (2) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and, WY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

MC 142757 (Sub-9), filed June 11, 1981. Applicant: ROBERTSON TRUCKING, INC., Drawer 100, 305 Grant St., Elkhart, KS 67950. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *Chemicals and related products,* between points in KS, OK, TX, NM, CO, and NE.

MC 145747 (Sub-9), filed June 16, 1981. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., Dearborn, MI 48120. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *commodities in bulk,* between points in Mason County, WV, on the one hand, and, on the other, points in IN, KY, MO, OH, and PA.

MC 147117 (Sub-3), filed June 16, 1981. Applicant: W. B. CUDDEBACK, 12024 Woodside Ave., Lakeside, CA 92040. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *general commodities,* (except Classes A and B explosives) between points in the U.S. under continuing contract(s) with U.S. Elevator Corp., of Spring Valley, CA.

MC 147607 (Sub-4), filed June 16, 1981. Applicant: OFFUTT TRUCKING CO., Box 126, Glyndon, MN 56547. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Ronald Offutt and Son, Inc., and Taggares Enterprises, Inc., d.b.a Chef Reddy Foods, MN, both of Park Rapids, MN.

MC 151107, filed June 16, 1981. Applicant: MICHAEL ARTON TRANSPORTERS, INC., 1113 Clay, Scott, LA 70583. Representative: Robert L. Boese, P.O. Drawer 2879, Lafayette, LA 70502, (318) 233–6200. Transporting *passengers and their baggage,* between points in LA, on the one hand, and, on the other, points in MS and TX.

MC 152007 filed June 9, 1981. Applicant: JEROME WEISS, d.b.a. WOLVERINE REFRIGERATED TRUCKING SERVICE, 1055 E. Flamingo, Suite 614, Las Vegas, NV 89109. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5649. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in NV.

MC 152427, filed June 16, 1981. Applicant: NASHVILLE & ASHLAND CITY TRUCK LINE, INC., 2400 Heiman St., Nashville, TN 37208. Representative: William Prentice Cooper, 18th Floor, Third National Bank Bldg., Nashville, TN 37219, (615) 244–140. Transporting *general commodities* (except classes A and B explosives), between Memphis, TN, on the one hand, and, on the other, those points in MS on and north of U.S. Hwy 80, those in MO on, south, and east of a line beginning at the IL–MO State line and extending along MO Hwy 72 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO–AR State line, and points in AR, KY, TN, AL, and GA.

MC 154667 (Sub-2), filed June 16, 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 *transportation equipment*, between points in the U.S., under continuing contract(s) with GKN Automotive Components, Inc., of Southfield, MI.

MC 154867 (Sub-3), filed June 16, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between Waupun, WI, on the one hand, and, on the other, points in the U.S.

MC 155997 (Sub-1), filed June 11, 1981. Applicant: C & W FREIGHT SERVICES, INC., P.O. Box 311, Park Ridge, NJ 07656. Representative: Anthony T. Csaszar (same address as applicant), (201) 391–4588. Transporting (1) *food and related products*, (2) *rubber and plastic products*, (3) *metal products*, and (4) *machinery*, between points in ME, NH, VT, RI, MA, CT, NY, NJ, MD, DE, and VA.

MC 156347, filed June 16, 1981. Applicant: TOOTSIE ROLL EXPRESS, INC., 7401 South Cicero Ave., Chicago, IL 60629. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tootsie Roll Industries, Inc., of Chicago, IL.

MC 156487, filed June 8, 1981. Applicant: RAY RODRIGUES d.b.a. RAY'S TRUCKING, 4578 Mayfield Ct., Fremont, CA 94536. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting (1) *a salt and salt products*, (b) *salt-based mineral products*, (c) *electrical equipment*, and (d) *machinery*, between points in CA, WA, OR, NV, UT and AZ, and (2) *a forest products*, and (b) *lumber and wood products*, between points in WA, OR and CA.

MC 156517, filed June 11, 1981. Applicant: GILLIAM TRUCKING, INC., 20299 Valley Blvd., P.O. Box 1005, Colton, CA 92324. Representative: William Gilliam (same address as applicant), (714) 877–5591. Transporting *such commodities* as are manufactured and distributed in the music industry, between points in CA, AZ, IN, IL, NJ, NY, OH, PA, MN, VA, GA, and TX.

MC 156557, filed June 16, 1981. Applicant: CHEROKEE WAREHOUSE, INC., d.b.a. CHEROKEE TRUCKING, 520 W. 31st St., Chattanooga, TN 37410. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3620 Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, KY, MS, NC, SC, TN and VA.

MC 156567, filed June 17, 1981. Applicant: WILLIAM M. DOI, d.b.a. INTERNATIONAL FREIGHT SERVICE CO., 1586 Trumbower St., Monterey Park, CA 91754. Representative: William M. Doi (same address as applicant), (213) 572–9113. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156587, filed June 16, 1981. Applicant: JACK C. ANDERSON, 19415 94th St. East, Sumner, WA 98390. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *mobile and modular homes*, between points in WA, OR, and ID.

MC 156597, filed June 17, 1981. Applicant: LAKESIDE TRAVEL, INC., 113 Lake St., White Plains, NY 10604. Representative: Ronald Bianchi, 281 Halsted Ave., Harrison, NY 10528, (914) 835–1008. To engage in operations, in interstate or foreign commerce as a *broker*, at White Plains, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between New York, NY, and points in Westchester, Rockland and Nassau Counties, NY, Fairfield County, CT, and those in Bergen, Passaic, Morris, Essex, Hudson and Union Counties, NJ, on the one hand, and, on the other, points in the U.S., including AK and HI.

FR Doc. 81–19286 Filed 6–30–81; 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 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 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 is 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. 2, Members Carleton, Fisher, and Williams. (Williams not participating.)

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".

Volume No. OPY–4–219.

Decided: June 25, 1981.

MC 156577, filed June 16, 1981. Applicant: R.L.N. TRAFFIC UNLIMITED, INC., 1018 W. Polk St., Chicago, IL 60607. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603, (312) 263–2397. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–217

Decided: June 24, 1981.

MC 156477, filed June 11, 1981. Applicant: TRANS-CONSOLIDATED, INC., 240 Chester St., St. Paul, MN 55107. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927–8855. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–19288 Filed 6–30–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–87]

Certain Coin-Operated Audio-Visual Games and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On June 25, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. The Commission ordered that certain coin-operated audio-visual games, kits and components thereof which infringe complainants copyright or common-law trademark or bear false designation of origin be excluded from entry into the United States.

SUPPLEMENTRY INFORMATION: The Commission instituted this investigation and published notice thereof in the **Federal Register** of June 25, 1981 (45 FR 124) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale thereof of certain coin-operated audio-visual games, kits and components thereof.

On June 9, 1981, at a public meeting, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain coin-operated audio-visual games, kits and components thereof which infringe complainant's copyrights or common-law trademark, or bear false designation of origin. The Commission determined that the appropriate remedy is an order directing that the articles in question be excluded from entry into the United States.

Copies of the Commission's Action and Order, the Commission Opinion, and any other public documents on the record in this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0148.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–19243 Filed 6–30–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–105]

Certain Coin-Operated Audiovisual Games and Components Thereof (viz Rally-X and Pac Man); Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 17, 1981, supplemented by submissions filed on April 30, 1981, May 7, 1981, June 15, 1981, and June 17, 1981 under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Midway Mfg., Co., 10750 W. Grand Avenue, Franklin Park, Illinois 60131. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain coin-operated audiovisual games and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademarks PAC MAN and RALLY-X, and (2) infringement of complainant's copyrights covering the audiovisual works for the PAC MAN and RALLY-X games. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigation, the Commission issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order; and, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and § 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the Investigation

Having considered the complaint, the U.S. International Trade Commission, on June 23, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain coin-operated audiovisual games and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademarks PAC MAN and RALLY-X and (2) infringement of complainant's copyrights covering the audiovisual works for the PAC MAN and RALLY-X games, the effect or tendency of which is to destroy or substantially injury an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which

this notice of investigation shall be served:

(a) The complainant is—Midway Mfg. Co., 10750 W.Grand Avenue, Franklin Park, Ill. 60131.

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Kyugo Company, Ltd., 2–6–14 Higashiyama, Maguro-Ku, Tokyo, Japan
Ohtsu International, Inc., Tochi Bldg., 50–13, Higashi-Ikebukuro 2-Chome, Toshima-Ku, Tokyo 170, Japan
Nippon Semicon, Inc., Casa Nishi-Shinjuku Bldg., 15–4, 6-Chome Nishi-Shinjuku, Shinjuku-Ku, Tokyo, Japan
ATA Electronic, Ltd., 4th Floor, No. 14, 6th Bldg., West 3 Street N.E.P.Z., Kaohsiung, Taiwan
Friend Spring Industrial Co., Ltd., No 323, Son San Road, Taipei, Taiwan
Carlin Tiger Shokai, Ltd., Room 505, Mita Keio Busidence Bldg., 2–14–4, Mita, Minato-Ku, Tokyo, Japan
Karateco, 211, Villa Akasaka, 6-Chome, 10–45, Akasaka Minato-Ku, Tokyo 107, Japan
Seagull Industries Co., Ltd., Room 705, Kyuwa Mita, Disidence No. 2–1 Mita, 3-Chome, Minato-Ku, Tokyo, Japan
Formosa Products Industrial Corp., 58, Li Ming Road, San Ming Dist., Kaohsiung, Taiwan
Sp-World-Amusement Co., Ltd., Shimada Bldg., 26–1, Higashi, Nigiwai-cho, Minami-ku, Osaka, Japan
Eastern Distributing Co., P.O. Box 709, Clemmons, N.C. 27012
Shoei, Co., Ltd., 3–9 Tenjincho 4-Chome, Fuchu-Shi, Tokyo, Japan
Morrison Enterprises Corp., 143 Kung Kuan Road, Taichung, Taiwan 400
International Scientific Co., Ltd., 3–4–10 Koyasu-Cho, Hachioji City, Tokyo, Japan
Stan Rousso, Inc., 2277 W. Pico Boulevard, Los Angeles, Calif. 90006
Sepac Co., Ltd., Mauruyo No. 201, 3103 Sumiyoshico, Nakaku, Yokohama, Japan
Jay's Industries, 1201 Lakewood Road, Toms River, N.J. 08753
Sutra Import Corp., 485 Brown Court, Oceanside, N.Y. 11572
Mike Munves Corp., 30 Horton Avenue, New Rochelle, N.Y. 10801
Artic International, Inc., 550 Route 22, Bridgewater, N.J. 08807
Loson Electrical Co., No. 1 Alley, 21 Lane 24, Section 5, Yen-Ping North R., Taipei, Taiwan
Taito Hawaii Corp., Suite 501, 2155 Kalakaua, Honolulu, Hawaii 96815
Taito of Japan, 2–5–3 Hirakawa-cho, Chiyoda-Ku, Tokyo, Japan
David Kamen, d.b.a. K&K Games, 417 North Lincoln Street, Bloomington, Ind. 47401
Eiko Kogyo Co., Ltd., Tomoeya Bldg., No. 22 Kanda, Tomiyamo-cho, Chiyoda-Ku, Tokyo, Japan
Fernandez-Fun Factory, 91–246 Oihana, Ewa Beach, Hawaii 96706
K&K Industrial Services, 1314 S. King Street, Honolulu, Hawaii 96814
Jabras Trade Co., Ltd., P.O. Box 160, Shinjuku, Matsui Bldg., 32–10, 3-Chome, Shinjuku-Ku, Tokyo, Japan
Noma Enterprises, Room 902, 14–5 Mita 2-Chome, Minato-Ku, Tokyo, Japan
Omni Video Games, Inc., 66 Illinois Avenue, Warwick, R.I. 02888
Chens International, Inc., 39–R Thompson Street, Winchester, Mass. 01890
Ferncrest Distributors, Inc., 66 Illinois Avenue, Warwick, R.I. 02888
Bernard Shapiro, d.b.a. Bernie's Specialty, 1003 East Camelback, Phoenix, Az. 85014
Sutra West, 12437 East Putnam, Whittier, Calif. 90602
Penn Regal Vending Co., 304 Camer Drive, Cornwells Heights, Pa. 19020

(c) Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1273.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–19246 Filed 6–30–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–82A]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Investigation, Scope and Procedures for Conduct of Investigation, Schedule for Filing Written Submissions on Relief, Bonding, and the Public Interest, and requesting a Public Hearing

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337; request for written submissions regarding relief, bonding, and the public interest.

SUMMARY: On March 23, 1981, the Commission determined by a 3-to-1 vote (Commissioner Stern dissenting) that there is a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain multi-ply headboxers and papermaking machine forming sections for the continuous production of paper and components thereof which infringe and contribute to or induce the infringement of claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, and 6 of U.S. Letters Patent 3,923,593, the tendency of which is to substantially injure a domestic industry efficiently and economically operated in the United States. Having also determined that the statutory public-interest considerations did not preclude relief and that an exclusion order was the appropriate remedy, the Commission subsequently issued an order barring the subject merchandise from entry into the United States for the remaining term of the patents, except under license, but permitting the excluded articles to enter under a 100 percent *ad valorem* bond until such time as the President approved or disapproved the Commission's action. (46 FR 22083; see

also USITC Publication 1138 (April 1981).)[1]

On June 8, 1981, the President disapproved the Commission's determination for policy reasons relating to the scope of the exclusion order and its potential adverse impact. Although the President disapproved the Commission's determination, he pointed out that such disapproval did not mean that the patent holder was not entitled to relief, and that an exclusion order directed only to the products of the respondents or a narrowly drawn cease and desist order would have been justifiable and appropriate in light of the facts and circumstances in this case. Lacking the authority to revise the Commission's remedy, the President urged the Commission to take such action expeditiously on its own initiative. (See 46 FR 32361.)

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.10(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.10(b)).

Scope of the Investigation

As a result of the President's disapproval of the Commission's determination in the matter of certain headboxes and papermaking machine forming sections for the continuous production of paper, and the components thereof, investigation No. 337–TA–82, and on the basis of the recommendation contained in the statement of disapproval, on June 23, 1981, the U.S. International Trade Commission ordered (Commissioner Stern dissenting) that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of subsection (a) of this section in the unauthorized importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in their sale, because (1) such headboxes and papermaking machine forming sections are allegedly covered by claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269, claims 4, 5, and 6 of U.S. Letters Patent No. 3,923,593, and (2) such components allegedly contribute to and induce infringement of the aforementioned claims of the patents, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Beloit Corporation, 1 St. Lawrence Avenue, Beloit, Wis. 53511.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the notice of investigation is to be served:

Aktiebolaget Karlstads, Mekaniska Werkstad, Fack S–651 01, Karlstad Sweden

KMW Johnson, Inc., 5821 Park Road, Charlotte, N.C. 28209

(c) Louis S. Mastriani, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 132, Washington, D.C. 20436, shall be the Commission Investigative Attorney, and a party to this investigation.

SUPPLEMENTARY INFORMATION: (1) The new investigation encompasses the same issues, parties, and subject matter as investigation No. 337–TA–82, except that—

(a) In the absence of new allegations of section 337 violations, or new evidence regarding the allegations which were the basis of investigation No. 337–TA–82, the new inquiry shall be limited to the issues of the appropriate remedy, the public interest, and the value of the bond, if any, which should be imposed during the 60-day period for review by the President,

(b) Scott Paper Co., a nominal participant and respondent in investigation No. 337–TA–82, has not been named as a party to the new investigation, and

(c) The only respondents are the KMW companies listed above.

(2) The evidence and information concerning the elements of a section 337 violation, (i.e., the unfair trade practices and unfair methods of competition alleged, the domestic industry affected, the efficiency and economy of its operations, and the effect or tendency of the unfair acts and methods to destroy or substantially injure the domestic industry) which are on the record developed during the course of investigation No. 337–TA–82, shall be incorporated into the record developed in this new proceeding by reference.

(3) No issue concerning the violation of section 337 which was previously addressed in connection with investigation No. 337–TA–82, shall be relitigated by the parties unless—

(a) Within twenty (20) days after the date on which the new investigation is instituted, a party files a petition which either alleges new violations of section 337 or presents new evidence concerning the previously alleged violation and shows good cause for relitigating the issues in question, and

(b) The Commission grants the petition.

Written Submissions on Remedy, Bonding and the Public Interest

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public-interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury.

In order to give greater focus to the Commission's deliberations in connection with this investigation, interested members of the public and other government agencies are invited to submit written comments and the parties to the investigation and the Commission ivestigative attorney are required to file briefs discussing (1) the appropriate remedy, if any, (2) the impact that such relief would have upon the public-interest considerations enumerated above, and (3) the amount

[1] Chairman Alberger dissented from the majority's remedy determination, stating that a cease and desist order directed solely to the respondents found to be in violation would be more appropriate. See the Views of Chairman Bill Alberger regarding Remedy and the Public Interest, USITC Publication 1138 (April 1981).

of the bond, if any, which should be imposed during the 60-day period for the President to review the Commission's determination.

Request for Hearing

No public hearing is presently scheduled in this matter, however written requests for such a hearing will be considered by the Commission. Such requests must be received by the Office of the Secretary within 2 weeks after the date on which this notice is published. The requests must state in detail the reasons why a hearing is necessary and the reasons why the issues in question cannot be addressed adequately by means of written submissions. If the Commission grants such requests, the hearing will be held on or about Tuesday, August 18, 1981.

Additional Information

The original copy and 11 true copies of all written comments and briefs must be filed with the Office of the Secretary no later than August 11, 1981. Any person desiring to discuss confidential information at the hearing (if such proceedings are requested and the Commission grants the request), or to submit a document (or a portion thereof) to the Commission in confidence, must request *in camera* treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for *in camera* treatment will be treated accordingly. All nonconfidential written submissions filed pursuant to this notice, as well as all nonconfidential documents on the record of investigation No. 337-TA-82 in the matter of certain headboxes and papermaking machine forming sections for the continous production of paper, and components thereof will be available for public inspection at the Secretary's Office during official business hours (8:45 a.m. to 5:15 p.m.).

FOR FURTHER INFORMATION CONTACT: Louis S. Mastriani, Esq., U.S. International Trade Commission, telephone 202-523-0489.

Issued: June 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc 81-19249 Filed 6-30-81; 8:45 am]

BILLING CODE 7020-02-M

[332-128]

The Implications of Recent Technological Changes on Watch Production; Investigation

AGENCY: International Grade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-128 for the purpose of gathering and presenting information on the implications of technological changes on watch production. The emergence of electronic watches is having an impact on the entire watch industry and on conditions of competition and trade patterns in these products. This study will highlight recent developments in the watch industry, such as the introduction of low-priced quartz analog watches and significant drop in U.S. production of all watches, and will show the effect of these developments on the watch assembly industry in the U.S. Insular Possessions.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter S. Trezevant or Mrs. Cynthia Wilson, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-724-1719 or 202-724-1731).

Written Submissions.

Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than November 15, 1981. All submissions should be addressed to the Secretary of the Commission's office in Washington, D.C.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-19250 Filed 6-30-81; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Release for Public Comment of Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System) as provisionally adopted by the Harmonized System Committee and the Nomemclature Committee of the Customs Cooperation Council.

Chapter 39: Plastics and articles thereof
Chapter 40: Rubber and articles thereof
Chapter 50: Silk
Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric
Chapter 52: Cotton
Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
Chapter 54: Man-made filaments
Chapter 55: Man-made staple fibres
Chapter 56: Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
Chapter 57: Carpets and other textile floor coverings
Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
Chapter 59: Impregnated, coated, covered or laminated textile fabrics; elastic textile fabrics; textile articles of a kind suitable for industrial use
Chapter 60: Knitted or crocheted fabrics
Chapter 61: Articles of apparel and clothing accessories, knitted or crocheted
Chapter 62: Articles of apparel and clothing accessories, not knitted or crocheted
Chapter 63: Other made up textile articles; Worn clothing and worn textile articles; rags
Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered).

Chapter 87: Vehicles other than railway or tramway rolling-stock, and parts thereof
Chapter 88: Aircraft and parts thereof
Chapter 89: Ships, boats, and floating structures
Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof
Chapter 91: Clocks and watches and parts thereof
Chapter 92: Musical instruments; parts thereof
Chapter 96: Miscellaneous manufactured articles[1]
Chapter 97: Toys, games and sports requisites; parts thereof

Written Submissions

Parties wishing to submit written comments should do so by July 30, 1981.

Hearing

Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized System should contact the Secretary of the Commission by July 15, 1981, and show good cause for holding a hearing.

Copies of Documents

Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), and August 15, 1980 (45 FR 55549 of August 20, 1980) the Commission identified 68 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature committees of the Customs Cooperation Council. The purpose of the above mentioned notices was to invite comments and views of interested parties with respect to the 68 chapters.

Since the release of the August 15, 1980 notice, provisionally adopted texts of 25 further chapters have been published by the Customs Cooperation Council. This notice hereby amends the previous notice by adding these 25 new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332 (g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices. . . .

The Harmonized System is being developed by the Customs Cooperation Council (CCC), a 91-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized System will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

The Technical Team, working under auspices of the CCC, prepared drafts of the various chapters of the Harmonized System for consideration by the Harmonized System Committee, which was established in order to develop the system. These drafts were forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee met three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters often extended to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), September 5, 1979 (44 FR 53112 of September 12, 1979), January 28, 1980 (45 FR 7648 of February 4, 1980), February 1, 1980 (45 FR 8168 of February 6, 1980), May 20, 1980 (45 FR 36231 of May 29, 1980), May 23, 1980 (45 FR 36230 of May 29, 1980), and August 20, 1980 (45 FR 57228 of August 27, 1980) the Commission identified those chapters which had been considered by the Harmonized System Committee, and the chapters for which a Technical Team draft had been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwarded recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both committees are then held in abeyance pending final revision sessions. The Harmonized System Committee begin final revision sessions in May 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure and are on the Harmonized System Committee's agenda for the October 1981 revision session. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized System, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the

[1] Former chapters 95, 96, and 98.

Harmonized System for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized System. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

Issued: June 24, 1981.
By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 81-19248 Filed 6-30-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of Legal Policy Order No. 1; Office Organization

By the authority vested in me as Assistant Attorney General, Office of Legal Policy, by Attorney General Order No. 945-81, it is hereby ordered:

Office of Information Law and Policy. There is established, in the Office of Legal Policy, the Office of Information Law and Policy to be headed by the Director of Information Law and Policy. Under the general supervision and direction of the Assistant Attorney General, Office of Legal Policy, the Director shall:

(a) Advise executive agencies and organizational units of the Department on questions relating to interpretation and application of the Freedom of Information Act and advise the Department on questions relating to interpretation and application of the Privacy Act.

(b) Coordinate the development and implementation of and compliance with Freedom of Information Act policy within the executive agencies and all organizational units of the Department.

(c) Undertake, arrange, or support training and informational programs concerning both acts for the executive agencies and the Department.

(d) Undertake such other responsibilities as may be assigned by the Assistant Attorney General.

In addition, the Freedom of Information Committee is established to encourage compliance with the Freedom of Information Act throughout the executive branch. The Committee consists of Justice Department attorneys who were members of the Committee on the effective date of this provision and attorneys designated by the Director, Office of Information Law and Policy. However, attorneys in other organizational units of the Department shall be so designated only with the consent of the head of the other organizational unit. The Committee, through the Office of Information Law and Policy, shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. In consulting with agencies proposing to issue final denials under the Act, the Committee through the Office of Information Law and Policy shall, in addition to advising the agency with respect to legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of fullest responsible disclosure. The Office of Information Law and Policy may also undertake studies and make recommendations to carry out the intent of this order.

All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee through the Director of the Office of Information Law and Policy, to the fullest extent practicable, before litigation begins. After litigation begins, contacts regarding the matter should be primarily with the Civil Division or other component of the Department of Justice responsible for conducting the defense of the suit.

This order is effective as of May 24, 1981.

Dated: May 24, 1981.

Jonathan C. Rose,

Assistant Attorney General Office of Legal Policy.

[FR Doc. 81-19308 Filed 6-30-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Action of Agency SES Performance Review Board

Consistent with the Civil Service Reform Act of 1978, as amended by H. R. 7542, FY-80 Supplemental Appropriation Act, and supplemented by OPM Guidance in their memorandum of July 21, 1980, to Heads of Departments and Agencies regarding SES Performance Review Boards, the National Capital Planning Commission has approved the payment of one SES bonus during FY-1981. The Commission's schedule for payment of this bonus will be July 10, 1981, and is awarded for the SES performance year ending June 15, 1981.

For further information regarding SES Performance Review Board contact: Malcolm L. Trevor, Assistant Executive Director for Administration, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

Edward H. Rickels,

Records Management Officer.

June 26, 1981.

[FR Doc. 81-19294 Filed 6-30-81; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Dance/Film/Video); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Dance Panel (Dance/Film Video Section) to the National Council on the Arts will be held on July 21-22, 1981, from 9 a.m.-5:30 p.m., in the 12th floor screening room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 23, 1981.

[FR Doc. 81-19323 Filed 6-30-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room

located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before July 31, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, notice herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day June 25, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R., Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Destination
		element	isotope		
SWUCO Inventory Storage Co., 06/22/81, 06/23/81, ISNM81013.	1.63% thru 2.39% enriched uranium.	5,610.000	120.828	Feed material for enrichment.	From W. Germany
Transnuclear, 06/09/81, 06/10/81, ISNM81011.	1.15% enriched uranium.	18,400.00	211.60	Feed material for domestic use.	From France

[FR Doc. 81-19333 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Availability of Final Environmental Statement for Susquehanna Steam Electric Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement, related to the proposed operation of the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. The Final Environmental Statement is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, Intergovernmental Relations Division, P.O. Box 1323, Harrisburg 17120, and the Northeast Pennsylvania Clearinghouse, Luzerne County Planning Commission, Courthouse, Wilkes-Barre, PA 18711.

The notice of availability of the Draft Environmental Statement for the Susquehanna Steam Electric Station which requested comments from interested persons was published in the Federal Register on July 6, 1979 (44 F.R. 39648).

The comments received from Federal, State, and local agencies, and interested members of the public have been included as appendices in the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0564) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 26th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-19334 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment increases the reactor shutdown margin requirement for operational mode 5 (cold shutdown).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 16, 1981, and supplemental letter dated November 26, 1980, (2) Amendment No. 64 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-19335 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

Tennessee Valley Authority; Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-79, to Tennessee Valley Authority (licensee) which authorizes operation of the Sequoyah Nuclear Plant, Unit 2 (the facility), at reactor core power levels not in excess of 170 megawatts thermal (5

percent power) in accordance with the provisions of the license and the Technical Specifications.

The Sequoyah Nuclear Plant, Unit 2, is a pressurized water nuclear reactor located at the licensee's site in Hamilton County, Tennessee, about 9.5 miles northeast of Chattanooga. The license is effective as of the date of issuance for a period of one year.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. 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. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on March 25, 1974 (39 FR 11131).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. DPR-79, complete with Technical Specifications; (2) the reports of the Advisory Committee on Reactor Safeguards dated December 11, 1979, July 15, 1980, September 8, 1980, and January 31, 1981; (3) the Commission's Safety Evaluation Report (NUREG-0011) dated March 1979, Supplement No. 1 dated February 1980, Supplement No. 2 dated August, 1980, Supplement 3 dated September 1980, Supplement 4 dated January 1981, and Supplement 5 dated June 1981; (4) the Final Safety Analysis Report and amendments thereto; (5) the Final Environmental Statement prepared by Tennessee Valley Authority in July 1974; (6) the Commission's Environmental Impact Appraisal dated May 1979; (7) NRC Flood Plain Review of Sequoyah Nuclear Plant Site dated July 18, 1980; and (8) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated September 3, 1980.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Facility Operating License No. DPR-79 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. A copy of item (3) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301-492-9530.

Dated at Bethesda, Maryland, this 25th day of June, 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-19336 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-24, and Amendment No. 56 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments consist of a revised definition of operability and new specifications addressing limiting conditions for operation and inoperability of safety related systems due solely to loss of their normal or emergency power supplies. They also make various administrative changes to the Technical Specifications.

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) and 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 19, 1980, (2) Amendment Nos. 50 and 56 to License Nos. DPR-24 and DPR-27, and (3) letter of April 10, 1980 from Darrel G. Eisenhut to all power reactor licensees. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch, No. 3, Division of Licensing.

[FR Doc. 81-19337 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11831]

June 25, 1981.

Massachusetts Financial High Income Trust, et al.; Notice of Filing of Application For an Exemption

Notice Is Hereby Given that Massachusetts Financial High Income Trust, Massachusetts Investors Trust, Massachusetts Investors Growth Stock Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Capital Development Fund, Inc., Massachusetts Financial Development Fund, Inc., Massachusetts Financial Bond Fund, Inc., Massachusetts Cash Management Trust, MFS Managed Municipal Bond Trust, MFS Tax-Exempt Money Market Trust (formerly Massachusetts Cash Management Trust II), Massachusetts Financial International Trust (formerly MFI Trust), Massachusetts Financial Services Company (collectively referred to as "Applicants") 200 Berkeley Street, Boston, Massachusetts 02116, each of which (with the exception of Massachusetts Financial Services Company) is registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on November 24, 1980, and amendments thereto on April 20, 1981, and June 12, 1981, pursuant to Section 6(c) of the Act for an Order of the

Commission declaring that Charles W. Schmidt shall not be deemed to be an "interested person", as that term is defined in section 2(a)(19) of the Act, of the Applicants, or their investment adviser or principal underwriter, Massachusetts Financial Services Company ("MFS"), by reason of his positions as director of The Boston Company, Inc. and of Boston Safe Deposit and Trust Company ("Boston Safe").

MFS serves as investment adviser to all Applicant investment companies and principal underwriter for all such Applicants except Massachusetts Cash Management Trust and MFS Tax-Exempt Money Market Trust. Mr. Schmidt is a director or trustee of each of the Applicants, with the exception of MFS.

Applicants state that it is anticipated that MFS or a successor organization will from time to time in the future organize and sponsor additional investment companies to be registered under the Act, and it is likely that Mr. Schmidt will be nominated to join the respective boards of directors or trustees of any such additional investment companies. It is anticipated that MFS or a successor organization will serve as investment adviser of, and/or principal underwriter for, any such additional investment companies. The Applicants, including any investment companies organized in the future by MFS or a successor to MFS, do not want to include Mr. Schmidt among the number of individuals serving as trustees or directors who are "interested persons" of Applicants under the Act.

Applicants state that Mr. Schmidt's principal occupation is President and Chief Executive Officer of S.D. Warren Company. He is also Senior Vice President of Scott Paper Company. He is a Director of the Boston Company, Inc., Boston Safe Deposit and Trust Company and Bird & Son, Inc.

Applicants state that in 1976 The Boston Company Financial Strategies, Inc. ("Strategies"), a wholly-owned subsidiary of The Boston Company, Inc. formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). TBCFS, Inc. commenced operations, subsequently changing its name to The Boston Company Investment Creation, Inc. ("Creation"). Applicants further state that in January, 1980, Strategies contributed its stock in Creation to The Boston Company Capital Group, Inc. ("Capital"), another wholly-owned subsidiary of The Boston Company, Inc. Capital was originally organized to effect venture capital and other specialized transactions. Capital was merged into The Boston Company, Inc., at the end of 1980, at which point Creation became a subsidiary of The Boston Company, Inc. Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser, or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Since Mr. Schmidt is a director of The Boston Company, Inc., which controls Creation, Mr. Schmidt could be deemed to be an "interested person" of Applicant investment companies, and their investment adviser and principal underwriter.

Applicants believe that the relationship of Mr. Schmidt with The Boston Company, Inc., Boston Safe, Strategies and Creation, the broker-dealer subsidiary, will not impair his independence in acting on behalf of Applicant investment companies and their shareholders. Applicants state that The Boston Company, Inc. is a holding company whose subsidiaries are engaged in providing resource management services. Applicants represent that Boston Safe is a long-established trust company engaged primarily in investment management and other trust company, fiduciary and related banking services. Boston Safe acts as Trustee for MFS' profit sharing and pension plans, but the Applicants assert that Boston Safe has no control over the investment of the assets of the plans. Applicants wish to point out that only MFS pays fees to Boston Safe. Further, MFS represents that the annual trustee fees which it pays to Boston Safe are *de minimis* when compared with Boston Safe's total annual revenues. Applicants state that Strategies currently provides financial planning and asset management services for wealthy individuals and families and is registered under the Investment Advisers Act of 1940. Creation's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Because of the special nature of the type of investments which Creation is involved with, Applicants could not legally purchase or sell such investments from or through Creation because of investment restrictions, and Applicants do not intend to make any such investments. Moreover, Applicant investment companies have undertaken in their application not to transact any business with Creation.

Applicants represent that Mr. Schmidt is not a director or officer of Creation and therefore has no authority or responsibility for management of the operations of Creation. The Applicants assert that the operations of Creation do not create any conflicts of interest for Mr. Schmidt since even if he were actively involved with Creation, Applicant investment companies would not in the normal course and, as indicated in the application, have agreed not to in any event purchase or sell securities through Creation.

Applicants state that they believe that Mr. Schmidt is a person of recognized integrity, judgment, independence, and competence. Applicants are also of the opinion that Mr. Schmidt will be in fact an independent director or trustee and that it is in the best interests of Applicant investment companies that he be permitted to serve as such.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act conditionally or unconditionally 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.

The Applicants understand that certain major shareholders of The Boston Company, Inc. have entered into an agreement in principle whereby, in pertinent part, a newly created subsidiary of Shearson Loeb Rhoades Inc. ("Shearson"), a registered broker-dealer under the Securities Exchange Act of 1934, would merge with The Boston Company, Inc. Applicants state that the consummation of this transaction is subject to a number of conditions, including approval of shareholders of The Boston Company, Inc. Notwithstanding any Order of the Commission issued pursuant to the instant application, in the event that the contemplated transaction, or one substantially similar to it, is consummated, the Applicants agree to treat Mr. Schmidt as an "interested person", as the term is defined in Section 2(a)(19) of the Act, of each Applicant until such time as the Commission may grant further appropriate exemptive relief, provided that (i) Mr. Schmidt remains a director of The Boston Company, Inc. and of

Boston Safe and (ii) Shearson remains a registered broker-dealer under the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than July 20, 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 the 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 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. 81-19310 Filed 6-30-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4883; Rel. No. 11830]

INA Cash Fund, Inc.; Notice of Filing of Application for Order Exempting Applicant From the Provisions

June 25, 1981.

Notice is Hereby Given that INA Cash Fund, Inc. ("Applicant"), 3411 Silverside Rd., Wilmington, Delaware 19810, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 3, 1981, requesting an order of the Commission, puruant 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 value its portfolio securities and instruments according to the amortized cost valuation method.

Applicant states that it is a "money market" fund designed as a no-load mutual fund which seeks to provide investors with preservation of capital, liquidity and, consistent with the foregoing objectives, the highest possible current income by investing in a broad range of money market instruments. Applicant represents that it invests in instruments consisting of securities issued or guaranteed by the United States Government or any of its agencies or instrumentalities, time accounts (largely certificates of deposit) in and bankers' acceptances of large domestic commerical and savings banks and savings and loan associations, short-term corporate debt including commerical paper and variable amount master demand notes, and repurchase agreements. In addition, Applicant asserts that it may invest in certificates of deposit of foreign branches of domestic commerical banks and engage in reverse repurchase agreements. Applicant states that, since it operations began in November 1979, its assets have been invested primarily in certificates of deposit of United States banks having total assets in excess of $1 billion, and in commerical paper, including variable amount master notes, rated "A–1" or "A–2" by Standard's & Poor's Corporation or "Prime–1" or "Prime–2" by Moody's Investor Service, Inc.

On July 29, 1980, the Commission issued an order (Investment Company Act Release No. 11279) pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share to the nearest one cent on a share value of one dollar. In its current application, Applicant states that it seeks to amend the prior order to permit it to value its securities according to the amortized cost valuation method.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations 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 the board of directors. Rule 22c–1 adopted under the Act 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 asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act 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 purposes of distribution and redemption 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 the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) 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). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portifolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant asserts that it has determined that many of its investors require a money market fund which (1) maintains a constant net asset value and (2) pays dividends that do not fluctuate on account of daily changes in the values of portfolio securities. Applicant states that it believes that its investors might be unfairly treated if Applicant were forced to price its portfolio in a manner which would produce artificial price and yield volatility for instruments which Applicant ordinarily expects to hold to maturity. Applicant represents that its Board of Directors believes that the extent of deviation from Applicant's $1.00 price per share can best be controlled without material dilution or other unfair results to investors if the Applicant values its portfolio using the amortized cost method rather than employing the current "penny-rounding" method.

Applicant states that, unless the relief here sought is granted, Applicant cannot achieve the dual objectives of its

shareholders of maintaining a stable net asset value per share, and achieving a steady, more predictable yield. Applicant further states that, on the advice of its adviser and based on the adviser's experience, Applicant has determined that maintaining an average weighted portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing a yield commensurate with those available in the short-term money market. Applicant asserts that its Board of Directors has determined that in light of the characteristics of Applicant and subject to conditions set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuation is appropriate and preferable for the Applicant and will reflect the fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of 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 has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors 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 stablize Applicant's net asset value per share, as computed for the purposes 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 duties and responsibilities:

(a) Review by the Board of Directors, as 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.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes that the extent of any deviation from the 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: redeeming shares in kind; selling portfolio instruments prior to maturity to realize gains or losses, or to shorten the average maturity of the Applicant's portfolio; withholding or reducing dividends; 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 neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

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 condition 1 above, and Applicant will include in the minutes of Board of Directors' meetings and 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's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. 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 though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the 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 the Board.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 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 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19311 Filed 6-30-81; 8:45 am]

BILLING CODE 8010-01-M

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its 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 investments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results 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 the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1995]

Ohio; Declaration of Disaster Loan

As a result of the President's major disaster declaration, I find that Morrow County and adjacent counties within the State of Ohio constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning on June 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 17, 1981, and for economic injury until close of business on March 16, 1982, at: Small Business Administration, District Office, Federal Building—U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 **Federal Register** 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated June 25, 1981

Donald R. Templeman,

[FR Doc. 81-19314 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 10-A]

Associate Deputy Administrator; Delegation of Authority

Delegation of Authority No. 10-A reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Deputy Administrator the following authority:

A. To serve as Acting Administrator in the event of absence, resignation or incapacity of the Administrator and Deputy Administrator with respect to the activities of the Small Business Administration, including any and all acts which I, as Administrator, am authorized to perform, including but not limited to issuing, modifying, or revoking delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

II. This delegation is not in derogation of any authority residing in the Deputy Administrator, the Associate Administrators or the Assistant Administrators of this Agency relating to the operations of their respective programs.

Effective Date: July 1, 1981.

Dated: June 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19313 Filed —81; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 1-A Revision 10]

Line of Succession to the Administrator; Delegation of Authority

Delegation of Authority No. 1-A (Revision 9) (46 FR 3104) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, authority is hereby delegated to the following officials in the following order:

1. Associate Deputy Administrator
2. Assistant Administrator for Policy, Planning and Budget
3. Associate Administrator for Financial Assistance to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

II. Anyone designated by the Administrator or Acting Administrator as acting due to a vacancy in one of the positions listed above remains in the line of succession; otherwise in the absence of one of the above, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above-listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not revoked or revised herein.

Effective date: July 1, 1981.

Dated: June 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19317 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/12-0150]

Crocker Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Crocker Capital Corporation (CCC), 111 Sutter Street, San Francisco, California 94104, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.3(f) and Section 107.1004(b)(1) of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1981)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, CCC proposes to provide additional funds to Multisonic, Inc. (MI) a portfolio concern.

The proposed financing is brought within the purview of § 107.1004(b)(1) in that officers and directors of the licensee are also stockholders and Directors of MI and therefore considered associates of CCC as defined by § 107.3(f) of the Regulations.

Notice is hereby given that any interested person may, not later than July 13, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A similar notice will be published in the San Francisco area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment

[FR Doc. 81-19234 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5248]

Croesus Securities, Ltd.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Croesus Securities, Limited (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Donald M. Bachmann, 182-30 Aberdeen Rd., Jamacia Estate, N.Y. 11432.	Director and Chairman of Board of Directors.	10
George Wallace, 1600 S. Eades St., Arlington, Va. 22202.	President, Director and Chief Executive Officer.	50
Richard L. Schwartz, 35 Bethel Land, Commack, L.I., N.Y. 11725.	Director, Treasurer and Assistant Secretary.	10
William I. Abramson, 300 East 59th St., New York, N.Y. 10019.	Director and Secretary.	10
Nahum G. Shar, Two Grenfeld Dr., Great Neck, N.Y. 11020.	Director, Executive Vice President.	10
Kenneth L. Larsen, 100 Beechwood Ave., Edison, N.J. 08837.	Director and Vice President.	10

The Applicant, a Delaware corporation, with its principal place of business at 1290 Avenue of Americas, New York, New York 10104, will begin operations with $1,507,000 of paid-in capital and paid-in surplus derived from the sale of 1,000 shares of common stock to the officers shown above.

The Applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than July 16, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-19235 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5424]

Far East Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Far East Capital Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Albert D. F. Chang, 3 Oakwood Dr., New Providence, N.J. 07974.	Director, President	50
Stephen S. Ko, 47 King Rd., Landing, N.J. 07850.	Director, Treasurer and Secretary.	50
Robert T. Chang, 36 Riceman Rd., Berkely Heights, N.J. 07922.	Director	

The Applicant, a New York corporation, with its principal place of business at 250 Broadway, New York, New York 10007, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock to the officers above.

The Applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than July 16, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 24, 1981.

Peter F. McNeish,

Acting Associate Administration for Investment.

[FR Doc. 81-19236 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposal No. 06/06-0248]

Western Venture Capital Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1980)), by Western Venture Capital Corporation, 4900 South Lewis, Tulsa, Oklahoma 74105 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, director, and stockholders are:

Name and address	Title and relationship	Percent of ownership
Gary L. Smith, 8315 South Quebec, Tulsa, Okla. 74136.	President and Director.	2.81
Thomas D. Gable, 5915 South Atlanta, Tulsa, Okla. 74136.	Secretary and Director.	
Larkin Bailey, 2110 East 30th St., Tulsa, Okla. 74114.	Director	10.67

Name and address	Title and relationship	Percent of ownership
John C. Bumgarner, Jr., 2145 East 27th St., Tulsa, Okla. 74114.	Director	2.81
G. Douglas Fox, 2411 East 24th St., Tulsa, Okla. 74114.	Director	
Leslie G. Goddard, 4040 East 77th St., Tulsa, Okla. 74136.	Director	2.81
Larry C. Houchin, 2415 East 28th St., Tulsa, Okla. 74114.	Director	
Virgil R. Reese, 1360 East 29th St., Tulsa, Okla. 74114.	Director	10.67
James W. Wallis, 2701 Trail Creed Rd., Edmond, Okla. 73034.	Director	5.62
Western National Bank, 4900 South Lewis, Tulsa, Okla. 74105.	Shareholder	10.67

The Applicant proposes to begin operations with a capitalization of $1,970,000 and will be a source of equity capital and long term loan funds for qualified small business concerns. The Applicant may render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than July 16, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Tulsa, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-19237 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/420]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on July 15, 1981, of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to noon. The meeting will be held in the Lecture Room of the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the results of the June 22–23 Meeting of the ICCP Experts Group and the government's program for publicizing the OECD Privacy Guidelines. There will also be further discussion of a U.S. position with respect to the international legal principles for transborder data flows tabled by the IBI Secretariat in May.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: June 26, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-19493 Filed 6-30-81; 8:45 am]

BILLING CODE 4710-07-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M-320, Amdt. 1, June 24, 1981]

Notice of addition and closure of item to the June 25, 1981 meeting agenda

TIME AND DATE: 9:30 a.m., June 25, 1981.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 17. Testimony on Sunset Legislation Before the Senate Subcommittee on Aviation (OGC).

STATUS: Open (Items 1-16), Closed (Item 17).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1013-81 Filed 6-29-81; 8:45 am]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 30th open meeting

The following item has been deleted at the request of the Office of Commissioner Jones from the list of agenda items scheduled for consideration at the June 30, 1981 Open Meeting and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Common Carrier—4—*Title:* Bell System Procurement Practices (CC Docket No. 80-53); RM 3381 Bell Operating Company Procurement. *Summary:* The Commission will consider a proposal submitted by the Bell System companies in response to the Final Decision in Docket No. 19129. That decision, among other things, ordered the Bell System to submit changes in procurement practices that would ensure that Bell operating companies would not be biased toward Western Electric in equipment purchasing.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 26, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1018-81 Filed 6-29-81; 11:01 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 30th open meeting

The following item has been deleted at the request of the Office of Commissioner Jones from the list of agenda items scheduled for consideration at the June 30, 1981, Open Meeting, and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Cable Television—1—*Title:* Petition for reconsideration of *Memorandum Opinion and Order in Docket 20649. Subject:* Fisher Broadcasting request for reconsideration of the Commission's decision declining to commence rulemaking looking toward rules that would require cable television systems to delete "pre-released" programming from foreign stations under the network nonduplication rules.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 26, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1016-81 Filed 6-29-81; 10:45 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from June 30, 1981 open meeting

The following item has been deleted at the request of the Chief, Broadcast Bureau from the list of agenda items scheduled for consideration at the June 30, 1981 Open Meeting, and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Broadcast—4—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM-to-TV Channel 6 interference problem in Docket No. 20735.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 26, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1017-01 Filed 6-29-81; 10:45 am]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 22, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of an application of Bank of China, Beijing, The People's Republic of China, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 415 Madison Avenue, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-1015-81 Filed 6-29-81; 10:02 am]
BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 22, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding a request of First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania, for consent to change the submission dates of their Reports of Plans and Objectives and Interim Progress Reports.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 22, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1014-81 Filed 6-29-81; 10:01 am]
BILLING CODE 6714-01-M

7

FEDERAL HOME LOAN BANK BOARD.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol No. 46, FR 32991, Thursday, June 25, 1981.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, June 30, 1981.
PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.
STATUS: Open meeting.
CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).
CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Tuesday, June 30, 1981.

Proposed Acquisition of Control of—Financial Federation Inc., Los Angeles, California by Great Western Financial Corporation, Beverly Hills, California and its wholly owned subsidiary, Great Western Savings and Loan Association, Beverly Hills, California-Merger of Eleven Insured Subsidiaries of Financial Federation Inc. into Great Western Savings and Loan Association.
No. 508, June 29, 1981.
[S-1020-81 Filed 6-29-81; 2:10 pm]
BILLING CODE 6720-01-M

8

FEDERAL RESERVE SYSTEM.
Board of Governors
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR, 32550, Tuesday, June 23, 1981.
PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, June 29, 1981.
CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Request by the General Accounting Office for Board comment on a draft report concerning reporting requirements of the Bank Secrecy Act of 1970. (This matter was originally announced for a meeting on June 22, 1981).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

June 29, 1981.
James McAfee,
Assistant Secretary of the Board.
[S-1021-81 Filed 6-29-81; 2:43 pm]
BILLING CODE 6210-01-M

9

[1P0401]

PAROLE COMMISSION:
National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)
TIME AND DATE: 9:30 a.m., Wednesday, July 1, 1981.
PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.
STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.
MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.
CONTACT PERSONS FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5926.
[S-1019-81 Filed 6-29-81; 11:22 am]
BILLING CODE 4410-01-M

federal register

Wednesday
July 1, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH, under the November 1980 NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 77384).

EFFECTIVE DATE: July 1, 1981

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496-6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of March 20, 1981, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on April 23-24, 1981. In accordance with Section IV-E-1-b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Following this announcement, there appears in a separate section of the **Federal Register** the revised NIH Guidelines for Research Involving Recombinant DNA Molecules. These revised Guidelines differ from the version of the Guidelines promulgated on November 21, 1980 (45 FR 77384) by incorporating within them both the changes in the Guidelines which were recommended at the RAC meeting of January 8-9, 1981, and promulgated on March 12, 1981 (46 FR 16452), and the changes in the Guidelines which were recommended at the RAC meeting of April 23-24, 1981, and which are discussed in this announcement.

I. Revision of Guidelines for Recombinant DNA Experiments Involving Escherichia Coli K-12 and Saccharomyces Cervisiae Host-Vector Systems

Containment requirements and administrative procedures for the conduct of most recombinant DNA experiments involving EKl *Escherichia coli* strain k-12 and laboratory strain *Saccharomyces cerevisiae* host-vector systems have been specified in Section III-O of the Guidelines. The chairpersons of Institutional Biosafety Committees, at a meeting in Washington, D.C. on November 24-25, 1980, passed by a large majority a resolution that experiments currently covered by Section III-O should be made exempt from the Guidelines. The chairpersons felt that the risks associated with these experiments are negligible, and that exemption of experiments currently covered by Section III-O would reduce paperwork by approximately 90%.

This proposal was discussed by the RAC at its meeting on January 8-9, 1981. In "straw votes" at the meeting, an overwhelming majority of RAC members favored doing something to reduce materially or eliminate the paperwork and reporting functions for experiments covered by Section III-O; about half the RAC members felt serious consideration should be given to exempting entirely from the Guidelines experiments currently covered by Section III-O. The RAC requested that a series of options be developed and published for comment in the **Federal Register**. Accordingly, a series of options was published for comment in the **Federal Register** of March 20, 1981 (46 FR 17994), and considered at the April 23-24, 1981 meeting of the RAC.

Three major options were published for comment. Option A would have allowed review by an institutional official rather than requiring review by the IBC of experiments currently covered by Section III-O. Option B would have eliminated the registration and review requirements for experiments currently covered under Section III-O. Option C would have exempted from the Guidelines experiments currently covered by Section III-O. Under each of these three major options a series of suboptions was proposed for alternative ways of treating certain types of experiments which were already being treated differently from the majority of experiments under Section III-O. These are experiments involving the cloning in *E. coli* K-12 of DNA from Class 3 CDC agents, and experiments involving a deliberate attempt to have *E. coli* K-12 efficiently express a eukaryotic gene. Under Option C, additional suboptions were proposed regarding biological and physical containment, and large-scale experiments (i.e., greater than 10 liters of culture).

During the 30 day comment period, only one commentator responded referring to the proposed changes as "* * * an attempt to bring the Guidelines into a state of consistency with present evaluations of the potential for hazard in recombinant DNA experiments. As I see that evaluation, there is widespread agreement that experiments involving *E. coli* K-12 or *S. cerevisiae* host-vector systems will not generate harmful organisms. * * *" One commentator, who wrote after the comment period, was opposed to the proposed changes "until adequate risk assessment studies have been performed." The RAC discussed the proposed changes at its meeting on April 23. Dr. Edward Adelberg, Chairman, Yale University Institutional Biosafety Committee, summarized the concerns of the chairpersons of IBCs at their meeting in November 1980. He said that the chairpersons voted heavily in favor of an exemption for these experiments, but noted that any one of the three proposed options would greatly reduce what was considered unnecessary paperwork. The RAC then discussed in detail the various options and suboptions.

After a series of motions and amendments, the RAC by a vote of 13 in favor, 8 opposed, with no abstentions, passed Option C with Suboptions C-1-b, C-2-a, C-3-a, C-4-b as modified at the meeting, and C-5-b. Under the recommendation passed by the RAC, experiments currently covered by Section III-O would be removed from Section III-O. These experiments would be exempted under Section I-E-5. The exemption would apply to all nonprohibited experiments which use either *E. coli* K-12 or laboratory strains of *Saccharomyces cerevisiae* as the host-vector system with the following provisos:

- The exemption would be qualified with the statement that "(a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or non-conjugative plasmids (49) shall be used as vectors." This qualification would then be qualified by the statement that experiments "involving the insertion into *E. coli* K-12 of DNA from prokaryotes that exchange genetic information (35) with *E. coli* may be performed with any *E. coli* K-12 vector (e.g., conjugative plasmid). When a non-conjugative vector is used, the *E. coli* K-12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages."
- Language would be added to the Guidelines to explicitly make

Prohibition I–D–6 concerning large-scale applicable to these experiments.

• The entry in Appendix C which would effect the exemption under Section I–E–5 would contain a statement that although exempt, for these experiments "P1 physical containment conditions are recommended."

• No prior review of experiments involving attempts at deliberate expression of a eukaryotic gene in *E. coli* K–12 would be required.

• Experiments involving the DNA of CDC Class 3 agents would not be exempted. Containment might be specified at P1, P2 or P3, and review by the IBC would be required. If there is any chance that the original Class 3 agent can be regenerated from the cloned DNA, the containment level shall be no lower than that appropriate for the agent itself.

I accept these recommendations. The last recommendation dealing with Class 3 agents is unclear as to the appropriate physical containment level, and as to how this level is to be established. To clarify this, the following language regarding DNA from CDC Class 3 agents in *E. coli* K–12 is being added to Appendix C:

"Experiments using DNA from Class 3 organisms [1] or from cells known to be infected with these agents will be conducted at P3 containment. Lower containment levels may be specified by NIH (See Section IV–E–1–b–(2)–(e)). Expermiments in this category require prior IBC review and approval."

These decisions regarding *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems are being promulgated under Exemption I–E–5, and appear in Appendix C of the revised Guidelines.

Although the movement of experiments currently under Section III–0 to the exempt category leaves no entries in Section III–0, I am retaining a Section III–0 in the Guidelines. In the future, experiments may be placed under Section III–0 by their listing in Appendix H to the Guidelines. These experiments may be performed at P1 physical containment, and IBC review prior to initiation of the experiment will not be required.

II. Containment Levels for Recombinant DNA Experiments Involving Bacillus Subtilis

Dr. Donald Dean of the Ohio State University requested that the status of recombinant DNA experiments involving *Bacillus subtilis* as host-vector systems be reevaluated. Currently, two asporogenic *B. subtilis* strains, RUB331 and BGSC 1S53 have been certified, with the plasmids pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124, as HV1 host-vector systems.

The asporogenic mutant derivative of *B. subtilis*, ASB298, has been certified with the above plasmids as HV2 host-vector systems.

Dr. Dean proposed that any *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, using vectors indigenous to *B. subtilis*, under the same conditions specified by the RAC for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems.

Dr. Dean further proposed that the following items be added to Appendix E:

"*Bacillus subtilis* strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* for the cloning of DNA from any CDC Class 1 organism under P2 conditions."

"*Bacillus subtilis* strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species."

In support of his proposal, Dr. Dean noted that *B. subtilis* is not a pathogen and that the organism is well characterized, and a great deal is known of its genetics.

An announcement of Dr. Dean's proposal appeared in the **Federal Register** on March 20, 1981 (46 FR 17996). During the thirty day comment period seven letters supporting the proposal were received. One of the letters cited data showing that (1) *Bacillus subtilis* spores either cannot germinate, or upon germination in the ileum or colin die very quickly, and (2) the viable count of *B. subtilis* in soil or water decreases much more rapidly than that of *E. coli*.

The RAC evaluated Dr. Dean's request at the April 23–24, 1981, meeting. Noting that the **Federal Register** language would permit use of "indigenous vectors," the RAC questioned the advisability of permitting use of all *Bacillus* vectors, and recommended excluding from use as vectors any that have as hosts the pathogens, *Bacillus cereus* or *Bacillus anthracis*.

By a vote of 12 in favor, 0 opposed, with 5 abstentions, the RAC voted to recommend that any *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source at the same containment conditions as used for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

I accept this recommendation, and this decision is being promulgated under Exemption I–E–5, and appears in Appendix C of the revised Guidelines. Information about *Bacillus subtilis* HV1 and HV2 systems has been accordingly removed from Appendix D and placed in Appendix F.

By the same vote, the RAC recommended approval of Dr. Dean's additional two specific proposals concerning *Bacillus subtilis* host-vector systems, with the limitation that *Bacillus* plasmids or phages whose host range includes *Bacillus cereus* or *Bacillus anthracis* may not be used as vectors.

I accept these recommendations and these decisions are promulgated as new entries in Appendix E of the revised Guidelines.

III. Streptomyces HV1 Host-Vector Systems

Dr. Stanley Cohen of Stanford University requested that "*Streptomyces coelicolor* and the related organisms with which *S. coelicolor* naturally exchanges genetic information (e.g., *S. lividans*, *S. parvulus*, and *S. griseus*), using *Streptomyces* plasmids SPC2, SLP1.2, pIJ101, actinophage phiC31, and their derivatives as vectors, be approved as HV1 host-vector systems."

During the 30 day comment period, no comments were received on this proposal.

The RAC reviewed this request at the April 23–24, 1981, meeting, and noted that these organisms are not pathogenic. There has been extensive experience with large-scale culture of these organisms with no known hazards.

By a vote of 10 in favor, 0 opposed, with 8 abstentions, the RAC recommended approval of this proposal. I have reviewed this recommendation, and I am certifying the four specific *Streptomyces* species cited in the proposal as HV1 host-vector systems. These host-vector systems have been added to Appendix D of the Guidelines.

IV. Guidelines for Recombinant DNA Experiments with Genes Coding for Toxins

The RAC, at its September 25–26, 1980, meeting, requested that an *ad hoc* working group be formed to evaluate Section I–D–2 of the Guidelines. Section I–D–2 prohibits the "deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins potent for vertebrates (2A) (e.g., botulimum or diphtheria toxins; venoms

from insects, snakes etc.)." an *Ad hoc* Working Group on Toxins composed of Drs. Werner Maas and Alan Bernheimer of New York University, Dr. John Collier of Yale University, Dr. Michael Gill of Tufts University, Dr. Susan Gottesman of NIH, Dr. Myron Levine of the University of Maryland, and Dr. James Mason of the Utah State Department of Health, was convened to recommend containment conditions for recombinant DNA experiments with genes coding for toxins. The group conversed by telephone on November 4 and November 21, 1980, was convened at the National Institutes of Health on January 7, 1981, and participated in telephone conference calls on February 23 and March 2, 1981. The following proposal, developed by the *ad hoc* group, appeared in the **Federal Register** of March 20, 1981 (46 FR 17996):

"A. Section I–D–2 of Section I–D, Prohibitions, would be amended to read as follows:

"I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

B. A new Appendix G, would be added to the Guidelines as follows:

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

"Appendix G specifies the containment to be used for the cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* working group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i)).

2. Containment Conditions for Cloning of Toxin Genes in E. coli K–12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., diphtheria toxin, abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under Section III–O (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins, whose effects are confined to the stimulation of intestinal secretion and whose effects can be entirely reversed by administration of electrolyte solutions, shall be subject to Section III–O. These are cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K–12

"Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j)).

C. Section V, Footnote 2A would be modified to delete the words: 'toxins potent for vertebrates (Section I–D–2).'

D. A new Section IV–E–1–b–(3)–(i) would be added as follows: 'IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates. (See Appendix G.)'

E. A new Section IV–E–1–b–(3)–(j) would be added as follows: 'IV–E–1–b(3)–(j). Approving the cloning of toxins genes in host-vector systems other than *E. coli* K–12. (See Appendix G.)'"

During the thirty day comment period, no comments were received. However, two letters were received after the thirty day comment period. One expressed concern about experiments involving genes which control bacterial toxins recommended "against relaxation of the Guidelines." The other urged the proposed changes not be made "until adequate risk assessment studies have been performed."

Several members of the *ad hoc* Working Group on Toxins, who were members of the RAC, presented the proposal to the RAC at the April 23–24, 1981, meeting. Working group members characterized the proposal as conservative.

Noting the RAC recommendation at this meeting concerning containment conditions for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems currently covered under Section III–O of the Guidelines, *ad hoc* Working Group members recommended that language in the proposed Appendix G be amended. They said the original intent of the *ad hoc* group with regard to cloning genes for toxins with an LD_{50} in the range of 1 to 100 micrograms, as well as for cloning enterotoxin genes, was to specify P1+EK1 containment. Thy felt it would be inappropriate to "exempt" from the Guidelines the cloning of toxin genes at this time. In response, the RAC recommended that Section 2–(b) and 2–(c) in proposed Appendix G be amended by substituting "P1+EK1" for "Section III–O."

RAC also discussed the appropriateness of the introductory language ". . . whose effects are confined to the stimulation of intestinal secretion and whose effects can be entirely reversed by administration of electrolyte solutions" in Section 2–(c) of proposed Appendix G, and recommended its deletion.

RAC also discussed the intention of the working group that Appendix G specifications override other specifications of the Guidelines (e.g., exemptions or return to host of origin experiments). RAC recommended this conservative approach at this time, and specified wording to be added at the end of Section I–D–2 indicating this.

Finally, RAC indicated a desire that the NIH be kept abreast of experiments dealing with the cloning of toxin genes, and amended the proposed language to require prior registration with ORDA of experiments involving the cloning of toxin genes.

After incorporating these changes, the RAC by a vote of 18 in favor, 0 opposed, with 1 abstention, recommended the following amended language:

A. Section I–D–2 of Section I–D, Prohibitions, would be amended to read as follows:

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

B. A new Appendix G, would read as follows:

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

Appendix G specifies the containment to be used for the cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i)).

2. Containment Conditions for Cloning of Toxin Genes in E. coli K–12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., diphtheria toxin, adbrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1+EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas Aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins shall be subject to P1+EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K–12

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j)).

C. Section V, Footnote 2A would be modified to delete the words: 'toxins potent for vertebrates' (Section I–D–2).

D. A new Section IV–E–1–b–(3)–(i) would be added as follows:

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates. (See Appendix G.)

E. A new Section IV–E–1–b–(3)–(j) would be added as follows:

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12. (See Appendix G.)

I accept these recommendations with additional modifications as stated below.

A further issue concerning cloning of toxin genes was raised by the *ad hoc* Working Group and discussed by RAC during the evaluation of a proposal from Dr. John Murphy of Harvard University, i.e., appropriate containment for cloning the diphtheria toxin gene in *E. coli* K–12 (See below, Part VI of this document). The new Section I–D–2 and Appendix G of the Guidelines uses a cutoff of LD_{50} of 100 nanograms per kilogram of body weight to separate those toxins the cloning of whose genes is prohibited under Section I–D–2 from those allowed to be cloned at P2+EK2 or P3+EK1.

Diphtheria toxin falls very close to this cut-off line. Pharmacological toxicity data for diphtheria toxin demonstrates that the LD_{50} for the most sensitive animal tested, the guinea pig, is 160 nanograms per kilogram body weight. The LD_{50} in humans is estimated to be equal to or less than 100 nanograms per kilogram body weight. This figure was extrapolated from an incident in Japan in which children were inadvertently injected with diphtheria toxin rather than diphtheria toxoid. After much discussion, RAC recommended that experiments by Dr. John Murphy involving the cloning of the gene for the biosynthesis of diphtheria toxin be conducted under P4 physical containment. The RAC realized that this recommendation results in an inconsistency between the recommendation in Appendix G concerning cloning of diphtheria toxin and the recommendation concerning Dr. Murphy's proposal. They noted that cloning the gene for diphtheria toxin could be moved to the prohibited category in general, and Dr. Murphy's proposal could be considered an exemption to the prohibition. Based upon the RAC recommendation and the data available concerning the pharmacological toxicity of diphtheria toxin, I am removing diphtheria toxin from category 2–(a) of Appendix G, "genes coding for toxins that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight," and placing it under section I–D–2.

Accordingly, revised Section I–D–2 will read as follows:

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

Section 2–(a) of Appendix G will read as follows:

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

With these modifications, I accept the RAC recommendations concerning the cloning of genes for the biosynthesis of toxins for vertebrates.

Experiments currently underway in *E. coli* K–12 host-vector systems involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram of body weight should be registered with ORDA within 90 days.

It is recognized that the requirements of revised Section I–D–2 and new Appendix G may result in more stringent standards for the cloning of toxin genes than interpretations under the previous Guidelines. Appendix G allows the cloning of toxin genes in *E. coli* K–12 only, and overrides other parts of the Guidelines. Under interpretations of the previous Guidelines, for example, investigators may be conducting recombinant DNA experiments with toxins not listed in Appendix G, or conducting experiments at lower containment levels than now specified in Appendix G, or using host-vector systems other than *E. coli* K–12 as in "self cloning" experiments. Investigators currently conducting experiments that do not meet the requirements of new Appendix G and that have not already been acted upon individually by NIH must contact ORDA for a case-by-case review within 90 days. However, investigators currently conducting such experiments may continue with their ongoing projects until these projects have been evaluated by NIH.

V. Request for Permission To Clone the Vibrio Cholerae Enterotoxin Gene in E. Coli K–12

Dr. J. J. Mekalanos of Harvard Medical School requested permission to clone in *E. coli* K–12 the *Vibrio cholerae* enterotoxin gene. In support of his request, Dr. Mekalanos noted that *E. coli* elaborates a heat-labile enterotoxin (LT), which has been shown to share a high degree of structural, antigenic and DNA sequence homology with cholera toxin.

Dr. Mekalanos proposes to perform the investigation in three stages; i.e., (1) the cloning in *E. coli* K–12 of DNA restriction fragments of *V. cholerae* known to contain sequences homologous to the A subunit of the LT gene; (2) the cloning in *E. coli* K–12 of DNA restriction fragments of *V. cholerae* containing sequences homologous to the B subunit of the LT gene, and (3) the cloning in *E. coli* K–12 of restriction fragments of *V. cholerae* containing sequences homologous to both the LT A and B subunit genes.

Dr. Mekalanos' request appeared in the **Federal Register** of March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

RAC discussed Dr. Mekalanos' request at the April 23–24, 1981 meeting. RAC reviewers indicated that P1+EK1 containment would be adequate for all three stages of the proposed experiments. By a vote of 15 in favor, 0 opposed, with 1 abstention, the RAC recommended approval of the proposal at P1+EK1 containment.

This recommendation is in agreement with part 2-a of Appendix G dicussed in the previous item of this decision document and is permitted under that part.

VI. Cloning and Expression of DNA Coding for Diphtheria Toxin

Dr. John Murphy of Harvard University, in a letter dated March 11, 1981, proposed to clone in *E. coli* K–12, the 3.9 kb Bam restriction fragment and/or the 8.6 kb Eco fragment of *Corynephage Beta* carrying the stuctural gene for diphtheria toxin.

Dr. Murphy advanced the following arguments in support of his proposal:

(1) Studies of diphtheria toxin-producing organisms would yield valuable data for risk assessment;

(2) The localization of diphtheria toxin in *E. coli* would be determined as well as whether the toxin might be secreted by *E. coli;*

(3) Mutagenesis of the tox gene would be used to elucidate (a) diphtheria toxin interaction with the eukaryotic cell toxin receptor, and (b) the mechanism of fragment A translocation into the eukaryotic cell cytosol.

Dr. Murphy proposed to perform the experiments under P4 conditions at the Frederick Cancer Research Center or at the NIH if the RAC recommended the P4 level of containment.

A **Federal Register** announcement of Dr. Murphy's requet appeared on March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

The RAC discussed the proposal at the April 23–24, 1981 meeting. Members of the *ad hoc* Working Group on Toxins presented to the RAC the data gathered by the group on diphtheria toxin. The data showed that the LD_{50} in the most sensitive animal tested, the guinea pig, was 160 nanograms per kilogram body weight. The LD_{50} in humans is estimated to be equal to or less than 100 nanograms per kilogram body weight. This figure was estrapolated from an incident in Japan in which children were inadvertently injected with diphtheria toxin rather than diphtheria toxoid. By a vote of 15 in favor, 0 opposed, with 1 abstention, the RAC recommended approval of Dr. Murphy's proposal at P4 containment.

I accept this recommendation, and the following entry, number 30, is added to Appendix E:

> Permission is granted to clone in *E. coli* K–12 under P4 containment conditions, restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin.

VII. Proposals Involving the Expression of Foot and Mouth Disease Viral Coat Proteins in Saccharomyces Cerevisiae, Bacillus Subtilis, and Tissue Culture Systems

The RAC at its April 23–24, 1981 meeting reviewed proposed experiments jointly submitted by Genentech, Inc., South San Francisco, California, and the United States Department of Agriculture, Plum Island Animal Disease Center, Greenport, New York, to study the expression of Foot and Mouth Disease Virus (FMDV) sequences in *Bacillus subtilis, Saccharomyces cerevisiae,* and mammalian tissue culture systems, with the goal of production of a viral subunit vaccine for Foot and Mouth Disease. This proposal was an extension of their prior NIH approved proposal for the study of the expression of the capsid protein of FMDV in *E. coli* K–12.

A summary of the request was published for comment in the **Federal Register** of March 20, 1981 (46 FR 17996). During the 30 day comment period, no comments were received on the proposals.

The RAC recommended that the work be permitted at P1 physical containment with both the *B. subtilis* and *S. cerevisiae* aproved host-vector systems if the subgenomic FMD segments were restricted to those sequences which map between 500 and 4100 of the FMD viral genome. Separate motions to approve these experiments at P1 physical containment under the conditions set forth above were passed by votes of 16 in favor, 0 opposed, with 2 abstentions.

I accept these recommendations with the added stipulation that HV1 hostvector systems be used, as specified in the Genentech request, and an appropriate entry has been made in Appendix E.

In the RAC discussion on the proposed experiments using a SV40 virus vector for cloning the FMD capsid segments in mammalian tissue culture, concern was raised about the potential for recombination between an adventitious picornavirus in the cell culture with the SV40 and FMD viral sequences. The RAC recommended by a vote of 17 in favor, 0 opposed, with 1 abstention, that cloning of FMD capsid protein sequences employing a SV40 deletion vector in a mammalian tissue culture system at the Plum Island laboratories by approved in principle under P3 physical containment. The approval is subject to review by the Working Group of individual experiments.

I accept this recommendation, and an appropriate entry has been made in Appendix E.

VIII. Containment Levels for Recombinant DNA Experiments Involving Neurospora Crassa

Dr. David Perkins of Stanford University proposed that entry 2 in Appendix E be amended to read as follows:

> Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agents other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* system are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. Crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice.
>
> Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used

in all experiments for which HV2 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used.

In the submission, Dr. Perkins argued that present containment levels cannot be justified by any demonstrated hazard, especially when only Class 1 agents are involved, and that present containment levels impose a serious and unnecessary handicap on genetic analysis of *Neurospora*.

Three letters were received strongly supporting this proposal. One commentator said that it was his experience that contamination by airborne *Neurospora* conidia is not a serious problem. Another commentator stated:

> . . . Since *Neurospora crassa* is not a pest or pathogen, there is no justification for imposing more stringent containment conditions for research with Neurospora than for investigations with yeast or animal viruses. The current Guidelines are seriously hindering the use and development of Neurospora as a subject for recombinant DNA research.

The RAC recommended approval of the proposal by a vote of 10 in favor, 0 opposed, with 5 abstentions.

I accept this recommendation, and entry 2 of Appendix E has been modified to reflect this decision.

IX. Request to Employ a Conjugative Plasmid To Transfer Neurospora Crassa DNA

Dr. Norman Giles of the University of Georgia in a letter dated March 18, 1981, requested permission to use a conjugative plasmid to transfer the *qa-2* gene of *Neurospora crassa* among *E. coli* K–12 strains. The *N. crassa qa–2* gene would be ligated into a derivative (pVK57) of the mobilized plasmid RSF2124.

In support of his proposal, Dr. Giles argued that (1) no *Neurospora* protein other than the *qa-2* protein (catabolic dehydroquinase) is produced in *E. coli* transformed with plasmid pVK57; no hybrid or non-functional proteins are produced, and (2) the catabolic dehydroquinase synthesized by *Neurospora* is identical to that synthesized by *E. coli*, based on heatstability, sedimentation, and amino acid composition. In addition, fragments close to the NH_2-terminal end have been sequenced and are identical in *E. coli* and *Neurospora crassa*.

A **Federal Register** announcement of Dr. Gilles' request appeared on March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

The RAC discussed the request at its April 23–24, 1981 meeting. Noting that the *qa-2* fragment was relatively well-defined, RAC recommended approval of the proposal by a vote of 17 in favor, 0 opposed, with no absentions. P2 containment conditions were specified.

I accept this recommendation. A new entry, number 33, has been added to Appendix E as follows:

> A conjugative plasmid may be used to transfer among *E. coli* K–12 strains at P2 physical containment the qa-2 gene of *Neurospora crassa* ligated to a mobilizable plasmid.

X. Request To Use An E. Coli Strain Containing Mu Phage Insertions

Dr. Darold Holten of the University of California at Riverside, in a letter dated March 18, 1981, requested permission to utilize the *E. coli* strain DF214 (or derivatives thereof), and plasmid vectors (e.g., pBR322, pBR325) to clone rat cDNA. Strain DF214, a K–12 derivative,contains (1) a Mu phage insertion in the phosphoglucose isomerase gene, and (2) a Mu lysogen in an unknown location. Dr. Holten calculates the frequency of Mu lysis and transduction in DF214 to be of the order of 10^{-12} to 10^{-14}.

The **Federal Register** of March 20, 1981 (46 FR 17997) carried an announcement of Dr. Holten's proposal. No comments were received during the thirty day comment period.

The RAC discussed the proposal at the April 23–24, 1981 meeting and recommended by a vote of 17 in favor, 0 opposed, with no absentions, that the initial screening of the rat library be done at P2 containment; after the clone of interest has been purified, it may be worked with at P1 containment.

I accept this recommendation, and a new entry, item 34, will be added to Appendix E as follows:

> *E. coli* K–12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with under P1 containment.

Additional Announcements of The Director, NIH

Section IV–E–1–b–(3)–(d) of the Guidelines gives responsibility to the Director, NIH, for "authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences."

Accordingly, several requests for authorization to culture, on a large-scale, recombinant DNA host-vector systems have been received and reviewed by the NIH.

I. Professor Barry T. Nall

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Professor Barry T. Nall, University of Texas Health Science Center at Houston, Houston, Texas 77025, for the large-scale culture of EK1 host-vector systems into which have been ligated recombinant DNA plasmids containing *E. coli* DNA and *Saccharomyces cerevisiae* genes for cytochrome *c*.

The principal investigator is Dr. Nall. The work is to be done at the P1–LS level.

III. Cetus Corporation

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved requests from Cetus Corporation, 600 Bancroft Way, Berkeley, California 94710, for large-scale culture of Ek1 *E. coli* or NV1 *Bacillus subtilis* containing plasmids coding for human beta-1 fibroblast interferon.

The request was approved with the understanding that Cetus Corporation has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigators or Drs. Michael W. Conrad and Wolfgang H. Hanisch. The work is to be done at the P1–LS level.

III. Johns Hopkins University

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Professor Hamilton O. Smith, Johns Hopkins University School of Medicine, Baltimore, Maryland 21205, for the large-scale culture of *E. coli* containing recombinant plasmids comprised of *E. coli* and *Haemophilus haemolyticus* DNA; the *Haemophilus* DNA consists of two of the genes that constitute the *Hha*II restriction/modification system.

Professor Smith is the principal investigator. The work is to be done at the P1–LS level.

Dated: June 22, 1981.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only vitually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has

been determined to be not cost effective or in the public interest to attemp to list these program. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

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Part III

Department of Health and Human Services

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules June 1981

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules June 1981

These NIH guidelines supersede those of November 1980, and will be in effect until further notice.

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I. Scope of the Guidelines

I-A. *Purpose.* The purpose of these Guidelines is to specify practices for construction and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

I-B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I-C. *General Applicability.* See Section IV-B.

I-D. *Prohibitions.* The following experiments are not to be initiated at the present time:

I-D-1. Formation of recombinant DNAs derived from the pathogenic organisms classified (*1*) as Class 4 or 5 (*2*) or from cells known (*2A*) to be infected with such agents, regardless of the host-vector system used.

I-D-2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to verebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

I-D-3. [Deleted]

I–D–4. Deliberate release into the environment of any organism containing recombinant DNA.

I–D–5. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. (*2A*)

I–D–6. Large-scale experiments (e.g., more than 10 liters of culture) with organisms containing recombinant DNAs, unless the recombinant DNAs are rigorously characterized and the absence of harmful sequences established (*3*). (See Section IV–E–1–b–(3)–(d).)

I–D (1–6). Experiments in Categories I–D–1 to I–D–6 may be excepted (*4*) from the prohibitions (and will at that time be assigned appropriate levels of physical and biological containment) provided that these experiments are expressly approved by the Director, National Institutes of Health (NIH), with advice of the Recombinant DNA Advisory Committee (RAC), after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(e).)

Experiments in Categories I–D–1, I–D–2, I–D–5, and experiments involving "wild type" host-vector systems are expected from the prohibitions, provided that these experiments are designed for risk-assessment purposes and are conducted within the NIH high-containment facilities located in Building 41–T on the Bethesda campus and in Building 550 located at the Frederick Cancer Research Center. The selection of laboratory practices and containment equipment for such experiments shall be approved by the Office of Recombinant DNA Activities (ORDA) following consultation with the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. ORDA shall inform RAC members of the proposed risk-assessment projects at the same time it seeks consultation from the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. If a major biohazard is detemined, the clones will be destroyed after the completion of the experiment rather than retaining them in high containment facility. Other clones that are non-hazardous or not of major hazard will be retained in the high containment.

I–E. *Exemptions.* It must be emphasized that the following exemptions (*4*) are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited. In addition, any recombinant DNA molecules involving DNA from Class 3 organisms (*1*) or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange, are not exempt unless specifically so designated by NIH under Section I–E–5. Also, Appendix G overrides the exemptions for specified experiments involving genes coding for toxins.

The following recombinant DNA molecules are exempt from these Guidelines, and no registration with NIH is necessary.

I–E–1. Those that are not in organisms or viruses. (*5*)

I–E–2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I–E–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I–E–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I–E–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland, 20205.

I–F. *General Definitions.* See Section IV–C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. (*6–19*) The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) a set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be geneticaly designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these three means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions than indicated here without affecting risk. Indeed, we urge that individual investigators devise simple and more effective containment procedures and

that investigators and institutional biosafety committees recommend changes in the Guidelines to permit their use.

II–A. *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. (*6–15*) Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs must receive adequate instruction. (see Sections IV–D–1–g, IV–D–5–d and IV–D–8–b.). This shall, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard shall have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. (See Sections IV–D–5–e and IV–D–3–d.) If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it shall be provided. (See Sections IV–D–1–h and IV–D–8–c.)

II–B *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection against the accidental release of organisms outside the laboratory or to the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard," (*7*) prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels. (*8*)

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within the facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).) Additional material on physical containment for plant host-vector systems is found in Sections III–C–3 and III–C–4.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–2–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–2–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II–B–2–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–2–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–2–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–2–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–2–a–(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container,

which is closed before removal from the laboratory.

II–B–2–a–(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II–B–2–a–(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–2–a–(11). An insect and rodent control program shall be instituted.

II–B–2–a–(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II–B–2–a–(13). Animals not related to the experiment shall not be permitted in the laboratory.

II–B–2–a–(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–2–a–(15). The laboratory shall be kept neat and clean.

II–B–2–a–(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II–B–2–b. *Containment Equipment.* Biological safety cabinets (*20*) shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II–B–2–c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be available in the same building in which organisms containing recombinant DNA molecules are used.

II–B–3. *P3 Level.*

II–B–3–a. *Laboratory Practices.*

II–B–3–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–3–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–3–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–3–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–3–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–3–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–3–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–3–a–(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–3–a–(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II–B–3–a–(10). Persons under 16 years of age shall not enter the laboratory.

II–B–3–a–(11). The universal biohazard sign shall be posted on the controller access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–3–a–(12). An insect and rodent control program shall be instituted.

II–B–3–a–(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or Wrap-around gowns, no-button or slipperover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II–B–3–a–(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II–B–3–a–(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II–B–3–a–(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II–B–3–a–(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–3–a–(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–3–a–(19). The laboratory shall be kept neat and clean.

II–B–3–a–(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conductedd in accordance with all P3-level laboratory practices.

II–B–3–b. *Containment Equipment.*

II–B–3–b–(1). Biological safety cabinets (*20*) shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II–B–3–b–(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units (*19A*), open cages placed in ventilated enclosures, solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors. (Note: Conventional caging systems may be used, provided that all personnel wear apropriate personal protective devices. These shall include, at a minumum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.)

II–B–3–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P2 level of

physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

Table I.—*Combinations of Containment Safeguards*

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			Biological containment
Physical containment	Biological [1] containment	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	
P3	HV3	P3	P3	P3	HV3.
P3	HV3	P3	P3	P4	HV2.
P3	HV2	P3	P3	P3	HV2.
P3	HV2	P3	P3	P2	HV3.
P3	HV2	P3	P3	P4	HV1
P3	HV1	P3	P3	P3	HV1.
P3	HV1	P3	P3	P2	HV2.

[1] See Section II-D for description of biological containment.

II–B–3–c. *Special Laboratory Design.*

II–B–3–c–(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement that separates the laboratory from areas open to unrestricted traffic flow.

II–B–3–c–(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilities space decontamination.

II–B–3–c–(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II–B–3–c–(4). Windows in the laboratory shall be sealed.

II–B–3–c–(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and perferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II–B–3–c–(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential (i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory areas shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dipersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets (*20*) may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experiemental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or dispoal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or stream shall be steam sterilzed in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exit from P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change areas and kept there.

Complete laboratory clothing, including undergarments, head covers, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discared it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlet shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4-level containment, they shall be conducted in accordance with all P4-level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4-level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals involved in experiments requiring P4-level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units (*19A*), open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

Table II.—*Combinations of Containment Safeguards*

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			Biological containment
Physical containment	Biological containment [1]	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	
P4	HV1	P4	P4	P4	HV1
P4	HV1	P4	P4[2]	P3	HV2

[1] See Section II-D for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II–B–4–a–(14).

II–B–4–c. *Special Laboratory Design.*

II–B–4–c–(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II–B–4–c–(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II–B–4–c–(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II–B–4–c–(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gaseous services provided to the P4 facility shall be protected by devices that prevent backflow.

II–B–4–c–(5). Drinking water fountains shall not be installed in laboratory or animal rooms of the P4 facility. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II–B–4–c–(6). Laboratory doors shall be self-closing.

II–B–4–c–(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II–B–4–c–(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II–B–4–c–(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II–B–4–c–(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II–B–4–c–(11). Air within individual laboratories of the P4 facility may be recirculated if HEPA filtered.

II–B–4–c–(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ*

decontamination before removal and to facilitate certification testing after replacement.

II–B–4–c–(13). The treated exhaust-air from Class I and Class II biological safety cabinets (*20*) may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II–B–4–c–(14). As noted in Section II–B–4–b–(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight.

The exhaust-air from the suit area shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to decontaminate the surfaces of the suit before removal.

II–C. *Shipment.* Recombinant DNA molecules contained in an organism or virus shall be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation (Section 72.25, Part 72, Title 42, and Sections 173.386–.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR)) as specified below:

II–C–1. Recombinant DNA molecules contained in an organism or virus requiring P1, P2, or P3 physical containment, when offered for transportation or transported, are subject to all requirements of Section 72.25(c) (1)–(5), Part 72, Title 42 CFR, and Sections 173.386–.388, Part 173, Title 49 CFR.

II–C–2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, are subject to the requirements listed above under II–C–1 and are also subject to Section 72.25(c)(6), Part 72, Title 42 CFR.

II–C–3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research."

II–D. *Biological Containment.*

II–D–1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *Host-Vector*, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used. Eukaryotic host-vector systems are considered in Part III.

II–D–1–a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II–D–1–a–(1). *EK1.* The host is always *E. coli* K–12 or a derivative therof, and the vectors include nonconjugative plasmids (e.g., pSC101, Co1E1, or derivatives thereof) (*21–27*)) and variants of bacteriophage, such as lambda (*28–33*). The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages, except as specified in Section III–0.

II–D–1–a–(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a non conjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HV1 systems are described below (Section II–D–2).

II–D–1–b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II–D–1–b–(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II–D–1–b–(2). For EK2 host-vestor systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation of (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II–D–1–c. *HV3.* These are host-vector systems in which:

II–D–1–c–(1). All HV2 criteria are met.

II–D–1–c–(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II–D–1–c–(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II–D–1–c–(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II–D–1–c–(5). The relevant genotypic and phenotypic traits have been indepently confirmed.

II–D–2. *Certification of Host-Vector Systems.*

II–D–2–a. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–E–1–b–(1)–(c).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or

more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available information at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV-E-1-b-(3)-(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV-E-1-b-(3)-(i).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II-D-2-b. *Data To Be Submitted for Certification.*

II-D-2-b-(1). *HV1 Systems Other than E. Coli K-12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II-D-2-b-(2). *HV2 systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted (*33A, 33B*). In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properties of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K-12 are available from ORDA.

II-D-2-b-(3). *HV3 systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the criteria given above under II-D-1-(c)-1, II-D-1-(c)-2, and II-D-1-(c)-3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selected by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II-D-3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

Containment guidelines for permissible experiments are given in Part III. For these experiments no registration with the National Institutes of Health (NIH) is necessary. However, for these experiments, prior to their initiation, investigators must submit to their Institutional Biosafety Committee

(IBC) a registration document that contains a description of (a) the source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene in the cloning vehicle and if so, what protein, and (e) the containment conditions specified by these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals: IBC review prior to initiation of the experiment is not required for experiments described in Section III–O. Prior IBC review is required for all other experiments described in the subsections of Part III, including III–0–1, III–0–2, etc.

Changes from the levels specified in Part III for specific experiments (or the assignment of levels to experiments not explicitly considered here) may not be instituted without the express approval of the Director, NIH. (See Sections IV–E–1–b–(1)–(a), IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

In the classification of containment criteria for different kinds of recombinant DNAs, the stated levels of physical and biological containment are minimal for the experiments designated. The use of higher levels of biological containment (HV3>HV2>HV1) is encouraged if they are available and equally appropriate for the purposes of the experiment.

When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment.

III–O. *Classification of Experiments Using Certain Host-Vector Systems.* Experiments listed in Appendix H may be performed at P1 physical containment. For these experiments IBC review prior to initiation of the experiment is not required.

III–O–1. *Experiments Involving Class 3 organisms.* Experiments involving recombinant DNA from Class 3 Organisms (*1*) or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e)).

III–O–2. *Experiments Involving Prokaryotes Nonpathogenic for Man, Animals or Plants, and/or Lower Eukaryotes Nonpathogenic for Man, Animals or Plants.* Recombinant DNA experiments evolving prokaryotes nonpathogenic for man, animals or plants, and/or lower eukaryotes nonpathogenic for man, animals or plants, and only DNA from such sources, can be conducted under P3 containment (*2A*). Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV–E–1–b–(3)–(h)).

III–A. *Classification of Experiments Using Certain HV1 and HV2 Host-Vector Systems.* Certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of this Section III–A. Those so classified as of publication of these revised Guidelines are listed in Appendix D. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

III–A–1. *Shotgun Experiments.* These experiments involve the production of recombinant DNAs between the vector and portions of the specified cellular source, preferably a partially purified fraction. Care should be taken either to preclude or eliminate contaminating microorganisms before isolating the DNA.

III–A–1–a. *Eukaryotic DNA Recombinants.*

III–A–1–a–(1). *Primates.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(2). *Other Mammals.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(3). *Birds.* P2 physical containment + an HV2 host-vector, or P3 + HV1.

III–A–1–a–(4). *Cold-Blooded Vertebrates.* P2 physical containment + an HV1 host-vector or P1 + HV2. If the eukaryote is known to produce a potent polypeptide toxin, (*34*) the containment shall be increased to P3 + HV2.

III–A–1–a–(5). *Other Cold-Blooded Animals and Lower Eukaryotes.* This large class of eukaryotes is divided into two groups:

III–A–1–a–(5)–(a). Species that are known to produce a potent polypeptide toxin (*34*) that acts in vertebrates, or are known pathogens listed in Class 2.[1] or are known to carry such pathogens must use P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked eukaryote genes, containment may be reduced to P3+HV1 or P2+HV2. Species that produce potent toxins that affect invertebrates or plants but not vertebrates require P2+HV2 or P3+HV1. Any species that has a demonstrated capacity for carrying particular pathogenic microorganisms is included in this group, unless the organisms used as the source of DNA have been shown not to contain those agents, in which case they may be placed in the following group. (*2A*)

III–A–1–a–(5)–(b). The remainder of the species in this class including plant pathogenic or symbiotic fungi that do not produce potent toxins: P2+HV1 or P1+HV2. However, any insect in this group must be either (i) grown under laboratory conditions for at least 10 generations prior to its use as a source of DNA, or (ii) if caught in the wild, must be shown to be free of disease-causing microorganisms or must belong to a species that does not carry microorganisms causing disease in vertebrates or plants. (*2A*) If these conditions cannot be met, experiments must be done under P3+HV1 or P2+Hv2 containment.

III–A–1–a–(6). *Plants.* P2 physical containment + an HV1 host-vector, or P1+HV2. If the plant source makes a potent polypeptide toxin, (*34*) the containment must be raised to P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked plant genes, containment may be reduced to P3+HV1 or P2+HV2. (*2A*)

III–A–1–b. *Prokaryotic DNA Recombinants.* P2+HV1 or P1+HV2 for experiments with phages, plasmids and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins. (*34*) P3+HV2 for experiments with phages, plasmids and DNA from Class 2 agents. (*1*)

III–A–2–a. *Viruses of Eukaryotes* (summary given in Table III; see also exception given at asterisk at end of Appendix D).

III–A–2–a–(1). *DNA Viruses.*

III–A–2–a–(1)–(a). *Nontransforming viruses.*

III–A–2–a–(1)–(a)–(*1*). *Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL), and Plant Viruses. (48)* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) subgenomic DNA segments, or (iii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(1)–(a)–(*2*). *Hepatitis B.*

III–A–2–a–(1)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall

be used for purified subgenomic DNA segments. (38)

III-A-2-a-(1)-(a)-(2)-(b). P2 physical containment + an HV2 host-vector, or P3+HV1, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(a)-(2)-(c). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants derived from purified cDNA copies of viral mRNA. (37)

III-A-2-a-(1)-(a)-(3). *Other Nontransforming Members of Presently Classified Viral Families. (36)*

III-A-2-a-(1)-(a)-(3)-(a). P1 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA (38) segments or (ii) purified cDNA copies of viral mRNA. (37)

III-A-2-a-(1)-(a)-(3)-(b). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(b). *Transforming Viruses. (37A)*

III-A-2-a-(1)-(b)-(1). *Herpes Saimiri, Herpes Ateles, and Epstein Barr Virus. (39)*

III-A-2-a-(1)-(b)-(1)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (38)

III-A-2-a-(1)-(b)-(1)-(b). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA segments containing an entire transforming gene [38] or (ii) purified cDNA copies of viral mRNA. (37)

III-A-2-a-(1)-(b)-(1)-(c). P3 physical containment + an HV1 host-vector, or P2+HV2, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(b)-(2). *Other Transforming Members of Presently Classified Viral Families. (36)*

III-A-2-a-(1)-(b)-(2)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (38)

III-A-2-a-(1)-(b)-(2)-(b). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with the whole viral genome, (ii) subgenomic DNA segments containing an entire transforming gene, (iii) purified cDNA copies of viral mRNA, (37) or (iv) subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(2). *DNA Transcripts of RNA Viruses.*

III-A-2-a-(2)-(a). *Retroviruses.*

III-A-2-a-(2)-(a)-(1). *Gibbon Ape, Woolly Monkey, Feline Leukemia and Feline Sarcoma Viruses. (39)*

III-A-2-a-(2)-(a)-(1)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (38)

III-A-2-a-(2)-(a)-(1)-(b). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic DNA segments (38) containing an entire transforming gene.

III-A-2-a-(2)-(a)-(1)-(c). P2 physical containment + an HV2 host-vector, or P3+HV1, shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) purified cDNA copies of viral mRNA, (37) or (iii) subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(2)-(a)-(2). *Other Members of the Family Retroviridiae. (36)*

III-A-2-a-(2)-(a)-(2)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (38)

III-A-2-a-(2)-(a)-(2)-(b). P2 physical containment + HV1 host-vector shall be used for DNA recombinants produced with (i) subgenomic DNA segments containing an entire transforming gene, (ii) the whole viral genome, or (iii) purified cDNA copies of viral mRNA, (37) or (iv) subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(2)-(b). *Negative Strand RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA. (37)

III-A-2-a-(2)-(c). *Plus-Strand RNA Viruses.*

III-A-2-a-(2)-(c)-(1). *Types 1 and 2 Sabin Poliovirus Vaccine Strains and Strain 17D (Theiler) of Yellow Fever Virus.* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral mRNA. (37)

III-A-2-a-(2)-(c)-(2). *Other Plus-Strand RNA Viruses Belonging to Presently Classified Viral Families. (36)*

III-A-2-a-(2)-(c)-(2)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic cDNA segments. (38)

Table III.—*Recommended Containment for Cloning of Viral DNA or cDNA in Certain HV1 and HV2 Systems Specified in Appendix D*

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic (38)		Genomic [1]		cDNA from viral mRNA (37)
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	
DNA					
Nontransforming viruses:					
AVV, MVM, Mouse Adeno (strain FL)	P1+HV1		P1+HV1		P1+HV1.
Plant Viruses	P1+HV1		P1+HV1		P1+HV1.
Hepatitus B	P1+HV1 (38)		P2+HV2 or P3+HV1.		P2+HV1.
Other	P1+HV1 (38)		P1+HV1		P1+HV1.
Transforming Viruses:					
Herpes, Saimiri, H. Ateles and EBV (39).	P1+HV1 (38)	P2+HV1	P2+HV2 or P3+HV1.		P2+HV1.
Other	P1+HV1 (38)	P2+HV1	P2+HV1		P2+HV1.
RNA					
Retroviruses:					
Gibbon Ape, Woolly Monkey FeLV and FeSV (39).	P1+HV1 (38)	P2+HV1	P2+HV2 or P3+HV1.		P2+HV2 or P3+HV1.
Other	P1+HV1 (38)	P2+HV1	P2+HV1		P2+HV1.
Negative-Strand RNA	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Plus-Strand RNA:					
Types 1 and 2 Sabin Polio, 17D Yellow Fever Vaccine Strains.	P1+HV1		P1+HV1		P1+HV1.
Other	P1+HV1 (38)		P2+HV1		P2+HV1.

Table III.—*Recommended Containment for Cloning of Viral DNA or cDNA in Certain HV1 and HV2 Systems Specified in Appendix D*—Continued

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic (38)		Genomic [1]		cDNA from viral mRNA [37]
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	
Double-Stranded RNA	P1+HV1			P1+HV1	P1+HV1.
Plant Viruses+Viroids	P1+HV1		P1+HV1	P1+HV1	P1+HV1
Intracellular Viral DNA	See text	See text	See text		

[1] See exception given at asterisk at end of Appendix D.

III–A–2–a–(2)–(c)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, or (ii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(2)–(d). *Double-Stranded Segmented RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) mixtures of subgenomic cDNA segments, (ii) a specific subgenomic cDNA segment, or (iii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(2)–(e). *RNA Plant Viruses and Plant Viroids.* (*48*) P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(3). *Intracellular Viral DNA.* Physical and biological containment specified for shotgun experiments with eukaryotic cellular DNA [see Section III–A–(1)–(a)] shall be used for DNA recombinants produced with integrated viral DNA or viral genomes present in infected cells.

III–A–2–a–b. *Eukaryotic Organelle DNAs.* P2 physical containment + an HV1 host-vector, or P1+HV2, for mitochondrial or chloroplast DNA from eukaryotes when the organelle DNA has been obtained from isolated organelles. Otherwise, the conditions given for shotgun experiments apply.

III–A–2–c. *Prokaryotic Plasmid and Phage DNAs.* The containment levels required for shotgun experiments with DNA from prokaryotes apply to their plasmids or phages (See Section III–A–1–b.)

III–A–3. *Lowering of Containment Levels for Characterized or Purified DNA Preparations and Clones.* Many of the risks which might conceivably arise from some types of recombinant DNA experiments, particularly shotgun experiments, would result from the inadvertent cloning of a harmful sequence. Therefore, in cases where the risk of inadvertently cloning the "wrong" DNA is reduced by prior enrichment for the desired piece, or in which a clone made from a random assortment of DNAs has been purified and the absence of harmful sequences established, the containment conditions for further work may be reduced. The following section outlines the mechanisms for such reductions.

III–A–3–a. *Purified DNA Other than Plasmids, Bacteriophages, and Other Viruses.* The formation of DNA recombinants from cellular DNAs that have been purified [41] and in which the absence of harmful sequences has been established [3] can be carried out under lower containment conditions than used for the corresponding shotgun experiment. (*42*) The containment may be decreased one step in physical containment (P4, P3; P3, P2; P2, P1) while maintaining the biological containment specified for the shotgun experiment, or one step in biological containment (HV3; HV2; HV2; HV1) while maintaining the specified physical containment. The Institutional Biosafety Committee (IBC) must review such a reduction and the approval of the IBC and of the NIH must be secured before such a reduction may be put into effect. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3 to levels below P1+HV1, which requires prior NIH approval. (See Section IV–E–1–b–(3)–(e).)

III–A–3–b. *Characterized Clones of DNA Recombinants.* When a cloned DNA recombinant has been rigorously characterized and the absence of harmful sequences has been established (*3*), experiments involving this recombinant DNA may be carried out under lower containment conditions. Institutional Biosafety Committees (IBCs) may give approval for a single-step reduction in physical or biological containment on receipt of evidence of characterization of a clone derived from a shotgun experiment and its probable freedom from harmful genes. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–b to levels below P1+HV1, or reduction of containment levels by more than one step, which also requires prior NIH approval. (See Section IV–E–1–b–3–(e).)

III–B. *Experiments with Prokaryotic Host-Vectors Other Than E. coli K–12.*

III–B–1. *HV1 and HV2 Systems.* Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, the classification of containment levels for experiments using them will be assigned by NIH.

III–B–2. *Return of DNA Segments to Prokaryotic Non-HV1 Host of Origin.* Certain experiments involving those prokaryotes that exchange genetic information with *E. coli* by known physiological processes will be exempt from these Guidelines if they appear on the "list of exchangers" set forth in Appendix A (see Section I–E–4). For a prokaryote which can exchange genetic information [35] with *E. coli* under laboratory conditions but which is not on the list (Host A), the following type of experiment may be carried out under P1 conditions without Host A having been approved as an HV1 host: DNA from Host A may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host A by mobilization, transformation, or transduction and may then be propagated in Host A in any desired vector under P1 conditions.

For a prokaryote which does not exchange genetic information with *E. coli* (Host B), the following type of experiment may be carried out without Host B having been approved as an HV1 host: DNA from Host B may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host B and propagated in Host B under P1 conditions. (*43*)

III–B–3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C. *Experiments with Eukaryotic Host-Vectors.*

III–C–1. *Vertebrate Host-Vector Systems. (44)* The subsections of Sections III–C–1 –a, –b, –c and –d involve the use of specific viral vectors, namely polyoma, SV40, human adenoviruses 2 and 5, and mouse adenovirus strain FL, respectively. The

subsections of Section III–C–1–e involve the use of all viral vectors including the specific viral vectors considered in the subsections of Sections III–C–1 –a, –b, –c and –d, as well as any other viral vector. When the reader finds that the containment level given for a specific experiment in a subsection of Section III–C–1–e is different from the containment level given in a subsection of Section III–C–1 –a, –b, –c, or –d, he may choose which of the two containment levels he wishes to use for the experiment.

III–C–1–a. *Polyoma Virus.*

III–C–1–a–(1). *Productive Virus-Cell Interactions.*

III–C–1–a–(1)–(a). Defective or whole polyoma virus genomes, with appropriate helper, if necessary, can be used in P2 conditions to propagate DNA sequences:

III–C–1–a–(1)–(a)–(*1*). from bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids, except for those that produce potent polypeptide toxins; (*34*)

III–C–1–a–(1)–(a)–(*2*). from mice;

III–C–1–a–(1)–(a)–(*3*). from eukaryotic organisms that do not produce potent polypeptide toxins, (*34*) provided that the DNA segment is >99% pure.

III–C–1–a–(1)–(b). Defective polyoma genomes, with appropriate helper, if necessary, can be used in P2 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins. (*34*)

III–C–1–a–(1)–(c). Whole virus genomes with appropriate helper, if necessary, can be used in P3 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins. (*34*)

III–C–1–a–(1)–(d). Experiments involving the use of defective polyoma virsu genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–a–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole polyoma virus genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genomes in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b. *Simian Virus 40.*

III–C–1–b–(1). *Productive Virus-Cell Interactions.*

III–C–1–b–(1)–(a). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–b–(1)–(a)–(*1*). Bacteria of Class 1 or Class 2, [1] or their phages or plasmids, except for those that produce potential polypeptide toxins; (*34*)

III–C–1–b–(1)–(a)–(*2*). Uninfected African green monkey kidney cell cultures.

III–C–1–b–(1)–(b). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with an appropriate helper, can be used in P3 conditions to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–b–(1)–(c). Experiments involving the use of defective SV40 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole SV40 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c. *Human Adenoviruses 2 and 5.*

III–C–1–c–(1). *Productive Virus-Cell Interactions.*

III–C–1–c–(1)–(a). Human adenoviruses 2 and 5, rendered unconditionally defective by deletion of at least two essential genes, with appropriate helper, can be used in P3 conditions to propagate DNA sequences from:

III–C–1–c–(1)–(a)–(*1*). Bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids except for those that produce potent polypeptide toxins; (*34*)

III–C–1–c–(1)–(a)–(*2*). Eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–c–(1)–(b) Experiments involving the use of unconditionally defective human adenovirus 2 and 5 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole human adenovirus 2 and 5 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d. *Murine Adenovirus Strain FL.*

III–C–1–d–(1). Productive Virus-Cell Interactions.

III–C–1–d–(1)–(a). Unconditionally defective murine adenovirus strain FL genomes, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–d–(1)–(a)–(*1*). bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids except for those that produce potent polypeptide toxins; (*34*)

III–C–1–d–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–d–(1)–(b). Experiments involving the use of whole murine adenovirus strain FL genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(1)–(c). Experiments involving the use of unconditionally defective murine adenovirus strain FL genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole

murine adenovirus strain FL genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–e. *All Viral Vectors.*

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (*36*) being considered indentical (*50*)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the virus are CDC Class 1 or 2 agents, or using P3 containment if wild type strains of the virus are CDC class 3 agents (*1*).

III–C–1–e–(2). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prekaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

NIH will also reveiw on a case-by-case basis [45] all experiments involving the use of virus vectors in animals and will prescribe the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–1–f. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and nonviral DNA from cells other than the host species require only P1 physical containment for cells in culture since vertebrate cells in tissue culture inherently exhibit a very high level of containment. Recombinants involving viral DNA or experiments which require the use of the whole animals will be evaluated by NIH on a case-by-case basis.(*45*)

III–C–2. *Invertebrate Host-Vector Systems.*

III–C–2–a. *Insect Viral Vectors.* As soon as information becomes available on the host range restrictions and on the infectivity, persistence, and integration of the viral DNA in vertebrate and invertebrate cells, experiments involving the use of insect viruses to propagate DNA sequences will be evaluated by NIH on a case-by-case (*45*) and will be conducted under the recommended physical containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–2–b. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P1 physical containment for invertebrate cells in culture since invertebrate cells in culture inherently exhibit a very high level of containment. Experiments which require the use of whole animals will be evaluated by NIH on a case-by-case basis. (*45*)

III–C–3. *Plant Viral Host-Vector Systems.* (*48*) The DNA plant viruses which could currently serve as vectors for cloning genes in plants and plant cell protoplasts are Cauliflower Mosaic Virus (CaMV) and its close relatives (*2A*) which have relaxed circular double-stranded DNA genomes with a molecular weight of 4.5×10^6, and Bean Golden Mosaic Virus (BGMV) and related viruses with small ($<10^6$ daltons) single-stranded DNA genomes. CaMV is spread in nature by aphids, in which it survives for a few hours. Spontaneous mutants of CaMV which lack a factor essential for aphid transmission arise frequently. BGMV is spread in nature by whiteflies, and certain other single-stranded DNA plant viruses are transmitted by leafhoppers.

The DNA plant viruses have narrow host ranges and are relatively difficult to transmit mechanically to plants. For this reason, they are most unlikely to be accidentally transmitted from spillage of purified virus preparations.

When these viruses are used as vectors in intact plants, or propagative plant parts, the plants shall be grown under P1 conditions—that is, in either a limited access greenhouse or plant growth cabinet which is insect-restrictive, preferably with positive air pressure, (*2A*) and in which an insect fumigation regime is maintained. Soil, plant pots, and unwanted infected materials shall be removed from the greenhouse or cabinet in sealed insect-proof containers and sterilized. It is not necessary to sterilize run-off water from the infected plants, as this is not a plausible route for secondary infection. When the viruses are used as vectors tissue cultures or in small plants in axenic cultures, no special containment is neccessary. Infected plant materials which have to be removed from the greenhouse or cabinet for futher research shall be maintained under insect-restrictive conditions. These measures provide an entirely adequate degree of containment.

They are similar to those required in many countries for licensed handling of "exotic" plant viruses.

The viruses or their DNA may also be useful as vectors to introduce genes into plant protoplasts. The fragility of plant protoplasts combined with the properties of the viruses provides adequate safety. Since no risk to the environment from the use of the DNA plant virus/protoplast system is envisaged, no special containment is necessary, except as described in the following paragraph.

Experiments involving the use of plant genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–4. *Plant Host-Vector Systems Other than Viruses. (48)* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (See Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P2 physical containment. The development of host-vector systems that exhibit a high level of biological containment, such as those using protoplasts or undifferentiated cells in culture, permit (*2A*) a decrease in the physical containment to P1.

Intact plants or propagative plant parts which cannot be grown in a

standard P2 laboratory because of their large size may be grown under the P1 conditions described above in Section III–C–3, except that (i) sterilization of run-off water is required where this is a plausible route for secondary infection and (ii) the standard P2 practices are adopted for microbiological work, and (iii) negative air pressure should be employed in the greenhouse or growth chamber when infectious agents are used which generate airborne propagules.

III–C–5. *Fungal or Similar Lower Eukaryotic Host-Vector Systems.*

Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, they may be added to appendix D (and thus the containment levels for their use will be those of the subsections of Section III–A). Alternatively, at the time of their certification, another classification of containment levels for experiments using them may be assigned by NIH.

In addition to the experiments described above, the following experiments may be carried out without the eukaryotic host (Host C) having been approved as an HV1 host: DNA from Host C may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host C and propagated there under P1 conditions. (*43*) Containments levels for other classes of experiments involving non-HV1 systems may be expressly approved by the Director, NIH. (see Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C–6. *Return of DNA Segments to a Higher Eukaryotic Host of Origin.* DNA from a higher eukaryote (Host D) may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host D and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study. (*2A*)

III–C–7. *Transfer of Cloned DNA Segments to Eukaryotic Organisms.*

III–C–7–a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source [Section I–D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K–12, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (*2A*). Transfers to any other host will be considered by the RAC on a case-by-case basis (*45*).

III–C–7–b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* K–12 or *S. cerevisiae*, may be transferred with the *E. coli* or *S. cerevisiae* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (*2A*). Intact plants or propagative plant parts may be grown under P1 conditions described under Section III–C–3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accompanied by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" or reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis (*45*).

III–D. *Complementary DNAs.* Specific containment levels are given in Section III–A–2–a (see also last column of Table III) for complementary DNA (cDNA) of viral mRNA. For the other Sections of the Guidelines, where applicable, cDNAs synthesized *in vitro* are included within each of the above classifications. For example, cDNAs formed from cellular RNAs that are not purified and characterized are included under III–A–1, shotgun experiments; cDNAs formed from purified and characterized RNAs are included under III–A–3; etc.

Due to the possibility of nucleic acid contamination of enzyme preparations used in the preparation of cDNAs, the investigator must employ purified enzyme preparations that are free of viral nucleic acid.

III–E. *Synthetic DNAs.* If the synthetic DNA segment is likely to (*2A*) yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent), the containment conditions must be as stringent as would be used for propagating the natural DNA counterpart.

If the synthetic DNA sequence codes for a a harmless product, (*2A*) it may be propagated at the same containment level as its purified natural DNA counterpart. For example, a synthetic DNA segment which corresponds to a nonharmful gene of birds, to be propagated in *saccharomyces cerevisiae*, would require P2 physical containment plus an HV1 host-vector, or P1+HV2.

If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, the organisms containing the recombinant DNA molecule are exempt (*4*) from the Guidelines.

IV. Roles and Responsibilities

IV–A. *Policy.* Safety in activities involving recombinant DNA depends on the individual conducting them. The Guidelines cannot anticipate every possible situation. Motivation and good judgement are the key essentials to protection of health and the environment.

The Guidelines are intended to help the Institution, the Institutional Biosafety Committee (IBC), the Biological Safety Officer, and the Principal Investigator determine the safeguards that should be implemented. These Guidelines will never be complete or final, since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, it is the responsibility of the Institution and those associated with it to adhere to the *purpose* of the Guidelines as well as to their specifics.

Each Institution (and the IBC acting on its behalf) is responsible for ensuring that recombinant DNA activities comply with the Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level.

The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by NIH as necessary.

IV–B. *General Applicability.* The Guidelines are applicable to all recombinant DNA research within the United States or its territories which is conducted at or sponsored by an Institution that receives any support for recombinant DNA research from NIH. This includes research performed by NIH directly.

An individual receiving support for research involving recombinant DNA must be associated with or sponsored by an Institution that can and does assume the responsibilities assigned in these Guidelines.

The Guidelines are also applicable to projects done abroad if they are supported by NIH funds. If the host country, however, has established rules for the conduct of recombinant DNA projects, then a certificate of compliance

with those rules may be submitted to NIH in lieu of compliance with the NIH Guidelines. NIH reserves the right to withhold funding if the safety practices to be employed abroad are not reasonably consistent with the NIH Guidelines.

IV–C. *General Definitions.* The following terms, which are used throughout the Guidelines, are defined as follows:

IV–C–1. "DNA" means deoxyribonucleic acid.

IV–C–2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV–C–3. [Deleted]

IV–C–4. "Institution" means any public or private entity (including Federal, State, and local government agencies).

IV–C–5. "Institutional Biosafety Committee" or "IBC" means a committee that (i) meets the requirements for membership specified in Section IV–D–2, and (ii) reviews, approves, and oversees projects in accordance with the responsibilities defined in Sections IV–D–2 and –3.

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for (i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specific in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. "Federal Interagency Advisory Committee on Recombinant DNA Research" means the committee established in October 1976 to advise the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH, on the coordination of those aspects of all Federal programs and activities which relate to recombinant DNA research.

IV–C–10. "Administrative Practices Supplement" or "APS" means a publication to accompany the NIH Guidelines specifying administrative procedures for use at NIH and at Institutions.

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

IV–D–1. Each Institution conducting or sponsoring recombinant DNA research covered by these Guidelines is responsible for ensuring that the research is carried out in full conformity with the provisions of the Guidelines. In order to fulfill this responsibility, the Institution shall:

IV–D–1–a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the Guidelines. The Institution, as part of its general responsibilities for implementing the Guidelines, may establish additional procedures, as deemed necessary, to govern the Institution and its components in the discharge of its responsibilities under the Guidelines. This may include (i) statements formulated by the Institution for general implementation of the Guidelines and (ii) whatever additional precautionary steps the Institution may deem appropriate.

IV–D–1–b. Establish an Institutional Biosafety Committee (IBC) that meets the requirements set forth in Section IV–D–2 and carries out the functions detailed in Section IV–D–3.

IV–D–1–c. [Deleted]

IV–D–1–d. [Deleted]

IV–D–1–e. If the Institution is engaged in recombinant DNA research at the P3 or P4 containment level, appoint a Biological Safety Officer (BSO), who shall be a member of the IBC and carry out the duties specified in Section IV–D–4.

IV–D–1–f. Require that investigators responsible for research covered by these Guidelines comply with the provisions of Section IV–D–5, and assist investigators to do so.

ID–D–1–g. Ensure appropriate training for the IBC chairperson and members, the BSO, Principal Investigators (PIs), and laboratory staff regarding the Guidelines, their implementation, and laboratory safety. Responsibility for training IBC members may be carried out through the IBC chairperson. Responsibility for training laboratory staff may be carried out through the PI. The Institution is responsible for seeing that the PI has sufficient training, but may delegate this responsibility to the IBC.

IV–D–1–h. Determine the necessity, in connection with each project, for health surveillance of recombinant DNA research personnel, and conduct, if found appropriate, a health surveillance program for the project. [The Laboratory Safety Monograph (LSM) discusses various possible components of such a program—for example, records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience. Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples given in the LSM include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness.]

IV–D–1–i. Report within 30 days to ORDA any significant problems with and violations of the Guidelines and significant research-related accidents and illnesses, unless the institution determines that the PI or IBC has done so.

IV–D–2. *Membership and Procedures of the IBC.* The Institution shall establish an Institutional Biosafety Committee (IBC) meeting the following requirements:

IV–D–2–a. The IBC shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research experiments and any potential risk to public health or the environment. At least two members (but not less than 20 percent of the membership of the committee) shall not be affiliated with the Institution (apart from their membership on the IBC) and shall represent the interest of the surrounding community with respect to health and protection of the environment. Members meet this requirement if, for example, they are officials of State or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community. The Biological Safety Officer (BSO), mandatory when research is being conducted at the P3 and P4 levels, shall be a member (see Section IV–D–4).

IV–D–2–b. In order to ensure the professional competence necessary to review recombinant DNA activities, it is recommended that (i) the IBC include persons from disciplines relevant to recombinant DNA technology, biological safety, and engineering; (ii) the IBC include, or have available as consultants, persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment; and (iii) at least one member be a nondoctoral person from a laboratory technical staff.

IV–D–2–c. The Institution shall identify the committee members by name in a report to the NIH Office of Recombinant DNA Activities (ORDA) and shall include relevant background information on each member in such form and at such times as ORDA may require. (See the Administrative Practices Supplement for further guidance.)

IV–D–2–d. No member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which he or she has been, or expects to be, engaged or has a direct financial interest.

IV–D–2–e. The Institution may establish procedures that the IBC will follow in its initial and continuing review of applications, proposals, and activities. (IBC review procedures are specified in Section IV–D–3–a.)

IV–D–2–f. Central to implementation of the Guidelines is the review of experiments by the IBC. In carrying out this responsibility, the Institution shall comply with instructions and procedures specified in the Administrative Practices Supplement.

IV–D–2–g. Institutions are encouraged to open IBC meetings to the public whenever possible, consistent with protection of privacy and proprietary interests.

IV–D–2–h. Upon request, the Institution shall make available to the public all minutes of IBC meetings and any documents submitted to or received from funding agencies which the latter are required to make available to the public (e.g., reports of Guideline violations and significant research-related accidents, and agency directives to modify projects). If comments are made by members of the public on IBC actions, the Institution shall forward to NIH both the comments and the IBC's response.

IV–D–3. *Functions of the IBC.* On behalf of the Institution, the IBC is responsible for:

IV–D–3–a. Reviewing for compliance with the NIH Guidelines all recombinant DNA research conducted at or sponsored by the Institution, and approving those research projects that it finds are in conformity with the Guidelines. This review shall include:

IV–D–3–a–(1). An independent assessment of the containment levels required by these Guidelines for the proposed research, and

IV–D–3–a–(2). An assessment of the facilities, procedures, and practices, and of the training and expertise of recombinant DNA personnel.

Note.—See Laboratory Safety Monograph (pages 187–190) for suggested guidance in conducting this review.

IV–D–3–b. Notifying the Principal Investigator (PI) of the results of their review.

IV–D–3–c. Reviewing periodically recombinant DNA research being conducted at the Institution, to ensure that the requirements of the Guidelines are being fufilled.

IV–D–3–d. Adopting emergency plans covering accidental spills and personnel contamination resulting from such research.

Note.—Basic elements in developing specific procedures for dealing with major spills of potentially hazardous materials in the laboratory are detailed in the Laboratory Safety Monograph. Included are information and references on decontamination and emergency plans. NIH and the Centers for Disease Control are available to provide consultation, and direct assistance if necessary, as posted in the LSM. The Institution shall cooperate with the State and local public health departments, reporting any significant research-related illness or accident that appears to be a hazard to the public health.

IV–D–3–e. Reporting within 30 days to the appropriate institutional official and to the NIH Office of Recombinant DNA Activities (ORDA) any significant problems with or violations of the Guidelines, and any significant research-related accidents or illnesses, unless the IBC determines that the PI has done so.

IV–D–3–f. The IBC may not authorize initiation of experiments not explicitly covered by the Guidelines until NIH, (with the advice of the RAC when required) establishes the containment requirement.

IV–D–3–g. Performing such other functions as may be delegated to the IBC under Section IV–D–1.

IV–D–4. *Biological Safety Officer.* The Institution shall appoint a BSO if it engages in recombinant DNA research at the P3 or P4 containment level. The officer shall be a member of the Institutional Biosafety Committee (IBC), and his or her duties shall include (but need not be limited to):

IV–D–4–a. Ensuring through periodic inspections that laboratory standards are rigorously followed;

IV–D–4–b. Reporting to the IBC and the Institution all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses of which the BSO becomes aware, unless the BSO determines that the Principal Investigator (PI) has done so.

IV–D–4–c. Developing emergency plans for dealing with accidental spills and personnel contamination, and investigating recombinant DNA research laboratory accidents;

IV–D–4–d. Providing advice on laboratory security;

IV–D–4–e. Providing technical advice to the PI and the IBC on research safety procedures.

Note.—See Laboratory Safety Monograph for additional information on the duties of the BSO.

IV–D–5. *Principal Investigator.* On behalf of the Institution, the PI is responsible for complying fully with the Guidelines in conducting any recombinant DNA research.

IV–D–5–a. *PI—General.* As part of this general responsibility, the PI shall:

IV–D–5–a–(1). Initiate or modify no recombinant DNA research subject to the Guidelines until that research, or the proposed modification thereof, has been approved by the Institutional Biosafety Committee (IBC) and has met all other requirements of the Guidelines and the Administrative Practices Supplement (APS).

Note.—No prior approval by the IBC is required for most experiments described in Section III–O. Modify containment and experimental protocol according to recommendations of the IBC.

IV–D–5–a–(2). Report within 30 days to the IBC and NIH (ORDA) all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses;

IV–D–5–a–(3). Report to the IBC and to NIH (ORDA) new information bearing on the Guidelines;

IV–D–5–a–(4). Be adequately trained in good microbiological techniques;

IV–D–5–a–(5). Adhere to IBC-approved emergency plans for dealing with accidental spills and personnel contamination; and

IV–D–5–a–(6). Comply with shipping requirements for recombinant DNA molecules. (See Section II–C for shipping requirements, Laboratory Safety Monograph for technical recommendations, and the APS for

administrative instructions and procedures. The requesting laboratory must be in compliance with the NIH Guidelines and under appropriate review by its IBC, and the sending investigator must maintain a record of all shipments of recombinant DNA materials.)

IV–D–5–b. *Submissions by the PI to NIH.* The PI shall:

IV–D–5–b–(1). Submit information to NIH (ORDA) in order to have new host-vector systems certified;

IV–D–5–b–(2). Petition NIH, with notice to the IBC, for exemptions to these Guidelines (see Sections I–E–4 and I–E–5 and, for additional information on procedures, the APS); and

IV–D–5–b–(3). Petition, NIH, with concurrence of the IBC, for exceptions to the prohibitions under these Guidelines (see Section I–D and, for additional information on procedures, the APS).

IV–D–5–b–(4). Petition NIH for determination of containment for experiments requiring case-by-case review.

IV–D–5–b–(5). Petition NIH for determination of containment for experiments not covered by the Guidelines.

IV–D–5–c. *Submissions by the PI to the IBC.* The PI shall:

IV–D–5–c–(1). Make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines;

IV–D–5–c–(2). Select appropriate microbiological practices and laboratory techniques to be used in the research;

IV–D–5–c–(3). Submit the initial research protocol (and also subsequent changes—e.g., changes in the source of DNA or host-vector system) to the IBC for review and approval or disapproval, and

IV–D–5–c–(4). Remain in communication with the IBC throughout the conduct of the project.

IV–D–5–d. *PI Responsibilities After Approval but Prior to Initiating the Research.* The PI is responsible for:

IV–D–5–d–(1). Making available to the laboratory staff copies of the approved protocols that describe the potential biohazards and the precautions to be taken;

IV–D–5–d–(2). Instructing and training staff in the practices and techniques required to ensure safety and in the procedures for dealing with accidents; and

IV–D–5–d–(3). Informing the staff of the reasons and provisions for any precautionary medical practices advised or requested, such as vaccinations or serum collection.

IV–D–5–e. *PI Responsibilities During the Conduct of the Approved Research.* The PI is responsible for:

IV–D–5–e–(1). Supervising the safety performance of the staff to ensure that the required safety practices and tehniques are employed;

IV–D–5–e–(2). Investigating and reporting in writing to ORDA, the Biological Safety Officer (where applicable), and the IBC any significant problems pertaining to the operation and implementation of containment practices and procedures;

IV–D–5–e–(3). Correcting work errors and conditions that may result in the release of recombinant DNA materials;

IV–D–5–e–(4). Ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity, and genotypic and phenotypic characteristics); and

IV–D–5–e–(5). *Publications.* PIs are urged to include, in all publications reporting on recombinant DNA reseach, a description of the physical and biological containment procedures employed.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). promulgating requirements as necessary to implement the Guidelines;

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2;

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3; and

IV–E–1–a–(4). Maintaining the Federal Interagency Advisory Committee on Recombinant DNA Research established by the Secretary, HEW, for advice on the coordination of all Federal programs and activities relating to recombinant DNA, including activities of the RAC.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.* In carrying out the responsibilities set forth in this Section, the Director shall weigh each proposed action, through appropriate analysis and consultation, to determine that it complies with the Guidelines and presents no significant risk to health or the environment.

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days of comment before final action is taken. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC and IBC chairpersons will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. [The standards and procedures for certificatin are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment. See the Administrative Practices Supplement (APS) for further information];

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E –4 and –5 and the APS for further information);

IV–E–1–b–(1)–(e). Permitting exceptions to the prohibited

experiments in the Guidelines, in order, for example, to allow risk-assessment studies; and

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the Recombinant DNA Technical Bulletin):

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines (see Section III);

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines (see Section III);

IV–E–1–b–(2)–(d). Designating certain class 2 agents as class 1 for the purpose of these Guidelines (see Footnote 1 and Appendix B);

IV–E–1–b–(2)–(e). Assigning containment levels for experiments with recombinant DNA from Class 3 organisms [1] and assigning containment levels for experiments which increase the host-range and virulence of plant pathogens beyond that which occurs by natural genetic exchange.

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin*):

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). Determining appropriate containment conditions upon case-by-case analysis of experiments explicitly considered in the Guidelines but for which no containment levels have been set (see Footnote 45 in Part V; Sections III–C–1–a through –e; and Sections III–C–2 and –3);

IV–E–1–b–(3)–(d). Authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences (see Footnote *3* and Section I–D–6);

IV–E–1–b–(3)–(e). Lowering containment levels for characterized clones or purified DNA (see Sections III–A–3–a and –b, and Footnotes *3* and *41*);

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–O–2).

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). The Director shall conduct, support, and assist training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers, Principal Investigators, and laboratory staff.

IV–E–1–b–(5). The Director, at the end of 36 months from the time these Guidelines are promulgated, will report on the Guidelines, their administration, and the potential risks and benefits of this research. In doing so, the Director will consult with the RAC and the Federal Interagency Committee. Public comment will be solicited on the draft report and taken into account in transmitting the final report to the Assistant Secretary for Health and the Secretary, HHS.

IV–E–2. *Recombinant Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its chapter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively, expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md. 20205.

All meetings of the RAC will be announced in the **Federal Register**, including tentative agenda items, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the **Federal Register**.

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b –(1) and –(2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Biological Safety Committees, Principal Investigators, Federal agencies, State and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. Review and approval of Institutional Biosafety Committee (IBC) membership;

IV–E–3–b through IV–E–3–c–(3). [Deleted]

IV–E–3–c–(4). Publish in the **Federal Register**:

IV–E–3–c–(4)–(a). Announcements of Recombinant DNA Advisory Committee (RAC) meetings and agendas 30 days in advance, with publication of the Director's proposed decision for 30 days of public and Federal agency comment followed by a published response, on any action listed in Section IV–E–1–(b)–(1); and

IV–E–3–c–(4)–(b). Announcements of RAC meetings and agendas 30 days in advance on any action listed in Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. Certifying P4 facilities, inspecting them periodically, and

inspecting other recombinant DNA facilities as deemed necessary; and

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see SECTION II–E–3).

(See Administrative Practices Supplement for additional information on the administrative procedures of ORDA and other NIH components.)

IV–F [Deleted]

IV–G. *Compliance.* As a condition for NIH funding of recombinant DNA research, Institutions must ensure that such research conducted at or sponsored by the Institution, irrespective of the source of funding, shall comply with these Guidelines. The policies on noncompliance are as follows:

IV–G–1. All NIH–funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of financial assistance for such projects and of NIH funds for other recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–2. All non–NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an Institution that receives NIH funds for projects involving such techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of NIH funds for recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–3. Information concerning noncompliance with the Guidelines may be brought forward by any person. It should be delivered to both NIH (ORDA) and the relevant Institution. The Institution, generally through the IBC, shall take appropriate action. The Institution shall forward a complete report of the incident to ORDA, recommending any further action indicated.

IV–G–4. In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the Guidelines, applicable DHEW and Public Health Service procedures shall govern.

IV–G–5. *Voluntary Compliance.* Any individual, corporation, or institution that is not otherwise covered by the Guidelines is encouraged to conduct recombinant DNA research activities in accordance with the Guidelines, through the procedures set forth in Part VI.

V. Footnotes and References

(*1*) The reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. The list of organisms in each class, as given in this publication, is reprinted in Appendix B to these Guidelines.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may designate certain of the agents which are listed as Class 2 in the *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974, as Class 1 agents for the Purposes of these Guidelines (see Section IV–E–1–b–(2)–(d)). An updated list of such agents may be obtained from the Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205.

The entire *Classification of Etiologic Agents on the Basis of Hazard* is in the process of revision.

(*2*) For experiments using Vesicular Stomatitis virus (VSV), contact the NIH Office of Recombinant DNA Activities.

(*2A*) In Parts I and III of the Guidelines, there are a number of places where judgments are to be made. These include: "cells known to be infected with such agents" (Section I–D–1); "known to acquire it naturally" (Section I–D–5); "known to produce a potent polypeptide toxin . . . or known to carry such pathogens . . . not likely to be a product of closely linked eukaryote genes . . . shown not to contain such agents" (Section III–A–1–a–(5)–(a)); "shown to be free of disease causing microorganisms" (Section III–A–1–a(5)–(b)); "close relatives" (Section III–C–3); and "produce a potent polypeptide toxin" (Footnote 34).

In all these cases the principal investigator is to make the initial judgment on these matters as part of his responsibility to "make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines" (Section IV–D–7–a). In all these cases, this judgment is to be reviewed and approved by the Institutional Biosafety Committee as part of its responsibility to make "an independent assessment of the containment levels required by these Guidelines for the proposed research" (Section IV–D–3–a–(1)). If the IBC wishes, any specific cases may be referred to the NIH Office of Recombinant DNA Activities as part of ORDA's functions to "Provide advice to all within and outside NIH" (Section IV–E–3), and ORDA may request advice from the Recombinant DNA Advisory Committee as part of the RAC's responsibility for "interpreting and determining containment levels upon request by ORDA" (Section IV–E–1–b–(2)–(a)).

(*3*) The following types of data should be considered in determining whether DNA recombinants are "characterized" and the absence of harmful sequences has been established: (a) the absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or sequences that code for toxins, invasins, virulence factors, etc., that might potentiate the pathogenicity or communicability of the vector and/or the host or be detrimental to humans, animals, or plants); (b) the type(s) of genetic information on the cloned segment and the nature of transcriptional and translation gene products specified; (c) the relationship between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable); (d) the genetic stability of the cloned fragment; and (e) any alterations in the biological properties of the vector and host.

(*4*) In Section I–E, "exemptions" from the Guidelines are discussed. Such experiments are not covered by the Guidelines and need not be registered with NIH. In Section I–D on "prohibitions," the possibility of "exceptions" is discussed. An "exception" means that an experiment may be expressly released from a prohibition. At that time it will be assigned an appropriate level of physical and biological containment.

(*5*) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(*6*) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health Education and Welfare Publication No. CDC 75–8118.

(*7*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Altanta, Georgia 30333.

(*8*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(*9*) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health.

(*10*) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

(*11*) *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

(*12*) *Bodily, J. L. (1970). General Administration of the Laboratory.* H. L. Bodily, E. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial, Mycotic and Parasitic Infections. American Public Health Association, New York, pp. 11–28.

(*13*) Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.), Methods in Microbiology. Academic Press, Inc. New York. pp. 169–204.

(*14*) *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

(*15*) Chatigny, M. A. (1961). *Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

(16) *Design Criteria for Viral Oncology Research Facilities* (1975). U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health, DHEW Publication No. (NIH) 75-891.

(17) Kuehne, R. W. (1973). *Biological Containment Facility for Studying Infectious Disease.* Appl. Microbiol. 26-239-243.

(18) Runkle, R. S., and Phillips (1969). *Microbial Containment Control Facilities.* Van Nostrand Reinhold, New York.

(19) Chatigny, M. A., and D. I. Clinger (1969). *Contamination Control in Aerobiology.* In R. L. Dimmick and A. B. Akers (eds.). An Introduction to Experimental Aerobiology. John Wiley & Sons, New York, pp. 194-263.

(19A) Horsfall, F. L., Jr., and J. H. Baner (1940). *Individual Isolation of Infected Animals in a Single Room.* J. Bact. *40,* 569-580.

(20) Biological safety cabinets refetred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) with a full-width open front, (2) with an installed front closure panel (having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm-length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* Cabinet is a closed-front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before being discharged to the outside evironment.

(21) Hershfield, V., H. W. Boyer, C. Yanofsky, M. A. Lovett, and D. R. Helinski (1974). *Plasmid Col E1 as a Molecular Vehicle for Cloning and Amplification of DNA.* Proc. Nat. Acad. Sci. USA *71, 3455-3459.*

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(34) We are specifically concerned with the remote possibility that potent toxins could be produced by acquiring a single gene or cluster of genes. See also footnote 2A.

(35) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I-E-4.

(36) As classified in the Third Report of the International Committee on Taxonomy of Viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129-296) 1979. (As noted in the Prohibition Section, the use of viruses classified [1] as Class 4 or 5 is prohibited.)

(37) The cDNA copy of the viral mRNA must be >99% pure; otherwise as for shotgun experiments with eukaryotic cellular DNA.

(37A) For the purpose of these Guidelines, viruses of the families *Popovaviridae, Adenoviridae,* and *Herpetoviridae* (36) should be considered as "transforming" viruses. While only certain of these viruses have been associated with cell transformation *in vivo* or *in vitro,* it seems prudent to consider all members to be potentially capable of transformation. In addition, those viruses of the family *Poxviridae* that produce proliferative responses—i.e., myxoma, rabbit and squirrel fibroma, and Yaba viruses-should be considered as "transforming."

(38) >99% pure (i.e., less than 1% of the DNA consists of intact viral genomes); otherwise as for whole genomes.

(39) The viruses have been classified by NCI as "moderate-risk oncogenic viruses." See "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research" for recommendations on handling the viruses themselves.

(40) [Deleted]

(41) The DNA preparation is defined as "purified" if the desired DNA represents at least 99% (w/w) of the total DNA in the preparation, provided that it was verified by more than one procedure.

(42) The lowering of the containment level when this degree of purification has been obtained is based on the fact that the total number of clones that must be examined to obtain the desired clone is markedly reduced. Thus, the probability of cloning a harmful gene could, for example, be reduced by more than 10^3-fold when a nonrepetitive gene from mammals was being sought. Furtheremore, the level of purity specified here makes it easier to establish that the desired DNA does not contain harmful genes.

(43) This is not permitted, of course, if it falls under any of the Prohibitions of Section I-D. Of particular concern here is prohibition I-D-5, i.e., "Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

(44) Because this work will be done almost exclusively in tissue culture cells, which have no capacity for propagation outside the laboratory, the primary focus for containment is the vector. It should be pointed out that risk of laboratory-acquired infection as a consequence of tissue culture manipulation is very low. Given good microbiological practices, the most likely mode of escape of recombinant DNAs from a physically contained laboratory is carriage by an infected human. Thus the vector with an inserted DNA segment should have little or no ability to replicate or spread in humans.

For use as a vector in a vertebrate host cell system, an animal viral DNA molecule should display the following properties:

(i) It should not consist of the whole genome of any agent that is infectious for humans or that replicates to a significant extent in human cells in tissue culture. If the

recombinant molecule is used to transform nonpermissive cells (i.e., cells which do not produce infectious virus particles), this is not a requirement.

(i) It should be derived from a virus whose epidemiological behavior and host range are well understood.

(iii) In permissive cells, it should be defective when carrying an inserted DNA segment (i.e., propagation of the recombinant DNA as a virus must be dependent upon the presence of a complementing helper genome). In almost all cases this condition would be achieved automatically by the manipulations used to construct and propagate the recombinants. In addition, the amount of DNA encapsulated in the particles of most animal viruses is defined within fairly close limits. The insertion of sizable foreign DNA sequences, therefore, generally demands a compensatory deletion of viral sequences. It may be possible to introduce very short insertions (50–100 base pairs) without rendering the viral vector defective. In such a situation, the requirement that the viral vector be defective is not necessary, except in those cases in which the inserted DNA encodes a biologically active polypeptide.

It is desired but not required that the functional anatomy of the vector be known—that is, there should be a clear idea of the location within the molecule of:

(i) the sites at which DNA synthesis originates and terminates,

(ii) the sites that are cleaved by restriction endonucleases, and

(iii) the template regions for the major gene product.

If possible the helper virus genome should:

(i) be integrated into the genome of a stable line of host cells (a situation that would effectively limit the growth of the vector recombinant to such cell lines) or

(ii) consist of a defective genome, or an appropriate conditional lethal mutant virus, making vector and helper dependent upon each other for propagation.

However, neither of these stipulations is a requirement.

(*45*) Review by NIH on a case-by-case basis means that NIH must review and set appropriate containment conditions before the work may be undertaken. NIH actions in such case-by-case reviews will be published in the *Recombinant DNA Technical Bulletin.*

(*46*) Provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated on a case-by-case basis.

(*47*) >99% pure; otherwise as for shotgun experiments.

(*48*) A USDA permit is required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

(*49*) A subset of non-conjugated plasmit vectors are also poorly mobilizable (e.g., pBR 322, pBR 313), where practical, these vectors should be employed.

(*50*) i.e., the total of all genomes within a Family shall not exceed two-thirds of the genome.

VI. Voluntary Compliance

VI–A. *Basic Policy.* Individuals, corporations, and institutions not otherwise covered by the Guidelines are encouraged to do so by following the standards and procedures set forth in Parts I–IV of the Guidelines. In order to simplify discussion, references hereafter to "institutions" are intended to encompass corporations, and individuals who have no organizational affiliation. For purposes of complying with the Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the Guidelines.

Since commerical organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures in Parts I–IV are provided below, in order to address these concerns.

VI–B. *IBC Approval.* The NIH Office of Recombinant DNA Activities (ORDA) will review the membership of an institutional Biosafety Committee (IBC) and, where it finds the IBC meets the requirements set forth in Section IV–D–2, will give its approval to the IBC membership.

It should be emphasized that employment of an IBC member solely for purposes of membership on the IBC does not itself make the members an institutionally affiliated member for purposes of Section IV–D–2–a.

Except for the unaffiliated members, a member of an IBC for an institution not otherwise covered by the Guidelines may participate in the review and approval of a project in which the member has a direct financial interest, so long as the member has not been and does not expect to be engaged in the project. Section IV–D–2–d is modified to that extent for purposes of these institutions.

VI–C. [Deleted]

VI–D. *Certification of Host-Vector Systems.* A host-vector system may be proposed for certification by the Director, NIH, in accordance with the procedures set forth in Section II–D–2–a.

Institutions not otherwise covered by the Guidelines will not be subject to Section II–D–3 by complying with these procedures.

In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–E. *Requests for Exceptions, Exemptions, Approvals.* Requests for exceptions from prohibitions, exemptions, or other approvals required by the Guidelines should be requested by following the procedures set forth in the appropriate sections in Parts I–IV of the Guidelines.

In order to ensure protection for proprietary data, any public notice regarding a request for an exception, exemption, or other approval which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commerial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn makes it a crime for an officer or employee of the United States of any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to of filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, [or processes. . . of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including Special Government employees. Member of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitutes trade secrets or privileged or confidential commerical or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its reviews as to whether the information (or some portion) should be released.

VI–F–3. If the NIH decides to release this information (or some portion in response to a Freedom of Information request or otherwise, the institution will be advised and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgement of the Director, NIH, is necessary to protect against an

imminent hazard to the public or the environment.

VI–F–4. Projects should be registered in accordance with procedures specified in the Administrative Practices Supplement. The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. The source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution not otherwise covered by the Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 C.F.R. Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent that official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list in in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R. E. Buchanan and N. E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*
8. *Pseudomonas aerugninosa, Pseudomonas putida* and *Pseudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus nato*
7. *Bacillus amyloliquefaciens*
8. *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*

Appendix B.—Classification of Microorganisms on the Basis of Hazard

Classification of Etiologic Agents on the Basis of Hazard (*1*)

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents:

Actinobacillus—all species except *A. mallei*, which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Clostridium botulinum, Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani
Corynebacterium diptheriae, C. equi, C. haemolyticum, C. pseudotuberculosis C. pyogenes, C. renale
Diplococcus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima polymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class3
Mycoplasma—all species except *Mycoplasma mycoides and Mycoplasma agalactiae*, which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T. pallidum, and T. pertenue
Vibrio fetus, V. comma, including biotype El Tor, and *V. parahemolyticus*

2. Fungal Agents:

**Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica*)
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasiliensis

3. Parasitic Agents:

Endamoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents:

Adenoviruses—human—all types
Cache Valley virus

Coxsackie A and B viruses
Cytomegaloviruses
Echoviruses—all types
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Corona viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymphogranuloma venereum agent
Measles virus
Mumps virus
Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox*, which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus*, which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus*, which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents
1. Bacterial Agents:
*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis
2. Fungal Agents:
Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*
3. Parasitic Agents:
Schistosoma mansoni
4. Viral, Rickettsial, and Chlamydial Agents:
****Alastrim, Smallpox, Monkey pox, and Whitepox*, when used *in vitro*
Arboviruses—all strains except those in Class 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed is Class 2.
West Nile and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lymphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsia—all species except *Vole rickettsia* when used for transmission or animal inoculations experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents
1. Bacterial Agents: None
2. Fungal Agents: None
3. Parasitic Agents: None
4. Viral, Rickettsial, and Chlamydial Agents:
****Alastrim, Smallpox, Monkey pox, and Whitepox*, when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin*, and *Machupo* viruses, and other as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever*, and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (*2*)

A. Low-Risk Oncogenic Viruses
Reus Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma
B. Moderate-Risk Oncogenic Viruses
Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (*3*)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)
1. Foot and mouth disease virus
B. Animal disease organisms and vectors which are forbidden entry into the United States by USDA Policy (CDC Class 5 Agents)
African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(*1*) *Classification of Etiologic Agents on the Basis of Hazard*. (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*2*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790.

(*3*) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C.—Exemptions Under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.*

Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Experiments involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.*

Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids [49] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [35] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugations-proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Section I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or from cells known to be infected with these agents may be conducted at P3 containment. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e).) Experiments in this category require prior IBC review and approval.

Experiments which increase the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *E. coli* K–12 host-vector systems. The Director, NIH is responsible for authorizing, under procedures specified by the RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences [3]. (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.*

Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelines provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *S. cerevisiae* host-vector systems. The Director, NIH, is responsible for authorizing, under procedures specified by RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences [3]. (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.*

Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-8} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *B. subtilis* host-vector systems. The Director, NIH, is responsible for authorizing, under procedures specified by RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences [3]. (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D.—HV1 and HV2 Host-Vector Systems Assigned Containment Levels as Specified in the Subsections of Section III–A

As noted above at the beginning of Section III–A, certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of Section III–A. Those so classified as of publication of these Revised Guidelines are listed below.

HV1*—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001 and 89601.

(2) csp-1 strain UCLA37 and csp/2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

Appendix E.—Actions Taken Under the Guidelines

As noted in the subsections of Sections IV–E–1–b–(1) and IV–E–1–b–(2), the Director, NIH, may take certain actions with regard to the Guidelines after consideration by the RAC.

Some of the actions taken to date include the following:

1. The following experiment has been approved: The cloning in *B. subtilis*, under P2 conditions, of DNA dervied from *Saccharomyces cerevisiae* using EK2 plasmid vectors provided that an HV1 *B. subtilis* host is used.

2. Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agent other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice. Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used in all experiments for which HV2 *N. crassa*

*These follow the assigned containment levels as specified in the subsections of Section III–A with one exception. The exception is that experiments involving complete genomes of eukaryotic viruses will require P3 + HV1 or P2 + HV2 rather than the levels given in the subsections of Section III–A.

systems are approved, provided that only DNA from Class 1 agents is used.

3. P2 physical containment shall be used for DNA recombinants produced between members of the *Actinomycetes* group except for the species which are known to be pathogenic for man, animals, or plants.

4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e. one step higher physical containment than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions; and the *Saccharomyces cerevisiae* alcohol dehydrogenase 1 gene and the gene coding for the maize (*Zea mays*) seed storage protein, zein, may be cloned under P1 conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is used for the cloning in *Agrobacterium tumefaciens*.

5. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used as hosts specifically for the cloning of DNA derived from *E. coli* K–12 and *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus,* and *S. venezuelae*, using NIH-approved *Staphylococcus aureus* plasmids as vectors under P2 conditions.

6. *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus,* and *S. venezuelae* can be used as hosts for the cloning of DNA derived from *B. subtilis, E. coli* K–12, or from *S. aureus* vectors that have been approved for use in *B. subtilis under P2 conditions, using as vectors any plasmid indigenous to Streptomyces* species or able to replicate in these hosts by natural biological mechanisms.

7. Certain cloned segments of *Anabena* DNA may be transferred into *Klebsiella* under P2 physical containment.

8. Permission is granted to clone foot-and-mouth disease virus in the EK1CV host-vector system consisting of E. coli K–12 and the vector pBR322, all work to be done at the Plum Island Animal Disease Center.

9. Permission is granted to clone the Exotoxim A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherichia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*.

10. Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybrid *E. coli*—yeast plasmid Y1p5. The cloned DNA may be retured to, and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment.

11. Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be returned to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment.

12. Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Saccharomyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment.

13. Certain specified clones dervied from segments of the Foot-and-Mouth Diseas Virus may be transferred from Plum Island Animal Disease Center to the facilities of Genentech, Inc., of South San Francisco, California. Further development of the clones at Genentech has been approved under P1 + EK1 conditions.

14. *Saccharomycopsis lipolytica* may be used as a host for transformation with defined *Escherichia coli/Saccharomyces cerevisiae* hybrid plasmids and the hybrid plasmids may be used for cloning *S. lipolytica* DNA in *E. coli* and returning the cloned DNA to *S. lipolytica*.

15. Conjugative plasmids or transducing phages may be employed in recombinant DNA experiments when employing *E. coli* as host when a small defined segment of Adenovirus 2 DNA is employed as linker DNA.

16. Permission is granted to introduce DNA segments from aphid transmissible strains into non-aphid transmissible strains of Cauliflower mosaic virus in order to study the factors determining aphid transmissibility.

17. Permission is granted to return *Mucor racemosus* DNA which has been cloned in *Saccharomyces cerevisiae* host-vector systems to *Mucor racemosus*. In addition, permission is granted to transform *Mucor racemosus* with *S. cerevisiae* sequences. These manipulations may be performed under P2 conditions.

18. DNA from nonpathogenic prokaryotes and nonpathogenic low eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions.

19. The pyrogenic endotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions.

20. A hybrid plasmid composed of, (1) *E. Coli* plasmid pBR325, (2) the origin of replication and transfer genes of *Agrobacterium tumefaciens* plasmid Ti, (3) the thiamine gene of *E. coli*, and (4) *Arabidopsis* DNA, may be transformed into *Agrobacterium tumefaciens* under P1 conditions. The *Agrobacterium tumefaciens* may subsequently be used to introduce the composite plasmid carrying *Arabidopsis* DNA and the *E. coli* thiamine gene into *Arabidopsis* plants under P1 containment conditions.

21. *Chlamydomonas reinhardi* can be used as a host for cloning defined DNA segments derived form *E. coli* and *Saccharomyces cerevisiae* using *E. coli/S. cerevisiae* hybrid vectors under P2 physical containment.

22. *Candida albicans* can be used as a host for cloning *candida albicans* DNA following propagation of the DNA in *E. coli* K–12 or in *Saccharomyces cerevisiae* employing an *E. coli/S. cerevisiae* hybrid plasmid vector or the yeast 2 micron plasmid.

23. The Rd strain of *Hemophilus influenzae* can be used as a host for the propagation of the cloned Tn 10 tet R gene derived from *E. coli* K–12 employing the non-conjugative *Haemophilus* plasmid, pRSF0885, under P1 conditions.

24. *Zymomonas mobilis* may be used as a host under P2 conditions for transformation by recombinant DNA derived from *Pseudomonas* strains that are non-pathogenic for animals or plants, and that has been cloned in an *E. coli* K–12 host.

25. Protoplasts of *Streptosporangium brasiliense* may be transformed with a hybrid plasmid containing pBR322 plus a *Streptosporangium* plasmid into which have been incorporated specified DNA segments from *Streptomyces* species or an HV1 approved *Bacillus subtilis* cloning vector.

26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E. coli/S. cerevisiae* hybrid plasmids under P1 containment conditions.

27. All members of the nonpathogenic *Actinomycetes genus Streptomyces* the the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis, Bacillus licheniformis, Bacillus circulans,* and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*.

28. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P2 conditions for the cloning of DNA from any CDC Class 1 organism, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

29. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

30. Permission is granted to clone in *E. coli* K–12, under P4 containment conditions, restriction fragments of *Corynephage Beta* carrying the structural gene for diptheria toxin.

31. Permission is granted to clone certain subgenomic segments of Foot and Mouth Disease Virus in HV1 *Bacillus subtilis* and *Saccharomyces cerevisiae* host-vector systems under P1 conditions at Genentech, Inc., South San Francisco, California.

32. Permission is granted in principle to propagate in mammalian cell culture recombinant DNA molecules consisting of segments of Foot and Mouth Disease Virus and SV40 deletion vectors under P3 conditions at the Plum Island Animal Disease Center. Approval is subject to review by a RAC Working Group of individual experiments.

33. A conjugative plasmid may be used to transfer among *E. coli* K–12 strains, under P2 physical containment, the qa-2 gene of

Neurospora crassa ligated to a mobilizable plasmid.

34. *E. coli* K-12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with the under P1 containment.

Appendix F.—Certified Host-Vector Systems

While many experiments using *E. coli* K-12, *Saccharomyces cerevisiae* and *Bacillus subtilis* are currently exempt from the Guidelines under Exemption I-E-5, some derivatives of these host-vector systems were previously classified as HV1 or HV2. A listing of those systems follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RÜB 331 and BGSC 1S53 have been certified as the host component of HV1 systems based on these plasmids.

HV2—The asporogenic mutant derivative of *Bacillus subtilis*, ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae*, all of which have the ste-VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIP32 and YIp33.

EK2 Plasmid Systems. The *E. coli* K-12 strain chi-1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi-1776 or in the sterile yeast strains, SHY1, SHY2, SHY3, and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems. The following are certified EK2 systems based on bacteriophage lambda:

Vector	*Host*
λgt*WES*. λB′	DP50*supF*
λgt*WES*. λB*	DP50*supF*
λgtZJ*vir*. λB′	*E. coli* K-12
λgtALO. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G.—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. *General Information.* Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV-E-1-b-(3)-(i).)

2. *Containment Conditions for Cloning of Toxin Genes in E. coli K-12.*

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1+EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally then parenterally. The following enterotoxins shall be subject to P1+EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli, Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum mono specific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. *Containment Conditions for Cloning of Toxins Genes in Organisms Other than E. coli K-12.*

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K-12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV-E-1-b-(3)-(j).)

Appendix H.—Experiments Covered by Section III-O

No experiments currently fall under Section III-O of the Guidelines.

Dated: June 22, 1981.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

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federal register

Wednesday
July 1, 1981

Part IV

Office of Management and Budget

Budget Recissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report 6 new proposals to rescind a total of $321.0 million in budget authority previously provided by the Congress. In addition, I am reporting 13 new deferrals totalling $220.1 million, and revisions to five previously reported deferrals increasing the amount deferred by $78.1 million.

The rescission proposals affect programs in the Departments of Agriculture, Education, Health and Human Services, and Housing and Urban Development as well as the Environmental Protection Agency. The deferrals affect programs in the Departments of Agriculture, Defense, Health and Human Services, Interior, and State as well as the National Foundation on the Arts and Humanities.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
June 19, 1981

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Agriculture	
	Forest Service	
R81-160	Construction and land acquisition	20,000
	Department of Education	
	Office of Postsecondary Education	
R81-161	Student financial assistance	14,800
	Department of Health and Human Services	
	Human Development Services	
R81-162	Grants to states for social and child welfare services	100,000
	Department of Housing and Urban Development	
	Community Planning and Development	
R81-163	Urban development action grants	130,000
R81-164	Community development grants	50,000
	Environmental Protection Agency	
R81-165	Salaries and expenses	6,200
	Subtotal, rescission proposals	321,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Foreign Assistance Programs	
D81-107	Expenses, Public Law 480, foreign assistance programs, Agriculture	28,000
	Soil Conservation Service	
D81-108	Watershed and flood prevention operations	11,000
	Forest Service	
D81-1A	Timber salvage sales	16,718
	Department of Defense -- Civil	
	Corps of Engineers -- Civil	
D81-81A	Construction, general	67,600
D81-109	Operation and maintenance, general	30,000
D81-110	Flood control, Mississippi River and tributaries	5,000

CONTENTS OF SPECIAL MESSAGE (continued)

Deferral #	Item	Budget Authority
	Department of Health and Human Services	
	Human Development Services	
D81-111	Grants to states for social and child welfare services	20,000
	Social Security Administration	
D81-112	Refugee assistance	35,000
	Department of the Interior	
	Bureau of Land Management	
D81-113	Acquisition, construction and maintenance	2,600
D81-71A	Oregon and California grant lands	1,920
	Bureau of Reclamation	
D81-114	Construction program	21,430
D81-115	General investigations	570
	National Park Service	
D81-116	Construction	14,720
	Geological Survey	
D81-117	Surveys, investigations and research	6,000
	Bureau of Mines	
D81-15A	Drainage of anthracite mines	991
	Department of State	
D81-37A	United States emergency refugee and migration assistance fund	35,000
	Other Independent Agencies	
	National Foundation on the Arts and Humanities	
D81-118	National endowment for the arts	
	Salaries and expenses	25,356
D81-119	National endowment for the humanities	
	Salaries and expenses	20,460
	Subtotal, deferrals	342,365
	Total, rescission proposals and deferrals	663,365

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message:		
New items	321,000	220,136
Change to amounts previously submitted	---	78,134
Effect of eleventh special message	321,000	298,270
Previous special message	14,867,937	8,607,977
Total amount proposed in special messages	15,188,937a/	8,906,247 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (081-198).

Rescission Proposal No: 881-160

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-514): $ 444,044,429
Bureau: Forest Service	Other budgetary resources: 70,429,643
Appropriation title & symbol: 12X1103 Construction and Land Acquisition	Total budgetary resources: 514,474,072
	Amount proposed for rescission: $ 20,000,000
OMB identification code: 12-1103-0-1-302	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION:

This account provides for construction of roads, trails, and recreation facilities in national forests, construction of administrative facilities for Forest Service programs, and for a limited amount of land acquisition for national forest purposes. Available budgetary resources are comprised of ten percent of national forest receipts in the previous year and appropriated funds plus minor amounts of reimbursements and transfers from other accounts.

Rescission of $20,000,000 of funds for construction of roads is proposed for FY 1981 because the planned timber sale program can be accomplished without the expenditure of these funds and it is important to control budget expenditures in FY 1981 and subsequent years. Three additional factors make this rescission advisable:

(1) the recently enacted Supplemental Appropriations Act provides funds for road construction and salvage of timber damaged by the Mt. St. Helens volcano. This frees up the funds which would have been reprogrammed for this purpose.

(2) the work done in FY 1981 on Mt. St. Helens and that which will not be completed until FY 1982 will contribute to meeting the FY 1981 and FY 1982 timber sale plans. This reduces the requirement for other road construction funds to accomplish these sale plans.

(3) current efforts to find ways of reducing the cost of road construction in the National Forest System are expected to produce substantial savings in FY 1982.

Estimated Effects:

The timber sale program will be maintained at the level planned in the FY 1981 and FY 1982 Budgets.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates Without Rescission	1981 Outlay Estimates With Rescission	Outlay Savings 1981	1982	1983	1984
417	402	15	5	--	--

RSI-160

Department of Agriculture

Forest Service

Construction and Land Acquisition

Of the funds appropriated under this head for "Construction and Land Acquisition" for construction of forest roads and trails by the Forest Service in Public Law 95-514, $20,000,000 are rescinded.

Rescission Proposal No: 881-161

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 97-12): $3,801,550,000
Bureau: Office of Postsecondary Education	Other budgetary resources:
Appropriation title & symbol: Student Financial Assistance 911/20200	Total budgetary resources: 3,801,550,000
	Amount proposed for rescission: $14,800,000
OMB identification code: 91-0200-0-1-502	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other

Justification:

Teacher Cancellations, Title IV, Part E of the Higher Education Act, provides funds to institutions of higher education in payment for the cancellation of loan obligations made under the Direct Loan program. The law provides for the cancellation of loans when a borrower engages in work in specific areas such as the teaching of the handicapped or teaching in schools with a high concentration of low-income students, or to work as a professional Head Start staff member, or serves in the military in "areas of hostilities." The full 100 percent of a loan is eventually reimbursed to the institution under the Direct Loan program. These funds can only be used to reimburse the revolving loan fund. Cancellations are provided to eligible borrowers over a five-year period. The loan is cancelled at a rate of 15 percent for the first two years, 20 percent for the second two years, and 30 percent the fifth year.

In order to help offset significant increases in FY 1981 expenditures, the President has directed Federal agencies to identify non-priority areas in which outlay reductions can be achieved. The cancellation of loan obligations is one such area.

Estimated Effects:

The effect of this proposal will be to reduce the total funds available to the institutional revolving funds under the Direct Loan program. Specifically, the rescission will reduce the amount currently available for Federal capital contributions by $14,800,000, or from $186,000,000 to $171,200,000. Although the loan fund will be reduced and the number of loans which, on average, total $700, will be reduced from 800,000 to 780,000 in 1981-82, all agreements for loan cancellations now in effect will be honored.

Outlay Effects: (in millions of dollars)

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
$3,742	$3,742	*	14.0	1.0	---

* Less than one million.

R81-161

DEPARTMENT OF EDUCATION
Office of Postsecondary Education
Student Financial Assistance

Of the funds provided for "Student Financial Assistance" under Public Law 97-12 for fiscal year 1981, $14,800,000 of the amount appropriated for title IV, part E of the Higher Education Act is rescinded; Provided, that the amount remaining for title IV, part E, shall first be used to meet teacher cancellation payments under section 465 of the Higher Education Act and section 208 of the National Defense Education Act, notwithstanding any other provision of law.

Rescission Proposal No: R 81-162

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-12) $ 2,562,210,000
Bureau Human Development Services	Other budgetary resources 243,571,014
Appropriation title & symbol: Grants to States for Social and Child Welfare Services 75X1634	Total budgetary resources 2,805,781,014
	Amount proposed for rescission $ 100,000,000
CMB identification code: 75-1634-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration has proposed consolidation of the Title XX authority with other social service authorities into a single block grant authority, effective in FY 1982. The FY 1982 social services block grant estimate of $3.8 billion includes among other funding elements, 75% of the 1981 Title XX level (75% of $2,991 million). Due to the urgent need to reduce FY 1981 outlays and the desirability of effecting an easier transition to a lower social services funding level in FY 1982, a modest reduction is proposed for FY 1981.

Estimated Effects: This proposed rescission will reduce the total funding available in FY 1981 to States receiving Title XX entitlements by less than 4 percent. This proposed rescission will also necessitate issuing new allotments to the 50 States. The five States that have already received total allotments in excess of their revised allotments under the proposed rescission will have their grant awards readjusted.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
3,490.0	3,390.0	100.0	---	---	---

R81-162

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Human Development Services

Grants to States for Social and Child Welfare Services

Of the funds provided for "Grants to States for Social and Child Welfare Services" for fiscal year 1981 in Public Law 97-12, $100,000,000 are rescinded: Provided, That entitlement to payments for fiscal year 1981 for social services under Title XX of the Social Security Act shall be correspondingly reduced by $100,000,000.

Rescission Proposal No: R81-163

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $675,000,000
Bureau: Community Planning and Development	Other budgetary resources: 224,115,912
Appropriation title & symbol: Urban Development Action Grants 869/30170 860/20170 861/30170	Total budgetary resources: 899,115,912 Amount proposed for rescission: $130,000,000 1/
OMB identification code: 86-0170-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual (September 30, 1981) ☐ (September 30, 1982) ☒ Multiple-year (September 30, 1983) (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Urban Development Action Grant program provides discretionary competitive grants to localities for them to use in conjunction with private and other public funds in order to promote local economic development projects.

All recoveries of prior year obligations, estimated at $130 million, are being proposed for rescission in conjunction with the Administration's overall effort to hold down Federal outlays. Since the funds proposed for rescission are recoveries of prior year obligations, the reduction would not affect any grant assistance currently anticipated by localities.

Estimated Effects: The proposed rescission would prevent the use of recovered funds for new additional grants. Budgetary resources for this program for 1981 will remain at $769 million and not be increased to $899 million.

Outlay Effects (in millions of dollars)

1981 Outlay Estimate		Outlay Savings				
Without Rescission	With Rescission	1981	1982	1983	1984	1985
365	365	—	9	26	50	46

1/ Estimated recoveries of prior year obligations.

RSI-163

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
Urban Development Action Grants

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1979 and 1980, Public Laws 95-392 and 96-103, respectively, any amounts recovered from obligations made prior to October 1, 1980 which are available, or become available, are rescinded.

RSI-164

Rescission Proposal No: _____

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $3,694,600,000
Bureau: Community Planning and Development	Other budgetary resources: 163,965,721
Appropriation title & symbol: Community Development Grants 869/10162 860/20162 861/30162	Total budgetary resources: 3,858,565,721 Amount proposed for rescission: $50,000,000 1/
OMB identification code: 86-0162-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual; ☒ Multiple-year September 30, 1981 / September 30, 1982 / September 30, 1983 (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Community Development Block Grant program provides entitlement grants to large cities and urban counties and discretionary grants to smaller cities for selected community development projects designed to eliminate slums and blight and assist lower income people.

All recoveries of prior year obligations, estimated at $50 million, are being proposed for rescission in conjunction with the Administration's overall effort to hold down Federal outlays. Since the funds proposed for rescission are recoveries of prior year obligations, the reduction would not affect any grant assistance currently anticipated by localities.

Estimated Effects: The proposed rescission would prevent the use of recovered funds for new additional grants. Budgetary resources for this program for 1981 will remain at $3,809 million and not be increased to $3,859 million.

Outlay Effects (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984	1985
4,138	4,138	—	6	21	21	2

1/ Estimated recoveries of prior year obligations.

RSI-164

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
Community Development Grants

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1979 and 1980, Public Laws 95-392 and 96-103, respectively, any amounts recovered from obligations made prior to October 1, 1980 which are available, or become available, are rescinded.

Rescission Proposal No: RSI-165

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Environmental Protection Agency	New budget authority (P.L. 96-526,97-12) $ 553,723,000
Bureau:	Other budgetary resources +37,970,900
Appropriation title & symbol: Salaries and Expenses 6810200	Total budgetary resources 591,693,900
	Amount proposed for rescission $ 6,200,000
OMB identification code: 68-0200-0-1-304	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual; ☐ Multiple-year (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification:

In order to offset a significant increase in FY 1981 expenditures, the President has directed Federal agencies to identify lower priority areas in which outlay reductions can be achieved. After a careful examination of the remaining unobligated funds in the Salaries and Expenses appropriation, $6.2 million in funds for travel, printing, equipment, supplies, and other expenses is being proposed for rescission.

Estimated Effects:

No significant disruptions in program activity are expected from this reduction because of its small size and wide distribution.

Outlay Effect (in millions of dollars)

1981 Outlay Estimate

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
$47	41	6	0	0	0

R81-165

ENVIRONMENTAL PROTECTION AGENCY

Salaries and Expenses

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $6,200,000 are rescinded.

Deferral No: D81-107

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 96-528) $1,228,930,000
Bureau Foreign Assistance Programs	Other budgetary resources
Appropriation title & symbol: Expenses, Public Law 480, Foreign Assistance Programs, Agriculture 12X2274	Total budgetary resources 1,228,930,000
	Amount to be deferred: Part of year $; Entire year 28,000,000
OMB identification code: 12-2274-0-1-151	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Agricultural Trade Development and Assistance Act of 1954, P.L. 83-480, as amended, authorizes the President in Titles I and III to negotiate with friendly countries to provide for the sale of agricultural commodities for dollars on credit terms or for foreign currencies, and in Title II to: furnish agricultural commodities on behalf of the people of the United States; meet famine or other urgent or extraordinary relief requirements, and for other purposes. Section 403 of the Act authorizes to be appropriated such sums as may be necessary to carry out this Act. Public Law 96-526, making appropriations for the Department of Agriculture Rural Development, and Related Agencies, 1981, made an appropriation of $1,228,930,000 for expenses during fiscal year 1981 under the Act.

This deferral of $28 million is proposed primarily because of lower commodity prices during the current year: current actual prices are in some cases below the estimated prices used in preparation of the fiscal year 1981 budget plan. The resulting savings are $5 million in the Titles I and III programs and $15 million in the Title II program. A deferral of these savings is expected to have no impact on the planned commodity levels of these programs. A further saving is possible in the Title I and III programs due to anticipated changes in some country allocations. As noted in each quarterly allocation submitted to Congress, all Title I and III allocations are subject to review and change as circumstances change during the year. Such changes in allocations this year enable a deferral of an additional $8 million for Titles I and III.

D81-107

Estimated Effects: This deferral action will have no programmatic effect because deferring the savings will have no impact on planned commodity levels.

Outlay Effects: This deferral action will shift $28 million in outlays into FY 1982 and later years.

D81-108

OUTLAY EFFECTS

Deferral of $11 million will reduce FY 1981 outlays by $5 million. These outlays will shift into FY 1982 and future years as follows: 1982 - $1 million; 1983 - $2 million; 1984 - $2 million.

D81-1A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 81-1 transmitted to the Congress on October 1, 1980.

The amount deferred for Timber Salvage Sales in the Forest Service, Department of Agriculture is $16,717,769, an increase of $236,769 over the amount previously deferred. This increase is attributable to an increase of $236,769 over the previous estimate of unobligated balances carried forward into FY 1981.

Deferral No: D81-1A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-515) $ 11,200,000
Bureau Forest Service	Other budgetary resources 16,717,769 *
Appropriation title & symbol 12X5204 Timber Salvage Sales	Total budgetary resources 27,917,769 *
	Amount to be deferred: Part of year $ ____
	Entire year 16,717,769 *
CMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other ____

JUSTIFICATION:

The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other marked conditions occur so that immediate action can take place to harvest the dead and dying trees.

The Secretary is authorized to require purchasers of sales involving dead, damaged, insect infected, or downed timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditures of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

The amount being deferred is in excess of the planned program requirements as reflected in the FY 1981 Budget and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting current year's program requirements.

Outlay Effects:

There are no outlay effects for this deferral since the remaining funds are adequate for carrying out the planned program.

* Revised from previous report.

D81-81A

Deferral No: D81-81A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-81, transmitted to the Congress on March 10, 1981.

This revision to a deferral for general construction in the Corps of Engineers increases the amount reported as deferred from $10,000,000 to $67,600,000. The increase reflects the decision to postpone the award of additional construction contracts until FY 1982. This amount is now reserved as part of the Administration's plan to reduce Federal outlays.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense-Civil	New budget authority (P.L. 96-367; 97-12): $1,593,892,000*
Bureau: Corps of Engineers--Civil	Other budgetary resources: 289,479,708*
Appropriation title & symbol: Construction, general 96X3122	Total budgetary resources: 1,883,371,708*
	Amount to be deferred: Part of year: $; Entire year: 67,600,000*
OMB identification code: 96-3122-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification: This appropriation is devoted primarily to the construction of water resources development projects throughout the nation. As part of the Administration's effort to reduce Federal outlays, $67,600,000 in construction projects are deferred for the remainder of FY 1981 The funds deferred in Fiscal Year 1981 will be used in Fiscal Year 1982 to accomplish the deferred work.

*Estimated Effects: As a result of this deferral, considerable land acquisition scheduled for the remainder of Fiscal Year 1981 will be deferred until Fiscal Year 1982 and numerous construction contracts scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

*Outlay Effects: This deferral action will shift an estimated $67.6 million in Fiscal Year 1981 outlays to Fiscal Year 1982.

* Revised from previous report.

Deferral No: 081-109

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense--Civil	New budget authority (P.L. ~~96-367, 97-12~~) $ 967,905,000
Bureau Corps of Engineers--Civil	Other budgetary resources 72,289,283
Appropriation title & symbol Operation and maintenance, general 96X3123	Total budgetary resources 1,040,194,283
	Amount to be deferred: Part of year $ ____ Entire year 30,000,000
OMB identification code: 96-3123-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation is devoted primarily to the operation and maintenance of water resources development projects throughout the nation. As part of the Administration's effort to reduce Federal outlays, $30,000,000 in maintenance and operation projects are deferred for the remainder of FY 1981. The funds deferred in Fiscal Year 1981 will be used in Fiscal Year 1982 to accomplish the deferred work.

Estimated Effects: As a result of this deferral, numerous dredging and other maintenance contracts, scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

Outlay Effects: This deferral action will shift an estimated $30 million in FY 1981 outlays to FY 1982.

Deferral No: 081-110

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense--Civil	New budget authority (P.L. 96-367; 97-12) $ 237,519,000
Bureau Corps of Engineers--Civil	Other budgetary resources 9,759,894
Appropriation title & symbol Flood control, Mississippi River and Tributaries 96X3112	Total budgetary resources 247,278,894
	Amount to be deferred: Part of year $ ____ Entire year 5,000,000
OMB identification code: 96-3112-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation is devoted to the planning, construction, operation and maintenance of water resource developments in the Mississippi River Valley between Cape Girardeau, Missouri and the Gulf of Mexico. As part of the Administration's effort to reduce Federal outlays, $5,000,000 in construction and maintenance projects are deferred for the remainder of this fiscal year. These funds will be used in Fiscal Year 1982 to accomplish the deferred work.

Estimated Effects: As a result of this deferral, a portion of the land acquisition scheduled for the remainder of Fiscal Year 1981 will be deferred until Fiscal Year 1982, and a number of construction, dredging and other maintenance contracts scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

Outlay Effects: This deferral will shift an estimated $5 million in Fiscal Year 1981 outlays into Fiscal Year 1982.

Deferral No: D81-111

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of Health and Human Services	New budget authority (P.L. 97-12): $2,562,210,000
Bureau: Human Development Services	Other budgetary resources: 243,571,010
Appropriation title & symbol: Grants to States for Social and Child Welfare Services - 75X1634	Total budgetary resources: 2,805,781,010
	Amount to be deferred: Part of year: $; Entire year: 20,000,000
OMB identification code: 75-1634-0-1-506	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:

This account finances payments to States for a variety of social and child welfare services, including day care and homemaker/chore services and training. The budget assumed that $146.9 million would be needed in FY 1981 for payment of prior year claims for grants to States for social services and state and local training under Title XX. "Prior year claims" are those submitted by the States for reimbursement for services actually provided in a preceding fiscal year. To date, HHS has obligated $81.9 million, leaving an unobligated balance of $65 million for prior year claims. It is now estimated that $45 million of this balance will be needed during the remainder of this fiscal year to meet programmatic requirements. The remaining $20 million is deferred until FY 1982. We anticipate States will submit claims for this $20 million early in FY 1982.

Estimated Effects:

The FY 1981 budget included funding for prior year claims provided in FY 1979 and FY 1980. These claims are submitted because of delays in billing to the federal government (allowable under current law) by counties and States. Because there are "prior year" claims, deferral of their payment necessarily would not affect services currently being delivered in FY 1981.

Outlay Effects:

An estimated $20 million in FY 1981 outlays will be shifted into FY 1982.

Deferral No: D81-112

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of Health and Human Services	New budget authority (P.L.): $648,552,000
Bureau: Office of Refugee Resettlement	Other budgetary resources: ---
Appropriation title & symbol: Refugee Assistance 751/20473	Total budgetary resources: 648,552,000
	Amount to be deferred: Part of year: $35,000,000; Entire year:
OMB identification code: 75-0473-0-1-609	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [X] Multiple-year September 30, 1982 (expiration date); [ ] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: The Refugee Assistance Program reimburses States for cash and medical assistance and social services to refugees. The Department has deferred $35 million in social services fur until the completion of a review to determine whether the remaining cash and medical assistance appropriation is adequate to meet actual State needs for FY 1981. Deferral of the social servic funds pending the outcome of this study will preserve the flexibility of the Administration and Congress if the results of the review indicate the remaining cash and medical assistance appropriation is inadequate to meet State needs.

Estimated Effects: Deferral of funds pending the outcome of this study should not cause a significant interruption in the provision of services to refugees in most States. A significant portion of these funds is used by States to contract for services to be provided a few months later. The deferral will merely shorten the period between when these services are contracted for and when they are provided.

Outlay Effect: This deferral will shift an estimated $5 million in outlays from FY 1981 to FY 1982.

Deferral No: D81-113

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $14,768,000
Bureau: Bureau of Land Management	Other budgetary resources 4,826,143
Appropriation title & symbol Acquisition, Construction, and Maintenance 14X1110	TOTAL budgetary resources 19,594,143
	Amount to be deferred: Part of year --- Entire year 2,600,000
OMB identification code: 14-1110-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Funds in this appropriation are used to meet four major objectives.

- to construct buildings, recreation facilities, roads, trails, and bridges necessary for the management of public lands, for the protection of public lands from visitor abuse, and for providing physical access to these lands;

- to acquire those legal rights (easements for access or improvements, or fee title) on non-Federal land that are essential to planned BLM resource management programs and that are prerequisite to their implementation.

- to maintain buildings, roads, and recreation sites to protect the public investment and to insure the health and safety of visitors and BLM employees.

- to implement a dam safety program in accordance with Secretarial Order 3048.

As part of the Administration's effort to reduce fiscal year 1981 outlays, $2.6 million in funds for the Building construction program are deferred for the remainder of FY 1981.

Estimated Effect

This deferral will delay two project awards in the building construction program; the Elko Office Complex in Nevada, and the Yuha Way Station in California.

Outlay Effect:

The deferral action will shift $2 million in FY 1981 outlays into FY1982.

D81-71A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 81-71 transmitted to the Congress on February 13, 1981.

This revision to a deferral for the Bureau of Land Management, Oregon and California Grant lands increases the amount previously reported as deferred from $1,848,562 to $1,919,757. This increase of $71,195 is attributable to increased receipts above the planned program level for FY 1981.

Deferral No: D81-71A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 57,500,000
Bureau: Bureau of Land Management	Other budgetary resources: 2,619,757*
Appropriation title & symbol: 14X5136 Oregon and California Grant Lands	Total budgetary resources: 60,119,757*
	Amount to be deferred:
	Part of year: $ ---
	Entire year: 1,919,757*
OMB identification code: 14-5136-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant Program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Appropriated Receipts

Justification: * The Interior and Related Agencies Appropriation Act for 1981 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuating receipt levels. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Receipts for FY 1981 are $195,214,247 with an unobligated balance of $2,548,666 (actual) to carry into FY 1981. The FY 1981 obligation program of $58,200,000 is in accordance with P.L. 96-514.

Estimated Effects: There will be no programmatic impact in FY 1981 since the receipts will continue to accrue but will remain unobligated until such time as the amount available can be used more effectively.

Outlay Effect: There is no outlay effect of this deferral.

*Revised from previous report.

Deferral No: D81-114

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-367): $ 570,641,000
Bureau: Bureau of Reclamation	Other budgetary resources: 29,061,194
Appropriation title & symbol: Construction Program 1410684	Total budgetary resources: 599,702,194
	Amount to be deferred: Part of year: $ 21,430,000
	Entire year:
OMB identification code: 14-0684-0-1-301	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This appropriation primarily provides for the construction of projects for the conservation and use of water and related land resources in the 17 Western States. In order to reduce the growth rate of federal outlays as called for in the President's Economic Recovery Program, the award of most new construction contracts whose total costs exceed $500,000 has been delayed until August 15, 1981. Land acquisition on certain projects has also been delayed. In selected cases where there will be net savings to the government, contracts may be awarded sooner provided the outlay savings on the new awards are equal to or greater than the related savings achieved by the deferral.

Estimated Effects: As a result of this deferral, remaining land acquisition and a number of new construction contracts scheduled for June-August 1981 will be deferred from 2 to 3 months in order to achieve target outlay savings.

Outlay Effects: The deferral will shift $21,430,000 in fiscal year 1981 outlays to fiscal year 1982.

Deferral No: D81-115

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-367): $ 38,929,000
Bureau: Bureau of Reclamation	Other budgetary resources: 1,539,863
Appropriation title & symbol: General Investigations 14X5060	Total budgetary resources: 40,468,863
	Amount to be deferred: Part of year: $ 570,000
	Entire year:
OMB identification code: 14-5060-0-2-301	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides for the planning of potential developments for the conservation and use of water and related land resources throughout the 17 Western States, and for supporting general engineering and research studies. In order to reduce the growth rate in federal outlays as called for in the President's Economic Recovery Program, it is necessary to defer awards on remaining new General Investigations planning and research contracts until August 15, 1981.

Estimated Effects: The two-to-three-month delay in contract awards resulting from the deferral will slightly delay the completion of some project planning and research studies.

Outlay Effects: This deferral will shift $570,000 in fiscal year 1981 outlays to fiscal year 1982.

Deferral No: D81-116

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 43,367,000
Bureau: National Park Service	Other budgetary resources: 105,181,626
Appropriation title & symbol: Construction 1481039	Total budgetary resources: 148,548,626
	Amount to be deferred: Part of year: $ 14,720,000
	Entire year:
OMB identification code: 14-1039-0-1-303	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account provides funding for park visitor facilities, roads, and other major construction projects for the National Park Service. As a part of the Administration's effort to reduce FY 1981 expenditures, $14.7 million in construction funds will be deferred until August 17, 1981. The contracts for projects affected have been selected from those that were scheduled to be awarded in June and July of 1981. Advertisement for project bids will continue during the deferral period; however, the affected contracts will not be awarded until after August 17, 1981.

Estimated Effects: This deferral action will have the effect of delaying the start of approximately 26 projects by approximately three months.

Outlay Effect: The deferral will have the effect of shifting $3,355,000 in outlays from FY 1981 to FY 1982.

Deferral No: D81-117

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514; 97-12): $516,056,000
Bureau: U.S. Geological Survey	Other budgetary resources: 113,056,000
Appropriation title & symbol: Surveys, investigations and research 1410804	Total budgetary resources: 629,112,000
	Amount to be deferred: Part of year: $ 6,000,000
	Entire year:
OMB identification code: 14-0804-0-1-306	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [X] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other

Justification: This appropriation finances surveys, investigations, and research in the geology, water resources, and mineral resources of the Nation; topographic, geologic, and other mapping; and conservation of the resources on Federal, Indian, and outer continental shelf lands. In order to help offset a significant increase in FY 1981 expenditures, the President has directed Federal Agencies to identify lower priority areas in which outlay reductions can be achieved. Examination of the appropriations for the Geological Survey showed that equipment procurements and contracts in the amount of $6 million can be postponed without significant adverse effects on the Survey's performance of its programmatic responsibilities.

Estimated Effects: This deferral will delay for a short period the completion of certain lower-priority programs of the Survey. The deferred funds will be made available for obligation on September 1, 1981, so there will be sufficient time to obligate all of them before the end of the fiscal year.

Outlay Effects: This deferral action will have the effect of shifting $3,000,000 in FY 1981 outlays into FY 1982.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-15, transmitted to the Congress on October 1, 1980.

This revision reports a net increase in the amount deferred from $764,980 to $990,703. This increase of $225,723 reflects an increase of $963,100 in the amount deferred and subsequent release of $737,377. The increase of $963,100 resulted from a higher level of unobligated balances brought forward into FY 1981 than originally anticipated.

Deferral No: D81-15A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. ____) $None
Bureau Bureau of Mines	Other budgetary resources 1,928,080*
Appropriation title & symbol Drainage of anthracite mines 14X0956	Total budgetary resources 1,928,080*
	Amount to be deferred: Part of year $ 737,377* Entire year 990,703*
OMB identification code: 14-0956-0-1-306	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other Matching grants provision of P.L. 84-219 (69 Stat 460)
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Funds in this account are used to match funds made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public health and safety projects. For the past several years program activity has been low and normally $200,000 has been apportioned annually in the account. The remaining unobligated balance has been deferred, with funds being made available when annual project activity exceeded $200,000.

On October 1, 1980 $764,980 was deferred in this account as reported to the Congress in Deferral No. D81-15. On January 6, 1981 the amount deferred was increased to $1,728,080. This increase in the amount deferred was not reported earlier due to administrative oversight. Recently, $737,377 was released and apportioned for the third quarter of the current fiscal year. These funds were made available to match state funds for a backfilling project to control subsidence in Wilkes Barre, Pennsylvania and for other health and safety projects. The remaining $990,703 is deferred for use in FY 1982.

Estimated Effects: This deferral action will have no impact on the program, because the state of Pennsylvania is not expected to make funds available this year to match the remaining $990 thousand.

Outlay Effects: This deferral action has no effect on 1981 outlays.

*Revised from previous report

D81-37A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-37 transmitted to the Congress on January 15, 1981.

The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is $35,000,000, an increase of $20,000,000 over the amount previously reported as deferred. This increase results from additional budgetary resources made available by the Further Continuing Resolution of 1981 (P.L. 97-12).

Deferral No: D81-37A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. 97-12): $35,000,000*
Bureau:	Other budgetary resources: 8,807,456
Appropriation title & symbol: United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Total budgetary resources: 43,807,456*
	Amount to be deferred: Part of year: $35,000,000
	Entire year:
CMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

*Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976, (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

Funds totalling $35 million were made available pursuant to the Further Continuing Resolution of 1981 (P.L. 97-12). These funds have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: No effect on outlays results from this deferral action.

1/ This account was the subject of a similar deferral during FY 1980. (D80-18A).

Deferral No: D81-118

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Endowment for the Arts	New budget authority (P.L. 96-514,97-12): $158,795,000
Bureau:	Other budgetary resources: 12,400
Appropriation title & symbol: Salaries & Expenses 5910100; Matching Grants 591/20100	Total budgetary resources: 158,807,400
	Amount to be deferred: Part of year * See below: $25,356,000; Entire year:
OMB identification code: 59-0100-0-1-503	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act; ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual; ☒ Multiple-year September 30, 1982 (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

	Salaries & Expenses (Expiring 9/30/81)	Matching Grants (Expiring 9/30/82)
New budget authority (P.L. 96-514,97-12)	126,095,000	32,700,000
Other budgetary resources	12,400	-0-
Total budgetary resources	126,107,400	32,700,000
Amount deferred:		
5/21/81-6/11/81	9,000,000	3,000,000
5/21/81-8/15/81	-0-	13,356,000

Justification: The National Endowment for the Arts awards discretionary grants to State and local arts agencies, cultural institutions, organizations and individuals. Grants are aimed at: 1) encouraging creative efforts by artists; 2) enhancing access to the arts; 3) supporting arts institutions; 4) providing leadership in the arts; and 5) maintaining the artistic heritage of diverse cultural and ethnic groups. The Arts Endowment supports 19 programs ranging from Dance and Music to Folk Arts and Literature, and within these programs, some 120 funding categories.

In order to help offset significant increases in FY expenditures, the President has directed Federal Agencies to identify non-priority areas in which outlay reductions can be achieved. After examination of the unobligated balances for the National Endowment for the Arts, $12 million in program funds and matching grants was deferred until June 11, 1981 and $13.4 million in matching grants will be deferred until August 15, 1981.

The delay in available funding will begin the transition to FY 1982 levels of support for arts activities which emphasize a greater role for private philanthropy and State and local support.

Estimated Effects:

The effect on grantees of the deferral of the recently released $12 million was to delay the award of grants and project start-ups originally planned for May and early June to late June and July. The effect on grantees of the $13.4 million deferral will be to delay start-ups planned for June and July until after August 15, 1981.

Outlay Effect:

This deferral action will have the effect of shifting $10 million in FY 1981 outlays into FY 1982.

Deferral No: 081-119

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1015 of P.L. 93-344

Agency: National Endowment for the Humanities	New budget authority (P.L. 96-514): $151,299,000
Bureau	Other budgetary resources: 100,000
Appropriation title & symbol: Salaries and Expenses - 5910200; Matching Grants - 591/20200	Total budgetary resources: 151,399,000
	Amount to be deferred: Part of year *See below: $20,460,000
	Entire year:
OMB identification code: 59-0100-0-1-503	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual; ☒ Multiple-year September 30, 1982 (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

	Salaries and Expenses (Expiring 9/30/81)	Matching Grants (Expiring 9/30/82)
New budget authority (P.L. 96-514)	117,799,000	33,500,000
Other budgetary resources	100,000	—
Total budgetary resources	117,899,000	33,500,000
Amount deferred		
5/21/81-6/11/81	4,000,000	1,000,000
5/21/81-8/15/81	6,860,000	8,600,000

JUSTIFICATION: The National Endowment for the Humanities awards grants on a competitive basis to state and local humanities agencies, cultural institutions, historical organizations, and individuals. Awards are aimed at (1) strengthening the scholarly foundation for study in the humanities; (2) improving the quality of teaching in the humanities; (3) promoting public understanding of the value of the humanities; and (4) nurturing the future well being of those institutional and human resources critical to the humanities.

In order to help offset significant increases in FY 1981 expenditures, the President has directed Federal agencies to identify non-priority areas in which outlay reductions can be achieved. After examination of the unobligated balances for the National Endowment for the Humanities, $5 million in program funds and matching grants was deferred until June 11, 1981, and $15 million will be deferred until August 15, 1981.

The delay in available funding will begin the transition to FY 1982 levels of support for humanities activities, which emphasize a greater role for private philanthropy and State and local support.

Estimated Effect: The start-up dates of projects supported by grants originally planned for June and July will be delayed until after August 15 1981. The effect on grantees of the deferral of funds just released was to delay the award of grants originally planned for late May or June.

Outlay Effect: This deferral action will have the effect of shifting $12.5 million in FY 1981 outlays into FY 1982.

[FR Doc. 81-19315 Filed 6-30-81; 8:45 am]

BILLING CODE 3110-01-C

Deferral No: 081-108

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Department of Agriculture	New budget authority (P.L. 96-528): $92,524.00
Bureau: Soil Conservation Service	Other budgetary resources: 48,928.38
Appropriation title & symbol: 12X1072 Watershed and Flood Prevention Operations	Total budgetary resources: 241,452.38
	Amount to be deferred: Part of year: $
	Entire year: 11,000.00
OMB identification code: 12-1072-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual; ☐ Multiple-year (expiration date); ☒ No-year	Type of budget authority: ☐ Appropriation; ☐ Contract authority; ☐ Other

JUSTIFICATION

Small watershed operations activities authorized by P.L. 83-566, as amended, and watershed operations authorized by P.L. 78-534, as amended and supplemented, include technical and financial assistance to local organizations to install measures for watershed protection, flood prevention, agricultural water management, recreation and fish and wildlife enhancement. Watershed work plans are prepared by sponsoring local organizations with Departmental, State, or local assistance and are approved by USDA or Congress (for those P.L. 83-566 projects where the estimated Federal contribution will exceed $1 million). Technical assistance, such as land treatment, surveys and engineering cost estimates, and financial assistance, are furnished to accelerate planning and installation of the approved measures. Local sponsoring organizations must bear the total or a share of the costs necessary to install structural measures, and they must operate and maintain completed work.

In order to offset a significant increase in FY 1981 expenditures, the President has directed Federal agencies to identify lower priority areas in which outlay reductions can be achieved. This deferral action is taken as part of the overall effort to reduce outlays in the current fiscal year.

ESTIMATED EFFECTS

This deferral action assumes a fiscal year 1981 moratorium on the obligation of funds after May 31, 1981, for contracts for construction of new structures authorized under P.L. 83-566 and P.L. 78-534.

federal register

Wednesday
July 1, 1981

Part V

Department of Health and Human Services

Public Health Service

Health Maintenance Organizations; Cumulative List

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations; Cumulative List

AGENCY: Public Health Service, HHS.

ACTION: Notice, Cumulative List of Qualified Health Maintenance Organizations.

SUMMARY: The entities listed in this notice include all health maintenance organizations (HMOs) qualified under Title XIII of the Public Health Service Act as of December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D. Acting Director, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, (301) 443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act (the Act) at 42 CFR section 110.605(b) require annual publication of a cumulative list of all qualified HMOs. The entities listed in this notice have been determined to be qualified HMOs under Section 1310(d) of the Act (42 U.S.C. 300e–9(d)). The list is current through December 31, 1980; however, the qualification of three HMOs has been revoked since that date and these have been omitted.

The information in this document is presented alphabetically in three formats: (A) Organizational model; (B) States in which the HMOs do business; and (C) Name, address, service area, and date of qualification.

Files containing additional information with respect to qualified HMOs are available for public inspection between the hours of 8:00 am and 4:30 pm on Tuesdays and Thursdays at the Office of Health Maintenance Organizations, Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

A. Listing by Organizational Model

STAFF/MEDICAL GROUP MODEL

Staff

Anchor Organization for Health Maintenance
California Medical Group Health Plan, Inc.
Capital Area Community Health Plan, Inc.
Community Group Health Plan, Inc./dba Prime Health
Community Health Care Center Plan, Inc.
Community Health Plan of Suffolk, Inc.
Connecticut Health Plan, Inc.
Contra Costa Health Plan
Family Health Plan Cooperative
Family Health Program, Inc.
Florida Health Care Plan, Inc.
Group Health Association, Inc.
Group Health Cooperative of So. Central Wisconsin
Group Health Plan of Southeast Michigan
Group Health Service of Michigan, Inc.
Harvard Community Health Plan
Health Care of Louisville, Inc.
Health Care Plan of New Jersey
The Health Care Plan, Inc.
Health Central
Health Central, Inc.
HIP of Greater New Jersey, Inc.
International Medical Centers, Inc.
Kaiser-Georgetown Community Health Plan (formerly Georgetown University Community Health Plan)
Matthew Thornton Health Plan, Inc.
Medical West Community Health Plan, Inc.
Metropolitan Baltimore Health Care, Inc.
Metropolitan Health Council of Indianapolis, Inc.
Michael Reese Health Plan, Inc.
North Central Connecticut Health Maintenance Organization, Inc.
Piedmont Health Care Corporation
Prepaid Health Care, Inc.
Rhode Island Group Health Association
Roosevelt Health Plan
Rutgers Community Health Plan
Southern Connecticut Community Health Plan
Westchester Community Health Plan

Medical Group

American Health Plan, Inc.
Arizona Health Plan, Inc.
Columbia Medical Plan, Inc.
Compcare Inc. (formerly Southwest Medical Plan)
Comprehensive Health Services of Detroit, Inc.
Cooperative Health Plan of Greater Spokane
Fallon Community Health Plan, Inc.
Genesee Valley Group Association
George Washington University Health Plan, Inc.
Group Health of El Paso, Inc.
Group Health Service Plan/dba Healthcare
Health Alliance Plan of Michigan
HealthCare, Inc.
Health Maintenance Organization of Baton Rouge, Inc.
Health Service Plan of Pennsylvania
INA Healthplan of Arizona, Inc. (formerly ABC–HMO)
Kaiser Community Health Foundation
Kaiser Foundation Health Plan, Inc. (Northern California), (Southern California), (Hawaii Region)
Kaiser Foundation Health Plan of Oregon
Kaiser Foundation Health Plan of Colorado
Kaiser/Prudential Health Plan
North Communities Health Plan, Inc./dba Northcare
Peak Health Plan, Ltd.
Penn Group Health Plan, Inc.
Philadelphia Health Plan
PimaCare, Inc.
Protective Health Providers
Prudential Health Care Plan, Inc.
SHARE Health Plan
Valley Health Plan, Inc.
West River Health Maintenance Organization

Individual Practice Association Model

AV–MED, Inc.
Bay Pacific Health Plan
Capitol Health Care, Inc.
Co-MED
COMPRECARE, Inc.
Comprecare, Inc. (formerly So. L.A. Community Health Plan)
Crossroads Health Plan
Eastern Pennsylvania HMO, Inc.
Family Health Services, Inc.
Foundation Health Plan, Inc.
Genesee Health Care, Inc.
Greater Bridgeport Medical Foundation/dba Physicians Health Care
Greater Delaware Valley Health Care, Inc.
Greater San Diego Health Plan
Healthlst (Metro Atlanta)
Health Maintenance Network of Southern California/dba Health Net
Health Maintenance of Oregon, Inc.
The Health Maintenance Organization of Pennsylvania
Health Plan of the Redwoods
Health Plan of the Upper Ohio Valley
Health Plus, Inc.
HMO Illinois, Inc.
Healthwise, Inc.
Idaho HMO, Inc.
INA Health Plan of Texas
Independence Health Plan of Southeastern Michigan, Inc.
Independent Health Association
Intergroup Prepaid Health Services, Inc.
Intergroup Prepaid Health Services of Indiana
Lane Group Health Services, Inc./dba SelectCare
Lifeguard, Inc.
Marion Health Foundation, Inc.
MAXI–CARE
MetroCare of Arlington, Texas
Michigan Health Maintenance Organization Plans, Inc.
New Mexico Health Care Corp.
Northern California Institute for Medical Service, Inc./dba Rockridge Health Care Plan
PacifiCare, Inc.

Physicians Association of Clackamas County
Portland Metro Health, Inc.
Rochester Area Health Maintenance Organization
Rocky Mountain Health Maintenance Organization, Inc.
Ross-Loos Health Plan of Southern California
San Luis Valley Health Maintenance Organization
South Florida
Southshore Health Plan, Inc.
TakeCare Corporation

B. Listing by States

ALABAMA
None
ALASKA
None
ARIZONA
Arizona Health Plan, Inc., Phoenix
INA Healthplan of Arizona, Phoenix (formerly ABC–HMO)
PimaCare, Inc., Tucson
ARKANSAS
None
CALIFORNIA
Bay Pacific Health Plan, San Mateo
California Medical Group Health Plan, Inc., Los Angeles
Comprecare, Inc., Los Angeles
Contra Costa Health Plan, San Diego
Family Health Program, Inc., Fountain Valley [1]
Family Health Services, Inc. (dba General Medical Centers Health Plan), Anaheim
Foundation Health Plan, Inc., Sacramento
Greater San Diego Health Plan, San Diego
Group Health Service Plan, dba Health Care, Sacramento
Health Maintenance Network of Southern California, Van Nuys
Health Plan of The Redwoods, Santa Rosa
Kaiser Foundation Health Plan, Inc. (Southern Cal. Region), Los Angeles [1] (Northern Cal. Region), Oakland [1]
Lifeguard, Inc., Campbell
MAXICARE, Hawthorne
Northern California Institute for Medical Service, Inc. (dba Rockridge Health Care Plan), Oakland
PacifiCare, Inc., Cypress
Protective Health Providers, San Diego
Ross-Loos Health Plan of Southern California, Los Angeles
TakeCare Corporation, Oakland
COLORADO
COMPRECARE, Inc., Denver
Kaiser Foundation Health Plan of Colorado, Inc., Denver
Peak Health Plan, Colorado Springs
Rocky Mountain Health Maintenance Organization, Inc., Grand Junction
San Luis Valley HMO, Inc., Alamosa
CONNECTICUT
Community Health Care Center Plan, Inc., New Haven
Connecticut Health Plan, Inc., Bridgeport
Greater Bridgeport Medical Foundation, Inc./dba Physicians Health Care, Trumbull
North Central Connecticut Health Maintenance Organization, Inc., East Hartford
Southern Connecticut Community Health Plan, Stamford
DISTRICT OF COLUMBIA
George Washington University Health Plan, Inc., Washington
Group Health Association, Inc., Washington
HealthPlus, Inc., Riverdale, MD [2]
Kaiser-Georgetown Community Health Plan, Inc., Washington
DELAWARE
None
FLORIDA
American Health Plan, Inc., Miami
AV–MED, Inc., Miami
Florida Health Care Plan, Inc., Daytona Beach
International Medical Centers, Inc., Hialeah
Prepaid Health Care, Inc., Clearwater
South Florida Group Health, Inc., Miami
GEORGIA
HealthCare, Inc., Atlanta
Healthlst, (Metro Atlanta) Atlanta
HAWAII
Kaiser Foundation Health Plan, Inc., Honolulu [1]
IDAHO
Idaho Health Maintenance Organization, Inc., Boise
ILLINOIS
Anchor Organization for Health Maintenance, Chicago
HMO Illinois, Inc., Chicago
Intergroup Prepaid Health Services, Chicago
Intergroup Prepaid Health Services of Indiana, Chicago
Michael Reese Health Plan, Chicago
North Communities Health Plan, Inc./dba Northcare, Glenview
Roosevelt Health Plan, Chicago
INDIANA
HealthCare of Louisville, Louisville, Kentucky [2]
HMO Illinois, Chicago, Illinois [1]
Intergroup Prepaid Health Services, Chicago, Illinois [2]
Intergroup Prepaid Health Services of Indiana, Chicago, Illinois [2]
Metropolitan Health Council of Indianapolis, Inc., Indianapolis
IOWA
None
KANSAS
Community Group Health Plan, Kansas City, Missouri [2]
KENTUCKY
HealthCare of Louisville, Louisville
LOUISIANA
Health Maintenance Organization of Baton Rouge, Inc., Baton Rouge
MAINE
None
MARYLAND
Columbia Medical Plan, Inc., Columbia
Group Health Association, Washington, D.C. [2]
HealthPlus, Inc., Riverdale
Kaiser-Georgetown Community Health Plan, Washington, D.C. [2]
Metroplitan Baltimore Health Care, Inc., Baltimore
MASSACHUSETTS
Capital Area Community Health Plan, Latham, N.Y. [2]
Fallon Community Health Plan, Worcester
Harvard Community Health Plan, Boston
Matthew Thornton Health Plan, Inc., Nashua, New Hampshire [2]
Medical West Community Health Plan, Inc., Chicopee
Rhode Island Group Health Association, Providence, Rhode Island [2]
Valley Health Plan, Inc., Amherst
MICHIGAN
Comprehensive Health Services of Detroit, Inc., Detroit
Genesee Health Care, Inc., Flint
Group Health Service of Michigan, Inc., Saginaw
Group Health Plan of Southeast Michigan, Inc., Troy
Michigan Health Maintenance Organization Plans, Inc., Detroit
MINNESOTA
SHARE Health Plan, Bloomington
MISSISSIPPI
None
MISSOURI
Community Group Health Plan, Kansas City
MONTANA
None
NEBRASKA
Health Central, Lincoln
NEVADA
None
NEW HAMPSHIRE
Matthew Thornton Health Plan, Inc., Nashua
NEW JERSEY
CO–MED, Inc. Cedar Knolls

[1] Regional component of HMO.

[2] Indicates a service area, but not the primary location for the HMO.

Crossroads Health Plan, East Orange
Health Care Plan of New Jersey, Cherry Hill
Health Service Plan of Pennsylvania, Philadelphia, Penn.
HIP of Greater New Jersey, Inc., West New York
Rutgers Community Health Plan, New Brunswick
Southshore Health Plan, Inc., Northfield

NEW MEXICO
New Mexico Health Care Corp., dba. Mastercare, Albuquerque

NEW YORK
Capital Area Community Health Plan, Inc., Latham
Community Health Plan of Suffolk, Inc., Hauppauge
Genesee Valley Group Health Association, Rochester
The Health Care Plan, Inc., Buffalo
Independent Health Association, Buffalo
Rochester Area Health Maintenance Organization, Inc., Rochester
Westchester Community Health Plan, White Plains

NORTH CAROLINA
None

NORTH DAKOTA
West River Health Maintenance Organization, Hettinger

OHIO
Kaiser Community Health Foundation, Cleveland
Marion Health Foundation, Inc., Marion

OKLAHOMA
None

OREGON
Capital Health Care, Inc., Salem
Health Maintenance of Oregon, Inc., Portland
Kaiser Foundation Health Plan of Oregon, Portland
Lane Group Health Services, Inc., Eugene
Physicians Association of Clackamas County, Gladstone
Portland Metro Health, Inc., Portland

PENNSYLVANIA
Eastern Pennsylvania HMO, Inc., Allentown
Greater Delaware Valley Health Care, Inc., Newtown Square
The Health Maintenance Organization of Pennsylvania, Willow Grove
Health Service Plan of Pennsylvania, Philadelphia
Penn Group Health Plan, Inc., Pittsburgh
The Philadelphia Health Plan, Philadelphia

RHODE ISLAND
Rhode Island Group Health Association, Inc., Providence

SOUTH CAROLINA
Piedmont Health Care Corporation, Greenville

SOUTH DAKOTA
West River Health Maintenance Organization, Hettinger, N.D.[2]

TENNESSEE
None

TEXAS
CompCare, Inc., San Antonio
Group Health of El Paso, Inc., El Paso
INA Healthplan of Texas, Dallas
Kaiser/Prudential Health Plan, Dallas
MetroCare, Euless
Prudential Health Care Plan, Inc., Houston

UTAH
Family Health Program, Inc., Salt Lake City[1]

VERMONT
Capital Area Com. Health Plan, Latham, N.Y.[2]
None

VIRGINIA
Group Health Association, Washington, D.C.[2]
Kaiser-Georgetown Community Health Plan, Washington, D.C.[2]

WASHINGTON
Cooperative Health Plan of Greater Spokane, Spokane
Kaiser Foundation Health Plan of Oregon, Portland, Oregon[2]
Portland Metro Health, Inc., Portland, Oregon

WEST VIRGINIA
Health Plan of the Upper Ohio Valley, Wheeling
Healthwise, Inc., Beckley

WISCONSIN
Family Health Plan Cooperative, Milwaukee
Group Health Cooperative of South Central Wisconsin, Madison

WYOMING
None

GUAM
Family Health Program, Inc., Fountain Valley, California[1]

PUERTO RICO
None

VIRGIN ISLANDS
None

C. Listing by Name, Address, Service Area, and Date of Qualification

1. AV-MED, Inc., 9400 South Dadeland Boulevard, Miami, Fla. 33156. Service area: Dade County, Fla. Date of qualification: Operationally qualified—October 7, 1977. (Preoperationally qualified—September 9, 1977.)

2. American Health Plan, Inc., 560 N.W. 165th Street Road, Suite 105, Miami, Fla. 33169. Service area: Dade and Broward Counties in the State of Florida. Date of qualification: Operationally qualified—August 1, 1980. (Transitionally qualified July 29, 1977.)

3. Anchor Organization for Health Maintenance, 1725 West Harrison Street, Chicago, Ill. 60612. Service area: DuPage County and the following zip codes in the city of Chicago and suburban areas:

City of Chicago

60601–18, 60621–6, 60629–32, 60634–41, 60644–8, 60650–1, 60653–4, 60656–7, 60659–60, 60666, 60670–1, 60675, 60684–5, 60693.

Suburban Areas

60004–08, 60010, 60015–8, 60023, 60025–6, 60029, 60035, 60043, 60047, 60053, 60056, 60060, 60062, 60067–9, 60076, 60090–1, 60093, 60101, 60103–4, 60106, 60108, 60130–1, 60143, 60153, 60160, 60162–5, 60171–2, 60176, 60191, 60201–4, 60301–5, 60401–2, 60406, 60409, 60411, 60417, 60419, 60422–3, 60425–6, 60429–30, 60438, 60443, 60445, 60448–9, 60452, 60459, 60461–2, 60466, 60468–9, 60471–3, 60475–7, 60513, 60525, 60534, 60558.

Date of qualification: Transitionally qualified—December 20, 1977.

4. Arizona Health Plan, Inc., 4811 North Seventh Street, Phoenix, Ariz. 85014. Service area: Maricopa County and the unincorporated area of Pinal County known as Apache Junction. Date of qualification: Transitionally qualified—August 24, 1978.

5. Bay Pacific Health Plan, 3080 La Selva, San Mateo, California 94403. Service area: San Mateo County, California. Date of qualification: Operationally qualified—March 29, 1979. (Preoperationally qualified—March 28, 1979.)

6. California Medical Group Health Plan, Inc., 1880 Century Park East, Suite 1500, Los Angeles, Cal. 90067. Service area: the zip codes included in the area are as follows:

Los Angeles County, California

90001–26, 90028–9, 90031–49, 90054, 90056–9, 90061–9, 90071, 90201, 90210–2, 90220–2, 90230, 90240–2, 90245–50, 90254–5, 90260–2, 90265, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90601–6, 90631, 90638, 90640, 90650, 90660, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–9, 90801, 90804–8, 90810, 90812–5, 90840, 91001, 91006, 91010–11, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103–8, 91201, 91209, 91301–4, 91306–7, 91310–11, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91355, 91364, 91401–3, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 91702, 91706, 91711, 91722–4, 91731–3, 91738, 91740, 91746, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6,

91780, 91789–92, 91801–3, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

Orange County, California

90620–4, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92624–7, 92629–34, 92636–8, 92640–53, 92655, 92660–70, 92672, 92675–8, 92680, 92683, 92686–7, 92701–11, 92713–7, 92801–2, 92804–7.

Riverside County, California [3]

91720, 91752, 91760, 92330, 92370, 92388, 92501–9.

Santa Barbara County, California

93013, 93017, 93067, 93101, 93103, 93105, 93108–11, 93427, 93441, 93460, 93463.

San Bernardino County, California

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92316, 92318, 92324, 92335, 92346, 92354, 92369, 92373, 92376, 92401, 92404–5, 92407–11.

San Diego County, California

92001–2, 92007–8, 92010–1, 92014, 92017, 92020–1, 92024–5, 92027, 92032, 92035, 92037, 92040–1, 92045, 92050, 92064–5, 92067, 92069, 92071, 92073, 92075, 92077–8, 92101–11, 92113–29, 92131, 92133, 92135, 92137, 92139–40, 92145, 92154–5, 92162.

Ventura County, California

91320, 91360–2, 93010, 93016, 93021, 93040, 93042, 93063, 93065.

Date of qualification: Transitionally qualified—July 19, 1977.

7. Capital Area Community Health Plan, Inc., 1201 Troy-Schenectady Road, Latham, N.Y. 12110. Service area: Berkshire County, Mass; Bennington County, Vermont; Columbia, Greene, Rensselaer, and Washington Counties, New York, and cities and towns in the following counties:

Albany

Albany City, Berne Town, Bethlehem Town, Coeymans Town, Cohoes City, Colonie Town, Green Island Town, Guilderland Town, Knox Town, New Scotland Town, Rensselaerville Town, Watervliet City, Westerlo Town.

Saratoga

Ballston Town, Charlton Town, Clifton Park Town, Galway Town, Halfmoon Town, Malta Town, Mechanicville City, Milton town, Saratoga Town, Saratoga Springs, City, Stillwater Town, Waterford Town.

Schnectady

Duanesburg Town, Glenville Town, Niskayuna Town, Princeton Town, Rotterdam Town, Schenectady City.

[3] Only those portions of the listed zip codes within a 30 mile radius of the health center are included in the service area.

Date of qualification: Operationally qualified—January 1, 1977.

(Preeoperationally qualified—December 6, 1976.)

8. Capitol Health Care, Inc., P.O. Box 12625, Salem, Oregon 97301. Service area: Counties of Benton, Linn, Marion and Polk, Oregon. Date of qualification: Operationally qualified—March 1, 1978.

9. Columbia Medical Plan, Inc., 5999 Harpers Farm Road, Columbia, Maryland 21044. Service area: Zip codes or portions of zip codes in the following counties:

Anne Arundel

20701, 20755, 20794, 20863, 21077, 21090, 21108, 21113, 21144, 21240.

21054 and 21061, west of State Route 3; 21122, north of State Route 177, east of State Route 173; and 21226, east of State Route 173.

Baltimore

21055, 21133, 21201, 21207, 21216, 21223, 21225, 21228–30, 21235.

Carroll

21080, 21735, 21784.

Howard

20759, 20777, 21029, 21036, 21043, 21044–6, 21076, 21083, 21104, 21150, 21163, 21227, 21734, 21737–8, 21794.

Montgomery

20702, 20730, 20860, 20868, 20904, 20906, 20910, 20729 and 20832, east of state Route 97; 20303, north of Interstate Route 495.

Prince Georges

20704–5, 20715–6, 20801, 20810–1, 20813, 21033.

Date of qualification: Transitionally qalified—December 3, 1980.

10. CoMed, Inc. Cedar Knolls Plaza, 14 Redgedale Avenue, Cedar Knolls, New Jersey 07927. Service area: Zip codes in the following counties:

Morris

07005, 07034, 07045–6, 07054, 07058, 07082, 07405, 07435, 07438, 07440, 07444, 07459, 07801, 07828, 07830, 07834, 07836, 07840, 07842, 07845, 07846, 07849–50, 07852–7, 07865–6, 07869–70, 07876, 07878, 07882, 07885, 07926–8, 07930, 07932–6, 07940, 07945–6, 07950, 07960–1, 07970, 07976, 07980–1.

Passaic

07403, 07405, 07420–1, 07435, 07438, 07442, 07456, 07465, 07470, 07480.

Sussex

07460, 07828, 07837, 07874.

Warren

07828, 07840, 07843, 07853.

Somerset

07920–1, 07924, 07931, 07938–9, 17977–9, 07060, 07946, 08502, 08504, 08528, 08540, 08553, 08558, 08805, 08807, 08821–3, 08835–6, 08853, 08869, 08873, 08876, 08880–1, 08890.

Date of qualification: Operationally qualified—October 27, 1978. (Preoperationally qualified—October 6, 1978.)

11. Community Group Health Plan, Inc., dba Prime Health, 6801 East 117th Street, Kansas City, Missouri 64134. Service area: Johnson and Wyandotte Counties, Kansas; Jackson and zip codes in the followihng counties in Missouri:

Cass

64012, 64078, 64080 64083, 64701, 64734, 67746.

Clay

64024, 64060, 64068, 64072–3, 64089–90, 64116–9, 46155–8, 641601–1, 64165–6.

Platte

64028, 64079, 64091–2, 64150–4, 64163–4, 64167, 64169.

Date of qualification: Operationally qualified—November 26, 1976.

12. Community Health Care Center Plan, Inc., 150 Sargent Drive, New Haven, Conn. 06511. Service area—Greater New Haven area, and includes the following cities and towns: Ansonia, Beacon Falls, Bethany, Branford, Chesire, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Shelton, Wallingford, West Haven, and Woodbridge. Data of qualification: Operationally qualified—March 1, 1978. (Transitionally qualified—October 31, 1975.)

13. Community Health Plan of Suffolk, Inc., 3001 Express Drive North, Hauppauge, New York 11787. Service area: Towns of Babylon, Brookhaven, Huntington, Islip, and Smithtown, and the following zip codes in Eastern Nausau:

11701, 11714, 11724, 11758, 11735, 11762, 11791, 11797, 11803–4.

Date of qualification: Operationally qualified—October 4, 1798.

14. CompCare, Inc., 6061 Northwest Expressway, Suite 470, San Antonio, Texas 78201. Service area: Bexar County, Texas including the city of San Antonio. Date of qualification—Operationally qualified—December 31, 1978. (Preoperationally qualified—December 4, 1978.)

15. COMPRECARE, Inc., Box 22047, 2040 South Oneida Street, Denver, Colo. 80222. Service area—the following counties: Adams, Arapahoe, Boulder,

Denver, Douglas, and Jefferson, Colorado. Date of qualification: Operationally qualified—July 12, 1979. (Transitionally qualified—August 20, 1976.)

16. Comprecare, Inc., 3850 Wilshire Blvd., Los Angeles, Calif. 90010. Service area—the zip codes included in the area are as follows:

Los Angeles County

90001–8, 90010–29, 90031–49, 90056–9, 90061–9, 90071, 90201, 90210–12, 90220–2, 90230, 90240–2, 90245–50, 90255, 90260, 90262, 90266, 90270, 90272, 90280, 90291, 90301–5, 90401–5, 90640, 90660, 90706, 90723, 91030, 91180, 91201–8, 91316, 91335–6, 91401–6, 91411, 91423, 91436, 91501–6, 91522, 91601–9, 91731–4, 91754, 91770, 91775–6, 91780, 91801–3.

Date of qualification: Operationally qualified—February 10, 1978.

17. Comprehensive Health Services of Detroit, Inc., 6500 John C. Lodge, Detroit, Michigan 48202. Service area—zip codes in the following counties:

Oakland

48220, 48237.

Wayne

48201–16, 48219, 48221, 48223–8, 48230, 48234–6, 48238–40.

Date of qualification: Operationally qualified—October 23, 1979.

18. Connecticut Health Plan, Inc., 4000 Park Avenue, Bridgeport, Conn. 06606. Service area—State of Connecticut, the following counties: Fairfield County—Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull. New Haven County—Milford. Date of qualification: Operationally qualified—March 15, 1977.

19. Contra Costa Health Plan, 2500 Alhambra Avenue, Martinez, California 94553. Service area: Zip codes in Contra Costa County as follows: 94507, 94517–21, 94523, 94549, 94553, 94569, 94572, 94595–6, 94598. Date of qualification: Operationally qualified—June 17, 1980.

20. Cooperative Health Plan of Spokane, S. 501 Bernard, P.O. Box 204, Spokane, Wash. 99210. Service area: Spokane County. Date of qualification: Operationally qualified—August 30, 1977.

21. Crossroads Health Plan, 141 South Harrison Street, East Orange, N.J. 07018. Service area: City of Newark and Essex County, N.J. Date of qualification: Operationally qualified—April 1, 1978. (Preoperationally qualified—March 17, 1978.)

22. Eastern Pennsylvania HMO, Inc., Suite 1110, 1503 North Cedar Crest Blvd., Allentown, Pennsylvania 18104. Service area—Northampton and Lehigh Counties, Pennsylvania. Date of qualification: Operationally qualified—February 9, 1979. (Preoperationally qualified—February 9, 1979.)

23. Fallon Community Health Plan, Inc., 630 Plantation Street, Worcester, Massachusetts 01605. Service area: Municipalities of Worcester County, Massachusetts, Auburn, Berlin, Boylston, Clinton, Grafton, Holden, Leicester, Millbury, Northboro, Northbridge, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Spencer, Sterling, Sutton, Upton, Webster, West Boylston, Westboro, and Worcester. Date of qualification: Operationally qualified—November 21, 1978.

24. Family Health Plan Cooperative, 6901 West Edgerton Avenue, Milwaukee, Wisconsin 53220. Service area—That portion of Milwaukee County, bounded on the north by Wisconsin Avenue, on the east by Lake Michigan, on the west by 124th Street, and on the south by County Line Road in Wisconsin. Date of qualification: Operationally qualified—February 28, 1979. (Preoperationally qualified—February 22, 1979.)

25. Family Health Program, Inc., 9930 Talbert Ave., Fountain Valley, Calif. 92708. Service area as follows—Orange County, Calif., and that portion of Los Angeles County, California, South of Firestone Boulevard (Manchester Boulevard), Salt Lake County and Davis County, Utah, and those portions of Utah, within a thirty (30) mile radius of the FHP/Utah Medical Centers. The Island of Guam. Zip codes in the service area as are follows.

Los Angeles County, Calif.

90001–3, 90007–8, 90011–5, 90018, 90021–3, 90031–3, 90037, 90040, 90043–5, 90047, 90056, 90058–9, 90061–3, 90201, 90220–2, 90240–2, 90245–50, 90254–5, 90260–2, 90266, 90270, 90274, 90277–8, 90280, 90301–5, 90501–6, 90601–6, 90631, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–9, 90801–8, 90810, 90812–5, 90840, 91320, 91360, 91731–3, 91744–6, 91748, 91754, 91765, 91770, 91789, 91792, 91803.

Orange County, Calif.

90620–3, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92624–7, 92629, 92630–8, 92640–53, 92655, 92660–70, 92672, 92675–8, 92680, 92683, 92686, 92701–11, 92713–7, 92801–7.

Salt Lake City, Davis, Utah, Tooele, and Summit Counties, Utah [4]

84003, 84006, 84010, 84014, 84020, 84025, 84032, 84043–4, 84047, 84054, 84057, 84060, 84062, 84070, 84084, 84087, 84101–9, 84111–21.

Ogden, Utah

84015, 84037, 84041, 84050, 84067, 84302, 84310, 84315, 84317, 84340, 84401, 84403–4.

Date of qualification: Transitionally qualified—July 29, 1977.

26. Family Health Services, Inc., dba General Medical Centers Health Plan, 2121 Towne Centre Place, Anaheim, Calif. 92806. Service area—zip codes in the service area are as follows:

Los Angeles County

90022–3, 90031–3, 90040, 90058, 90063, 90201, 90221, 90240–2, 90255, 90262, 90270, 90280, 90601–6, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90712–3, 90715–6, 90723, 90803–8, 90814–5, 90840, 91001, 91006, 91010, 91016, 91024, 91030, 91101, 91104–8, 91702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–92, 91801, 91803.

San Bernardino County

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92335.

Riverside County

91720, 91752, 91760, 92370, 92501, 92503–6, 92509.

Orange County

90620–1, 90623, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92626–7, 92631–3, 92635, 92640–1, 92643–9, 92655, 92660, 92665–70, 92676, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

San Diego County

92001–3, 92007–8, 92010–1, 92014, 92017, 92020–1, 92024–8, 92032, 92035, 92037, 92040–1, 92045, 92050, 92054–5, 92059, 92061, 92064–5, 92067–9, 92071, 92073, 92075, 92077–8, 92082–3, 92101–11, 92113–29, 92131, 92133, 92135, 92137, 92139–40, 92145, 92154–5, 92162.

Date of qualification: Operationally qualified—November 1, 1979. (Transitionally qualified—December 14, 1976.)

27. Florida Health Care Plan, Inc., 350 North Clyde Morris Boulevard, Daytona Beach, Fla. 32014. Service area: Volusia County, Fla. Date of qualification: Operationally qualified—August 20, 1976.

28. Foundation Health Plan, Inc., 5030 El Camino Avenue, Carmichael, Calif.

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[4] Several zip code areas may straddle the 30 mile radius from Family Health Plan medical centers. Individuals in the areas immediately outside the limit may enroll but must use the Family Health Program physicians and the facilities of the medical centers.

95608. Service area—Counties: Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Tuolomne, and Yolo. Date of qualification: Operationally qualified—January 1, 1978. (Preoperationally qualified—December 22, 1977.)

29. Genesee Health Care, Inc., G–4488 West Bristol Road, Flint, Michigan 48507. Service area: Genesee, Shiawassee, and Lapeer Counties, Michigan. Date of qualification: Operationally qualified—October 15, 1979. (Preoperationally qualified—October 1, 1979.)

30. Genesee Valley Group Health Association, 41 Chestnut Street, Rochester, N.Y. 14647. Service area: City of Rochester and county of Monroe, N.Y. Date of qualification: Operationally qualified—May 8, 1979. (Transitionally qualified—January 30, 1976.)

31. George Washington University Health Plan, Inc., 1229 Twenty-fifth Street, N.W., Washington, D.C. 20037. Service area: District of Columbia; Arlington and Fairfax Counties, Falls Church, Fairfax, Alexandria, Manassas, and Manassas Park, and zip codes in the following counties, Virginia: Loudoun—22011, 22020–1, 22041, and 22170; Prince William—22110, and 22191.

Zip codes in the following counties of Maryland:

Montgomery

20012, 20014–6, 20034, 20729, 20760, 20766–8, 20795, 20810, 20832, 20850–5, 20880, 20901–4, 20906, 20910.

Prince Georges

20012, 20018, 20021–3, 20031, 20331, 20623, 20705, 20710, 20715, 20722, 20735, 20740, 20742, 20769–70, 20781–6, 20801, 20810, 20822, 20840, 20870.

Date of qualification: Transitionally qualified—July 18, 1979.

32. Greater Bridgeport Medical Foundation, Inc., dba Physicians Health Care, 43 Oakview Drive, Trumbull, Connecticut 06611. Service area: City of Bridgeport, and towns of Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull, Connecticut. Date of qualification: Operationally qualified—December 29, 1980.

33. Greater Delaware Valley Health Care, Inc., 24 S. Newtown Street Road, Newtown Square, Pennsylvania 19073. Service area—Delaware County and zip codes in the following counties:

Chester

19301, 19312, 19333, 19341–2, 19345, 19353, 19355, 19373.

Montgomery

19003–4, 19010, 19035, 19041, 19065–6, 19072, 19087, 19096.

Philadelphia

19104, 19113, 19131, 19139, 19142–3, 19151, 19153.

Date of qualification: Operationally qualified—October 30, 1978.

34. Greater San Diego Health Plan, 3702 Ruffin Road, San Diego, California 92123. Service area: 30 miles or 30 minutes travel time from El Cajon, Escondido, or Poway in San Diego County, California. Date of qualification: Operationally qualified—March 28, 1980. (Preoperationally qualified—March 11, 1980.)

35. Group Health Association, Inc., 2121 Pennsylvania Avenue, N.W., Washington, D.C. 20037. Service area: Washington, D.C.; certain zip codes within Charles County (20601, 20612–3, 20606–17, 20640, 20646, 20675, 20695), and the entirety of Howard, Montgomery, and Prince Georges Counties, Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties, and the independent cities of Alexandria, Falls Church, and Fairfax, Virginia. Date of qualification: Operationally qualified—July 18, 1980. (Transitionally qualified—July 18, 1977.)

36. Group Health Cooperative of South Central Wisconsin, 1 South Park Street, Madison, Wis. 53715. Service area: Dane County (includes Metropolitan Madison area); Rock County; Evansville Township; Sauk County, Sauk City and Prairie Du Sac Townships; and Columbia County, Lodi, Arlington, and Poynette Townships. Date of qualification: Operationally qualified—June 27, 1977.

37. Group Health of El Paso, Inc., Eastwood Medical Center, 10301 Gateway West, El Paso, Texas 79925. Service area: County of El Paso, Tex. Date of qualification: Operationally qualified—February 27, 1978.

38. Group Health Plan of Southeast Michigan, 2 Northfield Plaza, 5700 Crooks Road, Troy, Michigan 48099. Service area—The following zip codes in the city of Detroit, Mich.: 48201–3, 48205, 48207, 48211–15, 48224, 48226, and 48234; and the cities of Hamtramck, Highland Park, Harper Woods, Oak Park, Ferndale, Pleasant Ridge, Berkley, Huntington Woods, Royal Oak, Hazel Park, Center Line, Warren, East Detroit, Madison Heights, and Roseville. Date of qualification: Operationally qualified—September 20, 1977. (Preoperationally qualified—September 1, 1977.)

39. Group Health Service of Michigan, Inc., 3150 Enterprise Drive, Saginaw, Michigan 48603. Service area—zip codes in the following counties:

Saginaw

48415, 48417, 48601–7, 48623, 48637, 48722, 48724, 48734.

Tuscola

48435, 48701, 48723, 48726, 48729, 48733, 48735–6, 48741, 48746, 48757–8, 48760, 48767–8.

Isabella

48858, 48878, 48883, 48893, 48896, 49310.

Bay

48611, 48613, 48631, 48634, 48650, 48706, 48732, 48747.

Date of qualification: Transitionally qualified August 27, 1979.

40. Group Health Service Plan, dba Healthcare, 930 Alhambra Boulevard, Sacramento, California 93816. Service area: Sacramento County, California and zip codes in the following counties:

Placer

95603, 95617, 95648, 95650, 95658, 95663, 95677–8.

El Dorado

95613–4, 95623, 95651, 95664, 95672, 95682.

Yolo

95605, 95612, 95616, 95645, 95691, 95695.

Date of qualification: Operationally qualified—February 20, 1980.

41. Harvard Community Health Plan, One Fenway Plaza, Boston, Mass. 02215. Service area—The following cities and towns in Massachusetts: Acton, Arlington, Bedford, Belmont, Billerica, Boston, Braintree, Brookline, Burlington, Cambridge, Canton, Carlisle, Chelsea, Concord, Dedham, Dover, Everett, Framingham, Lexington, Lincoln, Lynn, Lynnfield, Malden, Maynard, Marblehead, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, North Reading, Norwood, Peabody, Quincy, Randolph, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Sudbury, Swampscott, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop, Woburn. Date of qualification: Transitionally qualified—September 1, 1977.

42. Health Alliance Plan of Michigan, 2850 W. Grand Blvd., Detroit, Michigan 48202. Service area: Macomb, Oakland, and Wayne Counties, Michigan. Date of qualification: Operationally qualified—February 16, 1979.

43. HMO Illinois, Inc., 233 North Michigan Avenue, Suite 1625, Chicago, Ill. 60601. Service area—Cook, DuPage, Fulton, Grundy, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and

Woodford Counties, Illinois: Lake and Porter Counties, Indiana. Date of qualification: Operationally qualified—June 15, 1980. (Transitionally qualified—June 15, 1977.

44. HealthCare, Inc., 4484 N. Shallowford Road, Atlanta, Georgia 30338. Service area—Cobb, DeKalb, and Gwinnett Counties, Georgia and the following zip codes in Fulton County:

30075–6, 30201, 30303, 30305, 30308–15, 30318, 30320, 30322, 30324, 30326–8, 30330–2, 30336–7, 30342, 30344, 30349, 30354, 30361.

Date of qualification: Operationally qualified—January 1, 1980. (Preoperationally qualified—December 26, 1979).

45. HealthCare of Louisville, Inc., 4545 Bishop Lane, Louisville, Kentucky 40218. Service area—Jefferson County, Ky., and any portion of adjacent counties located in Kentucky and Indiana which lie within a radius of 25 air miles of the Family Health Center, 1809 Standard Avenue, Louisville, KY. Date of qualification: Operationally qualified—April 5, 1978. (Transitionally qualified—April 2, 1976.)

46. The Health Care Plan, Inc., 664 Ellicott Square Building, Buffalo, N.Y. 14203. Service area: Erie County, N.Y. Date of qualification: Operationally qualified—September 1, 1978. (Preoperationally qualified—August 31, 1978.)

47. Health Care Plan of New Jersey, 1101 Kings Highway North, Suite 405, Cherry Hill, New Jersey 08034. Service area:

Burlington County

08010–11, 08015–6, 08019, 08022, 08036, 08041–2, 08046, 08048, 08052–5, 08057, 08060, 08064–5, 08068, 08073, 08075, 08077, 08088, 08505, 08511, 08515, 08518, 08554, 08562, 08620.

Camden County

08002–4, 08007, 08009, 08012, 08021, 08026, 08029–31, 08033–5, 08043, 08045, 08049, 08059, 08078, 08081, 08083–4, 08089, 08091, 08095, 08001–10.

Gloucester County

08012, 08063, 08086, 08093, 08096–7.

Date of qualification: Operationally qualified—June 1, 1976. (Preoperationally qualified—May 27, 1976.)

48. Health Central, 17th & N Street, Lincoln, Nebraska 68508. Service area: Lancaster County, Nebraska. Date of qualification: Operationally qualified—February 1, 1979. (Preoperationally qualified—January 29, 1979.)

49. Health Central, Inc., 2316 South Cedar, Lansing, Mich. 48910. Service area—Townships in the following counties—Ionia County: Portland and Danby. Eaton County: Oneida, Delta, and Windsor. Clinton County: Westphalia, Eagle, Watertown, DeWitt, and Bath. Shiawassee County: Woodhull and Perry. Ingham County: Lansing, Meridan, Williamston, Locke, Delhi, Alaledon, Wheatfield, Leroy, Aurelius, Vevay, Ingham, and White Oak. Date of qualification: Operationally qualified—December 19, 1977. (Preoperationally qualified—December 6, 1977.)

50. HEALTH 1st, (Metro Atlanta Health Plan), 250 Piedmont Avenue, N.E., Suite 1226, Atlanta, Georgia 30308. Service area: Metropolitan Atlanta; and Clayton, Cobb, Dekalb, Fulton, Gwinnett, Henry, Douglas, and Rockdale Counties, Georgia. Date of qualification: Operationally qualified—February 20, 1980.

51. HealthPlus, Inc., 6611 Kenilworth Avenue, Suite 400, Riverdale, Maryland 20840. Service area—The following zip codes in Prince Georges and Montgomery Counties, Maryland, and the District of Columiba:

Prince Georges

20601, 20607, 20613, 20623, 20705, 20710, 20715–6, 20722, 20735, 20740, 20769–70, 20780–8, 20801, 20810–1, 20822, 20840, 20870.

Montgomery

20901–4, 20906–7, 20910.

District of Columbia

20011–2, 20017–23, 20027–8, 20031–3.

Date of qualification: Operationally qualified—January 1, 1979. (Preoperationally qualified—December 28, 1978.)

52. Health Maintenance Network of Southern California, d.b.a. Health Net, P.O. Box 9103, Van Nuys, California 91409. Service area—zip codes in the following counties:

Los Angeles

90001–4, 90006–8, 90010–29, 90031–7, 90039–49, 90056–9, 90061–9, 90071, 90201, 90210–1, 90220–2, 90230, 90240–2, 90245, 90247–8, 90250, 90254–5, 90260, 90262, 90265–6, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90601–6, 90638, 90640, 90650, 90660, 90670, 90701, 90705, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–7, 90802–8, 90810, 90813–5, 98040, 91001, 91006, 91010–1, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103, 91105–8, 91201–8, 91214, 91302–4, 91306–7, 91310–1, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91355–6, 91364, 91367, 91401–3, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 01702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–93, 91801, 91803, 93510, 93532, 93534, 93550.

Orange

90620–1, 90623, 90630–1, 90680, 90720, 90740, 92621, 92625–7, 92630–3, 92635, 92640–1, 92643–9, 92651, 92653, 92655, 92660–2, 92665–70, 92676–7, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

Riverside

91720, 91752, 91760, 92201, 92220, 92223, 92230, 92234, 92240, 92252–3, 92256, 92258, 92260, 92262, 92268, 92270, 92274, 92276–7, 92282, 92284, 92306, 92330, 92349, 92361, 92370, 92501, 92503–9.

San Bernardino

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92316, 92318, 92324, 92354, 92376, 92401, 92408, 92410–1.

San Diego

92001–2, 92007–8, 92010–1, 92014, 92020–1, 92024, 92032, 92035, 92037, 92040–1, 92045, 92050, 92064, 92071, 92073, 92075, 92077, 92101–11, 92113–35, 92137, 92139–40, 92145, 92154–5, 92162

Santa Barbara

93001, 93003, 93010, 93015, 93021–3, 93030, 03040–2, 93060, 93066, 93013, 93017, 93067, 93101, 93103, 93105, 93108–11, 93114, 93252, 93254, 93427, 93436, 93440, 93460, 93463.

Ventura

91301, 91320, 91360–1, 93063, 93065.

Date of qualification: Operationally qualified—February 1, 1979. (Preoperationally qualified—January 26, 1979.)

53. Health Maintenance of Oregon, Inc., Box 1071, Portland, Oreg. 97207. Service area: Clackamas, Marion, Multnomah, Polk, and Washington Counties, Oreg. Date of qualification: Operationally qualified—June 9, 1978.

54. Health Maintenance Organization of Baton Rouge, Inc., 8281 Goodwood Blvd., Baton Rouge, La. 70806. Service area: Parishes of Ascension, East Baton Rouge, Livingston, and West Baton Rouge, La. Date of qualification: Operationally qualified—April 3, 1978. (Preoperationally qualified—March 13, 1978.)

55. The Health Maintenance Organization of Pennsylvania, 2500 Maryland Road, Willow Grove, Pa. 19090. Service area: Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Date of

qualification: Operationally qualified—June 17, 1977.

56. Health Plan of the Redwoods, 3033 Cleveland Avenue, Santa Rosa, California 95401. Service area: Sonoma County, California. Date of qualification: Operationally qualified—March 7, 1980. (Preoperationally qualified—February 7, 1980.)

57. The Health Plan of the Upper Ohio Valley, Inc., Suite 900 Riley Building, 14th and Chapline Streets, Wheeling, West Virginia 26003. Service area: Ohio and Marshall Counties, West Virginia; and Belmont County, Ohio. Date of qualification: Operationally qualified—July 9, 1980.

58. Health Service Plan of Pennsylvania, 1401 Arch Street, Philadelphia, Pa. 19102. Service area—zip codes in the States of:

New Jersey

08002–3, 08007–9, 08012, 08021, 08029–30, 08033–5, 08043, 08046, 08049, 08052, 08057, 08065–6, 08075, 08078, 08083–4, 08091, 08093, 08101–10.

Pennsylvania

18914, 18925, 18940, 18954, 18966, 18974, 18976, 19001–4, 19006–10, 19012–8, 19020, 19022–3, 19025–6, 19028–41, 19043–4, 19046–7, 19050, 19052, 19054–8, 19060–6, 19063–7, 19070, 19072–9, 19081–7, 19089–90, 19094–6, 19101–54, 19174, 19301, 19312, 19317, 19319, 19331, 19333, 19335, 19341–2, 19345, 19355, 19357, 19366, 19373, 19377, 19380, 19395, 19401, 19403, 19405–9, 19422, 19425–6, 19428, 19432, 19444, 19452, 19454, 19460, 19462, 19468, 19477, 19479, 19481, 19486.

Date of qualification: Operationally qualified—May 4, 1978. (Transitionally qualified—April 28, 1976.)

59. Healthwise, Inc., Suite 313, Raleigh County Bank Building, Beckley, West Virginia 25801. Service area: Boone, Fayette, Raleigh, Summers, and Wyoming Counties, West Virginia. Date of qualification: Operationally qualified—November 6, 1979.

60. HIP of Greater New Jersey, Inc., 5301–15 Broadway, West New York, New Jersey 07093. Service area: Hudson County, New Jersey and the following communities in Bergen County (Southern portion): Carlstadt, Cliffside Park, East Rutherford, Edgewater, Fairview, Fort Lee, Little Ferry, Lyndhurst, Moonachie, North Arlington, Palisade Park, Ridgefield and Teterboro. Date of qualification: Operationally qualified—January 28, 1980.

61. INA Healthplan of Texas, Inc., 5314 Beltline Rd., P.O. Box 401828, Dallas, Texas 75240. Service area: Dallas and Tarrant Counties, Texas and zip codes in the following counties:

Collin

75002, 75023–4, 75034, 75069, 75073–5, 75080–1, 75098.

Denton

75006–7, 75028, 75056, 75065, 75067, 76052, 76226–7, 76247, 76262.

Ellis

75125, 75141, 75165, 75172.

Kaufman

75126, 75142, 75160, 75182.

Rockwall

75087.

Date of qualification: Operationally qualified—July 1, 1980.

62. Idaho Health Maintenance Organization, Inc., 963 South Orchard, Suite B, Boise, Idaho 83705. Service area: Ada and Canyon Counties, Idaho. Date of qualification: Operationally qualified—May 1, 1979. (Preoperationally qualified—April 3, 1979.)

63. INA Healthplan of Arizona, Inc., 4747 North 22nd Street, Phoenix, Arizona 85016. Service area: Maricopa County and the unincorporated area of Pinal County known as Apache Junction. Date of qualification: Transitionally qualified—August 3, 1978.

64. Independence Health Plan of Southeastern Michigan, Inc., 600 Northland Towers East, 15565 Northland Drive, Southfield, Michigan 48705. Service area—zip codes in the following counties:

Macomb

48015, 48021, 48026, 48043–5, 48047–8, 48066, 48080–2, 48077–8, 48087, 48089, 48091–4.

Oakland

48008–11, 48017–8, 48024–5, 48030, 48034, 48067, 48069–76, 48220, 48237.

Wayne

48101, 48111, 48120, 48122, 48124–7, 48134–5, 48138, 48141, 48146, 48150, 48152, 48154, 48164, 48173–4, 48180, 48183–5, 48187–8, 48192, 48195, 48203, 48205, 48215, 48218–9, 48221, 48223–5, 48227–9, 48230, 48234–6, 48238–40.

Date of qualification: Operationally qualified—August 6, 1979.

65. Independent Health Association, Inc., 4511 Harlem Road, Buffalo, New York 14226. Service area: Erie and Niagara Counties, New York. Date of qualification: Operationally qualified—February 15, 1980. (Preoperationally qualifed—February 9, 1980.)

66. Intergroup Prepaid Health Services, Inc., CNA Plaza, Chicago, Ill. 60685. Service area—Illinois, counties of Champaign, Cook, DuPage, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and Woodford. Indiana, counties of: Lake, and Porter. Date of qualification: Transitionally qualified—April 18, 1977.

67. Intergroup Prepaid Health Services of Indiana, Inc., CNA Plaza, Chicago, Illinois 60685. Service area: Adams, Allen, Blackford, DeKalb, Delaware, Grant, Huntington, Jay, Lake, Madison, Miami, Noble, Porter, Randolph, Wabash, Wells, and Whitley, Indiana. Date of qualification: Operationally qualified—July 10, 1980.

68. International Medical Centers, Inc., 2900 Palm Avenue, Hialeah, Florida 33012. Service area: Dade County, Florida. Date of qualification: Operationally qualified—November 26, 1980.

69a. Kaiser Foundation Health Plan, Inc., (Northern California Region), 1924 Broadway, Oakland, Calif. 94612. Service area—A radius of 30 miles of any Kaiser Foundation Hospital or Northern California Permanente Medical Office including the entire counties of: Alameda, Contra Costa, Marin, Secramento, San Franciso, San Mateo, Santa Clara, Solano, and cities and towns in the following counties:

Amador

Carbondale, Forest Home, Ione, Nashville.

El Dorado

Brandon, Brela, Cameron Park, Clarksville, Cool, Cothrin, Dugan, El Dorado, El Dorado Hills, Lake Hills Estates, Latrobe, Lotus, Pilot Hill, Rescue, Shingle Springs.

Napa

Aetna Springs, Angwin, Calistoga, Deer Park, Franklin, Kellogg, Napa, Oakville, Pope Valley, Rutherford Sanitarium, St. Helena, Yountville.

Placer

Auburn, Bowman, Hidden Valley, Lincoln, Loomis, Newcastle, Ophir, Penryn, Rocklin, Roseville, Sheridan, Sunset Whitney Ranch, Thermolands.

Sonoma

Bloomfield, Boyes Hot Springs, Catati, El Verano, Eldridge, Freestone, Fulton, Glen Ellen, Kenwood, Penngrove, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Valley Ford, Vineburg.

Sutter

Chandler, East Nicolaus, Kirkville, Nicolaus, Pleasant Grove, Rio Oso, Robbins, Trowbridge, Verona.

Yolo

Broderick, Bryte, Capay, Clarksburg, Davis, Dixon, El Macero, Knights Landing, Madison, Tremont, West Sacramento, Winters, Woodland, Yolo, Zamora.

Yuba

Wheatland.

Date of qualification: Transitionally qualified—October 27, 1977.

69b. Kaiser Foundation Health Plan, Inc. (Southern California Region), 4747 Sunset Boulevard, Los Angeles, Calif. 90027. Service area—A radius of 30 miles of any Kaiser Foundation Hospital or Southern California Medical Office. Kern County and Mexico are excluded from the service area. The following zip codes located in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties are included:

90000–99, 90101–99, 90200–99, 90300–99, 90400–99, 90500–99, 90600–99, 90700–99,[5] 90800–99, 91000–99, 91100–99, 91200–99, 91300–99, 91300–99, 91400–99, 91500–99, 91600–99, 91700–99, 91800–99, 92100–99, 92400–99, 92500–99, 92600–99,[6] 92700–99, 92800–99, 92001–2, 92006–8, 92010–2, 92014, 92016–7, 92020–2, 92024–7, 92031–2, 92035–7, 92040–1, 92045, 92047–8, 92050, 92053–4, 92062–5, 92067, 92069–71, 92073, 92075, 92077–8, 92080, 92082–3, 92220, 92223, 92305, 92307, 92314–8, 92320–2, 92324–6, 92329–30, 92333, 92335, 92339–41, 92343, 92345–6, 92348, 92352–4, 92356, 92358–60, 92362, 92367, 92369–73, 92376, 92378, 92380–2, 92385–6, 92388, 92391–2, 92395–7, 92399, 93010, 93015, 93021, 93040, 93060, 93063–5, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

Date of qualification: Transitionally qualified—October 27, 1977.

69c. Kaiser Foundation Health Plan, Inc. (Hawaii Region), 677 Ala Moana Boulevard, Honolulu, Hawaii 96813. Service area—Islands of Oahu and Maui. Date of qualification: Transitionally qualified—October 27, 1977.

70. Kaiser Foundation Health Plan of Oregon, 1500 Southwest First Avenue, Portland, Oreg. 97201. Service area as follows:

State of Oregon (Cities, towns, and zip codes)

Portland area

Aloha—97006; Banks—97106; Buxton (Banks)—97109; Barlow—97003; Beavercreek—97004; Beaverton—97005, 97007; Boring—97009; Bridal Veil—97010; Brightwood—97001; Canby—97013; Clackamas—97015; Colton—97017; Columbia City—97018; Corbett—97019; Cornelius—97113; Dayton—97114; Deer Island—97054; Donald—97020; Dundee—97115; Eagle Creek—97002; Estacada—97023; Fairview—97024; Forest Grove—97116; Gales Creek—97117; Gaston—97119; Gladstone—97027; Gresham—97030; Hillsboro—97123; Hubbard—97032; Jennings Lodge—97267; Lafayette—97127; Lake Grove—97035; Lake Oswego—97034; Manning—97125; Marylhurst—97036; Milwaukie—97222; Molalla—97038; Mt. Angel—97362; Mulino—97042; Newburg—97132; North Plains—97133; Oak Grove—97268; Oregon City—97045; Portland—97201–21; 97225–7, 97228–33, 97236, 97240, 97242, 97266; St. Helens—97051; Sandy—97055; Scappoose—97056; Sherwood—97140; Tigard—97223; Troutdale—97060; Taulitan—97062; Warren—97053; Wemme—97067; West Linn—97068; Woodburn—97071–2.

(Communities where the 30 mile boundary splits a zip code are described below):

97008—Bonneville (Cascade Locks)—Bonneville to Big Bend Mountain and all areas west.

97111—Carlton—McMinnville Reservoir to Willamina Falls and all areas west.

97023—Estacada—Squaw Mountain, Fish Creek Mountain to Soosap Peak and all areas west, northwest.

97119—Gaston—East Tillamook National Forest boundary and all points east.

97120—Glenwood—Round Toe Mountain and Glenwood and all areas east.

97128—McMinnville—Willamina Falls to city of Grand Ronde and all areas east.

97038—Molla—Soosap Peak to Molalla River and all areas north, northwest.

97051—St. Helens—Meisner Peak and Baker Point and all areas southeast.

97142—Tillamook—Saddle Mountain and Wilson River Summit on eastern Tillamook National Forest boundary and all areas east.

97144—Timber—Round Toe Mountain and intersection of Highway 47 and McDonald Road and all areas east.

97064—Veronia—McDonald and Pebble Creek Roads and all areas east.

97067—Wemme—Squaw Mountain and city of Welches and all areas west.

97148—Yamhill—Yamhill Reservoir and McMinnville Reservoir and all areas east.

Salem area

Albany—97321; Amity—97101; Aumsville—97325; Brooks/Waconda—97305; Crabtree—97335; Dallas—97338; Falls City—97344; Independence—97351; Lyons—97358; Marion—97359; Monmouth—97361; Motor Vehicle Dept.—97314; No. of Corvallis—97353; Rickreal—97371; S.A.I.F.—97312; City of Salem—97101; 97301–9; Scio—97374; Scotts Mill—97375; Sheridan—97378; Silverton—97381; State Dept. of Emp.—97311; State offices—97310; Stayton—97383; Sublimity—97385; Turner—97392; Wilamina—97396.

(Communities where the 30 mile boundary splits a zip code are described below):

97330—Stalbusch Island and Bald Hill and areas north.

97347—Grand Ronde and Condenser Peak mountain area and areas east.

97354—Crabtree Guard Station and Snow Peak and areas northwest.

97355—Peterson Butte and Ridgeway Butte and areas north.

97360—Indian Prairie and Mill City and areas west.

97384—Mill City and Elkhorn and areas west.

97389—Towns of Weldwood, Tangent and Peterson Butt and areas north.

97393—Riley Peak and town of Seekay and areas east.

97395—Ridgeway Butte and Crabtree Guard Station and areas north.

State of Washington (Cities, towns, and zip codes)

Vancouver area

Amboy—98601; Ariel—98603; Aurora—97002; Battleground—98604; Camas—98606–7; Gervais—92026; Heisson—98622; Jefferson—97352; Kalama—98625; LaCenter—98629; Ridgefield—98642; St. Paul—97137; Skamania—98646; Vancouver—98660–5; Washougal—98671; Woodland—98674.

(Community where the 30 mile boundary splits a zip code is described below):

98675—Yacolt—Siouxan Park and all areas south.

Date of qualification: Transitionally qualified—October 27, 1977.

71. Kaiser Foundation Health Plan of Ohio, Bond Court Building, Suite 1100, 1300 East Ninth Street, Cleveland, Ohio 44114. Service area—Counties—Cuyahoga, Lake, Geauga, Medina, Lorain, and Summit, except the townships of Franklin and Green are excluded from Summit county. Townships in the following counties—Ashtabula: Trumbull, Hartsgrove, and Windsor. Trumbull: Mesopotamia and Farmington. Portage: Aurora, Brimfield, Charlestown, Franklin, Freedom, Hiram,

[5] Except 90704 (Avalon)

[6] Except 92672 (San Clemente).

Mantua, Nelson, Ravenna, Rootstown, Shalersville, Streetsboro, and Windham.

Date of qualification: Transitionally qualified—October 27, 1977.

72. Kaiser Foundation Health Plan of Colorado, 2005 Franklin Street, Denver, Colorado 80205. Service area—City and County of Denver; communities immediately surrounding Denver, including all major and minor urbanized areas immediately adjacent to Denver; and cities, towns, and communities in the following counties:

Adams

Adams City, Barr Lake, Bow Mar, Brighton, Commerce City, Derby, Dupont, Eastlake, Federal Heights, Hazeltine, Henderson, Highland Acres, Irondale, Lochbuie, Northglenn, Riverdale, Thornton, Watkins, Welby, Westminster.

Arapahoe

Aurora, Cherry Hills, Columbine Valley, Englewood, Greenwood Village, Littleton, Sheridan.

Boulder

Boulder, Broomfield, Crescent Village, Eldorado Springs, Erie, Goodview, Lafayette, Longmont, Louisville, Marshall, Niwot, Silver Spruce, Superior, Valmont.

Clear Creek

Beaver Brook, Brookvale, Hyland Hills.

Douglas

Blakeland, Gann, Louviers, Parker, Riverside, Sedalia.

Gilpin

Floyd Hill.

Jefferson

Arvada, Aspen Park, Bensen Park, Conifer, Critchell, Deermont, Edgewater, El Rancho, Evergreen, Fenders, Green Valley Acres, Golden, Hiwan Hills, Homewood Park, Idledale, Indian Hills, Kassler, Kittredge, Lakewood, Leyden, Marshalldale, Morrison, Mountain View, Plain View, Phillipsburg, Rosedale, Semper, Sprucedale, Tiny Town, Troutdale, Twin Forks, Wheat Ridge.

Date of qualification: Transitionally qualified—October 27, 1977.

73. Kaiser-Georgetown Community Health Plan, Inc., Suite 300, 4200 Wisconsin Avenue, N.W., Washington, D.C. 20016. Service area: Washington, D.C.; Arlington County, Fairfax County, Prince William County, Loudoun County, Falls Church, Fairfax, Alexandria, Manassas, and Manassas Park, Virginia; Montgomery and Prince Georges Counties, Maryland. Date of qualification: Operationally qualified—May 25, 1979. (Transitionally qualified—May 26, 1976.)

74. Kaiser/Prudential Health Plan, 7777 Forest Lane, Dallas, Texas 75230. Service area—Dallas and Rockwall Counties, Texas and zip codes in the following counties:

Collin

75002, 75018, 75023–4, 75031, 75034, 75064, 75066, 75069, 75073–5, 75077–9, 75089, 75098.

Denton

75028, 75056, 75065, 75067–8, 75201, 75226, 75247, 75259, 75262.

Kaufman

75032, 75087, 75114, 75126, 75146, 75160.

Tarrant

76010–8, 76021, 76034, 76039, 76053, 76063, 76080, 76103, 76112, 76117–8, 76125, 76148, 76248.

Date of qualification: Operationally qualified—June 1, 1979. (Preoperationally qualified—May 30, 1979.)

75. Lane Group Health Services, Inc., dba SelectCare, 1400 High Street, Suite C1, Eugene, Oregon 97401. Service area—zip codes as follows:

Lane County

97401–5, 97409, 97412–3, 97419, 97424, 97426–8, 97431–4, 97437–8, 97445, 97448, 97451–2, 97454, 97461, 97563, 97472, 97477, 97480, 97482, 97487–90.

Date of qualification: Operationally qualified—November 7, 1979. (Preoperationally qualified—October 29, 1979.)

76. Lifeguard, Incorporated, 1715 South Bascom Avenue, Bascom Financial Center, Campbell, California 95008. Service area: Santa Clara County, California. Date of qualification: Operationally qualified—February 14, 1979. (Preoperationally qualified—February 12, 1979.)

77. Marion Health Foundation, Inc., 125 Executive Drive, Box 1085, Marion, Ohio 43302. Service area—Marion County and the township of Claibourne in adjoining Union County. Date of qualification: Operationally qualified—November 30, 1976.

78. Matthew Thornton Health Plan, Inc., 591 West Hollis Street, Nashua, N.H. 03060. Service area: Communities of Amherst, Brookline, Hollos, Hudson, Litchfield, Londonderry, Lyndeboro, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, Wilton, and Windham, N.H., and Dunstable, Groton, Pepperell, Townsend, and Tyngsboro, Mass. Date of qualification: Operationally qualified—August 15, 1978.

79. MAXICARE, 4455 West 117th Street, Suite 502, Hawthorne, Calif. 90250. Service area—Los Angeles and Orange Counties California; and the following zip codes in Ventura County, California: 91320–1, 91360–3, and 93065.

Date of qualification: Operationally qualified—April 4, 1979. (Transitionally qualified—March 25, 1976.)

80. Medical West Community Health Plan, Inc., 444 Montgomery Street, Chicopee, Massachusetts 01020. Service area: Cities and towns in Massachusetts as follows: Agawam, Belchertown, Chicopee, Easthampton, East Longmeadow, Granby, Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southampton, South Hadley, Southwick, Springfield, Westfield, West Springfield, and Wilbraham. Date of qualification: Operationally qualified—September 12, 1980.

81. MetroCare, 1701 W. Euless Road, Suite 300, Euless, Texas 76039. Service area: City of Grand Prairie in Dallas County and Tarrant County, Texas. Date of qualification: Operationally qualified—February 14, 1979. (Preoperationally qualified—January 30, 1979.)

82. Metropolitan Baltimore Health Care, Inc., 1005 North Point Boulevard, Baltimore, Maryland 21224. Service area—zip codes as follows:

21201–2, 21204–21, 21227–31, 21234, 21236–7, 21239, 21061, 21090.

Date of qualification: Operationally qualified—April 3, 1978.

83. Metropolitan Health Council of Indianapolis, Inc., (Metro Health Care), Suite 100, 3000 Meadows Parkway, Indianapolis, Ind. 46205. Service area—Indianapolis/Marion County, Ind. Date of qualification: Operationally qualified—January 31, 1977.

84. Michael Reese Health Plan, Inc., 3055 South Cottage Grove Avenue, Chicago, Illinois 60616. Service area—City of Chicago and Cook and DuPage Counties, except the following zip codes in these counties:

60067, 60103, 60108, 60172, 60184–5, 60190, 60411, 60425, 60429, 60438, 60443, 60461, 60466, 60471, 60473, 60476, 60519, 60532, 60555.

Date of qualification: Transitionally qualified—April 17, 1978.

85. Michigan Health Maintenance Organization Plans, Inc., 2200 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226. Service area: Wayne County and zip codes in Oakland and Macomb Counties.

Oakland

48008–11, 48013, 48017, 48024–5, 48030, 48053, 48055, 48057–8, 48063, 48067, 48069–73, 48075–6, 48084, 48220, 48237.

Macomb

48015, 48021, 48026, 48066, 48080–2, 48089, 48091–3.

Date of qualification: Transitionally qualified—April 13, 1978.

86. New Mexico Health Care Corporation, dba Mastercare, 2350 Alamo, S.E., Albuquerque, New Mexico 87107. Service area: Bernalillo County, New Mexico and zip codes in the following counties:

Sandoval

87001, 87004, 87024, 87041, 87043, 87048, 87052, 87124.

Santa Fe

87015.

Torrance

87056–7, 87061.

Valencia

87002, 87031, 87042, 87060, 87068.

Date of qualification: Transitionally qualified—August 15, 1980.

87. North Central Connecticut Health Maintenance Organization, Inc., 99 Ash Street, East Hartford, Connecticut 06108. Service area: Towns of Suffolk, Enfield, East Grandby, Winsdor Locks, East Windsor, Bloomfield, Windsor, South Windsor, Vernon, Avon, West Hartford, Hartford, East Hartford, Manchester, Bolton, Farmington, Plainville, New Britain, Newington, Wethersfield, Glastonbury, Rocky Hill, and Marlborough. Date of qualification: Operationally qualified—June 27, 1979.

88. North Communities Health Plan, Inc., 2050 Pfingsten Road, Glenview, Ill., 60025. Service area—Arlington Heights, Bannockburn, Barrington, Buffalo Grove, Deerfield, Deer Park, Des Plaines, E. Rogers Park, Evanston, Glencoe, Glenview, Golf, Great Lakes, Green Oaks, Hawthorn Woods, Highland Park, Highwood, Indian Creek, Kenilworth, Kildeer, Lake Bluff, Lake Forest, Lake Zurich, Libertyville, Lincolnshire, Lincolnwood, Long Grove, Metttawa, Morton Grove, Mount Prospect, Mundelein, Niles, North Brook, North Chicago, North Field, Palatine, Park Ridge, Prospect Heights, Riverwoods, Rolling Meadows, Skokie, South Barrington, Vernon Hills, West Rogers Park, Wheeling, Wilmette, and Winnetka; and the following zip codes in the City of Chicago: 60610–1, 60614, 60622, 60630, 60634–5 60639, 60641, 60647, 60651, and 60656. Date of qualification: operationally qualified—November 11, 1975.

89. The Northern California Institute for Medical Service, Inc., dba Rockridge Health Care Plan, 420 40th Street, Oakland, Calif. 94609. Service area: Cities of Alameda, Albany, Berkeley, Canyon, Castro Valley, El Cerrito, El Sobrante, Emeryville, Kensington, Lafayette, Moraga, Oakland, Orinda, Piedmont, Pinole, Richmond, San Leandro, San Lorenzo, and San Pablo, Calif. Date of qualification: Operationally qualified—March 31, 1978.

90. Pacificare, Inc., 5400 Orange Avenue, Suite 220, Cypress, Calif. 90630. Service area—zip codes included in counties as follows:

Los Angeles

90001–29, 90031–49, 90056–9, 90061–9, 90071, 90201, 90210–12, 90220–2, 90230, 90240–2, 90245, 90247–50, 90254–5, 90260, 90262, 90265–6, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90601–6, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–7, 90802–2, 90810, 90813–5, 90840, 91001, 91006, 91010–11, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103–8, 91201–8, 91214, 91302–3, 91306, 91310–11, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91355–6, 91361, 91364, 91367, 91401–3, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 91702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–92, 91801, 91803, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

San Diego

92002, 92007–8, 92010–12, 920014, 92020–1, 92024–5, 92027, 92032, 92035, 92037, 92040–1, 92045, 92050, 92054, 92064, 92067–9, 92071, 92073, 92075, 92077–8, 92083, 92101–11, 92113–29, 92131–7, 92139–40, 92145, 92154–5, 92162.

Riverside

91752, 92509.

San Bernardino

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92335.

Ventura

91301, 91304, 91307, 91360–2, 93021, 93063, 93065.

Orange

90620–1, 90623, 90630–1, 90680, 90720, 90740, 90742–3, 92601, 92621, 92625–27, 92630–3, 92635, 92640–1, 92643–51, 92653, 92655, 92660–2, 92665–70, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

Date of qualification: Operationally qualified—December 22, 1978.

91. Peak Health Plan, Ltd., 110 South Weber, Suite 101, Colorado Springs, Colorado 80903. Service area—El Paso County and the following zip code in Teller County, Colorado: 80863. Date of qualification: Operationally qualified—November 30, 1979.

92. Penn Group Health Plan, Inc., IBM Building, 5 Gateway Center, Pittsburgh, Pa. 15222. Service area—Allegheny and western Westmoreland Counties. Date of qualification: Operationally qualified—November 28, 1975.

93. Philadelphia Health Plan, 1015 Chestnut Street, Philadelphia, Pennsylvania 19107. Service area: Philadelphia County and portions of Delaware, Montgomery, and Bucks Counties, Pennsylvania. The eastern border of the Service Area is the Delaware River. The southern most point is where State Route 420 meets the river in Delaware County. The Service Area boundary proceeds northwest along State Route 420, and then northeast along State Route 320 into Montgomery County to the Schuylkill River. The boundary follows the Schuylkill River southeast to the northwestern city limits of Philadelphia and then follows the city limits to include the entire northwest part of the city. The boundary turns north along U.S. 611 to Willow Grove and continues on State Route 263 to Hatboro. The boundary turns northeast and then east as it follows State Route 332 from Hatboro to Newton. At Newton, the boundary proceeds in a southeast direction along State Route 413 back to the Delaware River. Date of qualification: Transitionally qualified—April 13, 1979.

94. Physicians Association of Clackamas County, 18600 S.E. McLoughlin Blvd., P.O. Box 286, Gladstone, Oregon 97027. Service area: Clackamas County, Oregon. Date of qualification: Transitionally qualified—March 29, 1979.

95. Piedmont Health Care Corp., 2320 East North, P.O. Box 17009, Greenville, S.C. 29606. Service area—Greenville, S.C., and any portion of adjacent counties, located in South Carolina, which lie within a radius of 30 miles of the Carolina Medical Center, 2320 East North Street, Greenville, S.C. Date of qualification: Operationally qualified—March 2, 1979. (Transitionally qualified—December 29, 1975.)

96. PimaCare, Inc., 2555 East Adams, Tucson, Arizona 85716. Service area: Zip codes in Pima County, Arizona as follows: 85230, 85238, 85246, 85614, 85619, 85629, 85641, 85701, 85704–8,

85710–6, 85718–9, 85721, and 85730. Date of qualification: Operationally qualified—September 24, 1980.

97. Portland Metro Health Inc., 8840 S.W. Canyon Road, Portland, Oreg. 97225. Service area—Multnomah, Clackamas, and Washington Counties, Oreg.; and Clark County, Wash. Date of qualification: Operationally qualified—January 1, 1976.

98. Prepaid Health Care, Inc., 1417 South Belcher Road, Clearwater, Fla. 33516. Service area: Pinellas County, Fla. Date of qualification: Operationally qualified—August 3, 1978. (Preoperationally qualified—August 3, 1978.)

99. Protective Health Providers, 150 West Washington Street, Suite 200, San Diego, Calif. 92103. Service area: San Diego County, Calif. Date of qualification: Operationally qualified—March 27, 1979. (Preoperationally qualified—December 28, 1978.)

100. Prudential Health Care Plan, Inc., P.O. Box 2884, Houston, Tex. 77001. Service area—Harris County and portions of Brazoria, Fort Bend, Galveston, Liberty, Montgomery, and Waller Counties in Greater Houston metropolitan area. The zip codes included in the area are as follows:

77001–99, 77201, 77205–9, 77211, 77301–2, 77336, 77338–9, 77355–7, 77362, 77365, 77367, 77372–3, 77375, 77379–80, 77401, 77410–11, 77413, 77421, 77429–30, 77433, 77441, 77447, 77450, 77459, 77469, 77471, 77477–8, 77481, 77484, 77501–7, 77511, 77517, 77520–1, 77530, 77532, 77536–7, 77545–7, 77562–3, 77565, 77571, 77573, 77578, 77581, 77583, 77586–7, 77598.

Date of qualification: Operationally qualified—June 2, 1976.

101. Rhode Island Group Health Association, Inc., 530 North Maine, Providence, R.I. 02904. Service area—Rhode Island and the following communities in Massachusetts:

Bristol County

Attleboro, Berkeley, Dighton, Mansfield, North Attleboro, Norton, Rehoboth, Seekonk, Swansea, and Taunton.

Norfolk County

Bellingham, Franklin, Plainville, and Wrentham.

Worcester County

Blackstone and Millville.

Date of qualification: Operationally qualified—September 30, 1978. (Transitionally qualified—October 30, 1975.)

102. Rochester Area Health Maintenance Organization, Inc., 220 Alexander Street, Suite 601, Rochester, New York 14607. Service area: Monroe County, including the City of Rochester, New York. Date of qualification: Operationally qualified—November 1, 1979. (Preoperationally qualified—October 18, 1979.)

103. Rocky Mountain Health Maintenance Organization, Inc., 2231 North 7th Street, Grand Junction, Colo. 81501. Service area: Mesa County, Colo. Date of qualification: Operationally qualified—March 2, 1979. (Transitionally qualified—December 29, 1975.)

104. Roosevelt Health Plan, 1200 N. La Salle Street, Chicago, Illinois 60610. Service area—zip codes as follows:

Cook County

60601–7, 60610–2, 60614, 60622, 60624, 60644, 60647, 60657.

Date of qualification: Operationally qualified—May 24, 1979.

105. Ross-Loos Health Plan of Southern California, 1711 West Temple Street, Los Angeles, Calif. 90026. Service area—the following zip codes in the following counties:

Los Angeles

90001–100, 90101, 90201, 90210–5, 90220–4, 90230, 90240–2, 90245, 90247–50, 90254–5, 90260–2, 90266, 90270, 90272, 90277–8, 90280, 90290–1, 90301–10, 90401–6, 90501–10, 90601–12, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–7, 90723, 90731–3, 90744–9, 90801–48, 91001, 91006, 91010–1, 91016, 91020, 91023–4, 91030, 91040, 91042, 91046, 91101–31, 91201–14, 91302–7, 91311, 91316, 91324–31, 91335, 91340–49, 91352, 91356, 91364–71, 91401–94, 91501–23, 91601–12, 91701–2, 91706, 91710–1, 91722–4, 91730–4, 91740, 91744–50, 91754, 91761–70, 91773, 91775–8, 91780, 91786, 91789–90.

Orange

90620–24, 90630–31, 90680, 90720, 910740, 910742–3, 91791–3, 91801–4, 91807, 92601, 92621, 92625–7, 92630–8, 92640–53, 92655, 92660–70, 92676, 92680, 92683, 92686, 92701–28, 92801–7.

Date of qualification: Transitionally qualified—June 27, 1979.

106. Rutgers Community Health Plan, 57 U.S. Highway 1, New Brunswick, N.J. 08901. Service area: Communities within a 15 mile radius of New Brunswick, which includes Middlesex County and parts of Somerset, Union, Mercer, Monmouth, and Morris Counties. Date of qualification: Operationally qualified—July 1, 1976.

107. San Luis Valley Health Maintenance Organization, Inc., 216 Victoria Avenue, Alamosa, Colorado 81101. Service area: San Luis Valley, Colorado and counties of Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache, Colorado. Date of qualification: Operationally qualified–December 26, 1978.

108 SHARE Health Plan, 7920 Cedar Avenue South, Bloomington, Minn. 55420. Service area: Hennepin, Ramsey, Anoka, Washington, and Dakota Counties, Minn. Date of qualification: Operationally qualified—July 18, 1979. (Transitionally qualified June 30, 1976.)

109. South Florida Group Health, Inc., 8001 N.W. 36th Street, Suite 103, Miami, Florida 33166. Service area: Dade County, Florida. Date of qualification: Operationally qualified–February 8, 1980. (Preoperationally qualified—February 7, 1980.)

110. Southern Connecticut Community Health Plan, 1010 Summer Street, Stamford, Connecticut 06905. Service area—the following cities and towns in Connecticut: Darien, Greenwich, New Canaan, Norwalk, Redding, Ridgefield, Stamford, Weston, Westport, and Wilton. Date of qualification: Operationally qualified—July 3, 1979.

111. Southshore Health Plan, Inc., 2327 New Road, Northfield, N.J. 08225. Service area—Counties in New Jersey as follows:

Atlantic

08037, 08201, 08203, 08213, 08215, 08217, 08220–2, 08225, 08231–2, 08225, 08231–2, 08240–1, 08244, 08310, 08317, 08319, 08326, 08330, 08340–1, 08346, 08350, 08401–4, 08406.

Cape May

08223, 08226, 08230, 08248, 08250, 08270.

Ocean and Burlington

08087, 08215, 08224.

Date of qualification: Transitionally qualified—December 29, 1978.

112. TakeCare Corporation, 1950 Franklin Street, Oakland, California 94659. Service area—zip codes in the following:

Marin County

94901–73.

San Mateo County

94002, 94005, 94010, 94014–21, 94025, 94030, 94037–8, 94044, 94060–6, 94070, 94074, 94080, 94401–49.

Santa Clara County

94022, 94035, 94040–3, 94086–8, 90301–6, 95002, 95008, 95014, 95020, 95030, 95035, 95037, 95046, 95050–4, 95070, 95086, 95101–54.

East Bay Area

94501, 94507, 94516, 94518–23, 94525–6, 94528, 94530, 94536–8, 94541–7, 94549–50, 94553, 94556, 94560, 94563–4, 94566,

94569–70, 94577–80, 94583, 94587, 94595–8, 94601–66, 94701–21, 94772, 94801–50.

Sacramento County

95813–42, 95605, 95608, 95610, 95612, 95615–6, 95620, 95624, 95626, 95628, 95630, 95632, 95645, 95650, 95652, 95655, 95660, 95662, 95668, 95670, 95673, 95677–8, 95683, 95691, 95693, 95695,

Sonoma County

94922–3, 94928, 94952, 94972, 95401–6, 95419, 95430–1, 95436, 95439, 95442, 95452, 95462, 95465, 95472, 95476, 95492.

Date of qualification: Transitionally qualified—June 27, 1979.

113. Valley Health Plan, 441 West Street, Amherst, Mass. 01002. Service area—incorporated areas as follows: Amherst, Belchertown, Conway, Deerfield, Easthampton, Granby, Hadley, Leverett, Montague, New Salem, Northampton, Pelham, Shutesbury, South Deerfield, South Hadley, Sunderland, Ware, Wendell, Whately, and Williamburg, Mass. Date of qualification: Operationally qualified–May 10, 1978.

114. Westchester Community Health Plan, 145 Westchester Avenue, White Plains, N.Y. 10601. Service area: Westchester County, N.Y. Date of qualification: Operationally qualified—September 30, 1976. (Achieved preoperational qualification on September 28, 1976.)

115. West River Health Maintenance Organization, Box 671, Hettinger, North Dakota 53639. Service area: North Dakota—Adams County and cities in the following counties: Bowman—Bowman, Gascoyne, Rhame, and Scranton; Grant—Carson, Elgin, Lark, Leith, New Leipzig, and Raleigh; Hettinger—Bentley, Burt, Mott, New England, and Regent; Slope—Amidon, and Marmarth.

South Dakota—Corson, Harding and Perkins Counties.

Date of qualification: Operationally qualified—March 19, 1979.

Dated: June 22, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81–19321 Filed 6–30–81; 8:45 am]

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federal register

Wednesday
July 1, 1981

Part VI

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document amends a final rule relating to the Bureau of Prisons policy on Control Unit programs. The amendments cover various procedural aspects, including designating one region to conduct hearings on Control Unit placements, requiring a mental health and medical report prior to placement in the Control Unit, and clarifying programs and services offered. The revised rule is intended to clarify Bureau practices in regards to specified aspects of the Control Unit.

DATE: Effective date: July 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is amending its rule relating to "Control Unit Programs". This subject was published in the **Federal Register** June 29, 1979 (at 44 FR 38260 et seq.). The present amendments place no increased burden on either the inmate or the public and are intended to clarify the scope of the Bureau's present rule. For these reasons, the provision of the Administrative Procedure Act (5 USC 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date is inapplicable. Members of the public may submit comments concerning these amendments by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that these amendments do not constitute a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354) does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. § 541.41 For clarity, former § 541.41(c)(2) and and (c)(3) are now incorporated into amended § 541.41(b)(6) and (b)(5), respectively. Based on this modification, the second sentence of former § 541.41(b)(6) has been deleted. For consistency with § 541.41(b)(1), § 541.41(b)(2) is revised to read "other persons", rather than "other inmates or staff members".

Section 541.41(c)(1) is amended to specify that evidence of significant mental disorder or major physical disability be "documented in a mental health evaluation or a physical examination". Based on the deletion of former § 541.41(c)(2) and (c)(3), former § 541.41(c)(4) becomes new § 541.41(c)(2).

2. § 541.42 The first paragraph of former § 541.42 (now § 541.42(a)) reflects procedural changes. As originally published, hearing administrators were designated out of each region. To ensure better uniformity, the amended rule specifies that the Bureau of Prisons North Central Regional Office will coordinate all hearings. The Regional Director in the region where the inmate is located is to review the referral material and upon concurrence with the recommendation, forward a written request to the Regional Director, North Central Region.

The last sentence of the first paragraph of former §541.42 becomes the first sentence of new final § 541.42(b). Former § 541.42(a)-(c) becomes new final § 541.42(b)(1)-(3).

3. § 541.43-§ 541.43(a) is amended to recognize that the hearing "ordinarily" occurs at the recommending or sending institution. Section 541.43(b)(3) identifies the Hearing Administrator as the person who determines what constitutes "a reasonable period."

4. § 541.46 Section 541.46 is amended in several areas. The amended rule requires that specified programs and services be provided unless compelling security or safety reasons exist. Such reasons must be documented and signed by the Warden. Section 541.46(d), (e)(1), and (n) are reworded, although their intent is unchanged. Amended § 541.46(e)(5) substitutes the broader phrase "may be deprived" for "will be deprived". Amended § 541.46(g) recognizes that counselor services includes counseling as recommended in the section on mental health services. The amended rule on "Mental Health Services" requires a "complete" psychological evaluation. A further amendment provides for individual evaluations every 30 days, as opposed to the previous rule's "no less than every three months". The amended rule clarifies the role of the psychologist, stating that the psychologist is to perform and/or supervise needed psychological services. The rule further specifies that inmates requiring prescribed psychotropic medication are not ordinarily housed within a Control Unit. These changes ensure that the Control Unit does not house inmates with mental problems, while providing Control Unit inmates with access to, and assessment by, mental health personnel. For purpose of clarity, amended § 541.46(j) recognizes that individual prayer and/or worship is allowed in the Control Unit. An amendment to § 541.46(l) provides that inmates within the Control Unit are provided correspondence privileges in accordance with the Bureau's national policy on correspondence (see 28 CFR, Part 540). Deleted is the requirement that Control Unit inmates be placed on a restricted correspondence list.

5. § 541.47 Final § 541.47(b) is deleted as the Control Unit no longer has closed front cells. Section 541.47(c)-(g) becomes new final § 541.47(b)-(f). Amended § 541.47(c) substitutes the word "guidelines" for the phrase "rules and regulations".

6. § 541.48 Section 541.48(a) is revised to identify the purpose of the 30-day review as an assessment of the inmate's progress within the unit and recognizes that the unit team may make a recommendation as to the inmate's readiness for release.

7. § 541.49 Final § 541.49(a)(1)-(5) is renumbered § 541.49(a)(4), (a)(5), (a)(1), (a)(2), and (a)(3) respectively. Section 541.49(a) is reworded, although the intent is unchanged. New § 541.49(a)(1) is amended to reflect that the inmate should be able to demonstrate an ability to function in a less restrictive environment without posing a threat to others or to the orderly operation of the institution. This language replaces "improvement in the type of disruptive behavior which was the basis for placement in the unit." The amendment recognizes that placement in a Control Unit is ordinarily the result of a series of actions, rather than a single act. Section 541.49(a)(2) deletes the word "satisfactory" as the inmate's involvement in various activities identifies the factors to consider. For clarity, § 541.49(a)(3) is amended to read "institution guidelines and Bureau of Prisons rules and policy".

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and

delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V, is amended as set forth below.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter C, Part 541, Subpart D is revised as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS

Subpart D—Control Unit Programs

The authority citation for Part 541, Subpart D reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

1. By revising § 541.41(b)(2), (b)(5), (b)(6), (c)(1) and (c)(2) to read as follows:

§ 541.41 Institutional referral.

* * * * *

(b) The Warden shall consider the following factors in a recommendation for Control Unit placement.

* * * * *

(2) Any incident in which the inmate has expressed threats to the life or well-being of other persons.

* * * * *

(5) Escapes and escape attempts. For referral to a Control Unit in a Security Level 6 institution, an inmate may not be considered solely on the basis of escape attempts, or incidents involving possession of escape tools or plans; however, if injury or threat to life or use of deadly weapons occurs in an escape attempt, the inmate may be referred to the Control Unit.

(6) The nature of the offense for which committed. For referral to a Control Unit in a Security Level 6 institution, an inmate may not be considered solely on the nature of the crime which resulted in that inmate's incarceration; however, the nature of the crime may be considered in combination with other factor(s), as described in paragraph (b) of this section.

(c) The Warden may not refer an inmate for placement in the Control Unit:

(1) If the inmate shows evidence of significant mental disorder or major physical disabilities as documented in a mental health evaluation or a physical examination.

(2) On the basis that the inmate is a protection case, e.g., a homosexual, an informant, etc., unless the inmate meets other criteria as described in paragraph (b) of this section.

2. By revising § 541.42 to read as follows:

§ 541.42 Designation of Hearing Administrator.

(a) The Regional Director in the region where the inmate is located shall review the institution's recommendation for referral of an inmate for placement in the Control Unit. If the Regional Director concurs with the recommendation, the Regional Director shall submit a written request to the Regional Director, North Central Region. The Regional Director, North Central Region shall designate a person in the Regional Office to review the referral material and to conduct a hearing on the appropriateness of an inmate's placement in the Control Unit.

(b) The Hearing Administrator shall have the following qualifications:

(1) Correctional experience, including institutional work with inmates, processing of inmate disciplinary actions, significant institutional experience in observing and evaluating inmate adjustment and disruptive behavior, and knowledge of the options available in the Bureau of Prisons for dealing with such conduct;

(2) Lack of former personal involvement in an Institution Disciplinary Committee action involving the particular inmate referred; and

(3) Familiarity with Bureau of Prisons policies and operations, including the criteria for placement of inmates in different institutions and in the Control Unit.

3. By revising § 541.43 (a) and (b)(3) to read as follows:

§ 541.43 Hearing procedure.

(a) The Hearing Administrator shall provide a hearing to an inmate recommended for placement in the Control Unit. The hearing ordinarily shall take place at the recommending or sending institution.

(b) * * *

(3) The Hearing Administrator shall provide an inmate the service of a full time staff member to represent the inmate, if the inmate so desires. The Hearing Administrator shall document in the record of the hearing an inmate's request for, or refusal of staff representation. The inmate may select a staff representative from the local institution. If the selected staff member declines or is unavailable, the inmate has the option of selecting another representative or, in the case of an absent staff member, of waiting a reasonable period (determined by the Hearing Administrator) for the staff member's return, or of proceeding without a staff representative. When an inmate is illiterate, the Warden shall provide a staff representative. The staff representative shall be available to assist the inmate and, if the inmate desires, shall contact witnesses and present favorable evidence at the hearing. The Hearing Administrator shall afford the staff representative adequate time to speak with the inmate and to interview available witnesses.

* * * * *

4. By revising the introductory paragraph of § 541.46 and § 541.46 (d), (e)(1), (e)(5), (g), (i), (j), (l), and (n) to read as follows:

§ 541.46 Programs and services.

The Warden shall provide the following services to the Control Unit inmate. These services must be provided unless compelling security or safety reasons dictate otherwise. These reasons will be documented and signed by the Warden, indicating the Warden's review and approval.

* * * * *

(d) *Legal.* The Control Unit legal library is equipped with basic legal reference books, table and chair, typewriter, paper and carbon. The library is offered to each inmate, upon request and in rotation.

(e) * * *

(1) Each inmate shall have the opportunity to receive a minimum of seven hours weekly recreation and exercise out of the cell.

* * * * *

(5) Staff shall provide various games and exercise materials as consistent with custodial considerations. Inmates who alter or intentionally damage recreation equipment may be deprived of the use of that equipment in the future.

* * * * *

(g) *Counselor Services:* The unit counselor handles phone call requests, special concerns and requests of inmates, requests for administrative remedy forms, is available for consultation, and is available for counseling as recommended in the mental health evaluation (see subsection "i"—Mental Health Services).

* * * * *

(i) *Mental Health Services:* During the first 30-day period in the Control Unit, staff shall schedule the Control Unit inmate for a complete psychological evaluation conducted by a staff psychologist. Additional individual evaluations shall occur every 30-days. The psychologist shall perform and/or

supervise needed psychological services. Psychiatric services will be provided when necessary. Inmates requiring prescribed psychotropic medication are not ordinarily housed in the Control Unit.

(j) *Religion:* Staff shall issue religious materials upon request, limited by security consideration and housekeeping rules in the unit. This material may come from an inmate's personal property or from the chaplain's office. The institutional chaplains shall make weekly visits to the Control Unit, and additional visits as needed. While individual prayer and/or worship is allowed in the Control Unit, religious assemblies or group meetings are not allowed.

* * * * *

(l) *Correspondence:* Inmates confined in the Control Unit are provided correspondence privileges in accordance with the Bureau of Prisons' rule on Inmate Correspondence (see 28 CFR, Part 540).

* * * * *

(n) *Commissary:* Staff shall establish a commissary purchase schedule, the amount of money Control Unit inmates may spend per month is comparable to what inmates residing in the general population may spend for commissary and hobbycraft items. Staff may limit commissary items to ensure the safety and security of the unit.

5. By revising § 541.47 to read as follows:

§ 541.47 Admission to Control Unit.

Staff shall provide an inmate admitted to the Control Unit with:

(a) Notice of the expected duration of the inmate's confinement in the Control Unit;

(b) Notice of the type of personal property which is allowable in the unit (items made of glass or metal will not be permitted);

(c) A summary of the guidelines and disciplinary procedures applicable in the unit;

(d) An explanation of the activities of the Control Unit;

(e) The expectations of the inmate's involvement in Control Unit activities; and

(f) The criteria for release from the unit, and how those criteria specifically relate to this confinement period in the unit and any specific requirements in the inmate's individual case.

6. By revising § 541.48(a) to read as follows:

§ 541.48 Review of Control Unit placement.

(a) Unit staff shall evaluate informally and daily an inmate's adjustment within the Control Unit. Once every 30 days, the Control Unit team, comprised of the Control Unit Manager, and other members designated by the Warden (ordinarily to include the case manager and education staff member assigned to the unit) shall meet with an inmate in the Control Unit. The unit team shall make an assessment of the inmate's progress within the unit and may make a recommendation as to readiness for release after considering the inmate's:

(1) Unit status;

(2) Adjustment; and

(3) Readiness for release from the unit. (See § 541.49(a))

* * * * *

7. By revising § 541.49(a) to read as follows:

§ 541.49 Release from the Control Unit.

(a) Either the unit team with approval of the Warden, or the Executive Panel may release an inmate from the Control Unit. The following factors are considered in the evaluation of an inmate's readiness for release from the Control Unit:

(1) Relationship with other inmates and staff members, which demonstrates that the inmate is able to function in a less restrictive environment without posing a threat to others or to the orderly operation of the institution;

(2) Involvement in work and recreational activities and assignments;

(3) Adherence to institution guidelines and Bureau of Prisons rules and policy;

(4) Personal grooming and cleanliness; and

(5) Quarters sanitation.

* * * * *

[FR Doc. 81-19352 Filed 6-30-81; 8:45 am]
BILLING CODE 4410-05-M

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28 CFR Parts 527 and 545

Control, Custody, Care, Treatment and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs. The rule on Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures provides a method for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation. The rule on Transfer of Inmates to State Agents for Production on State Writs authorizes the Warden to approve a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. This document is intended to provide the public notice of the rules in these areas, not just changes from prior policy.

EFFECTIVE DATE: August 3, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is publishing its final rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs. These subjects were published in the **Federal Register** as proposed rules May 1, 1981 (at 46 FR 24902–03). Interested persons were invited to submit comments concerning the proposed rules. No public comments were received on either rule. On the basis of internal staff review, some changes have been made in the rule on Transfer of Inmates to State Agents for Production on State Writs.

Members of the public may submit comments concerning the final rules by writing the previously cited address. These comments will be considered, but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96–354) do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments—Transfer of Inmates to State Agents for Production on State Writs

§ 527.31 Revised § 527.31(a) recognizes that the cited provisions apply to both state and federal inmates serving sentences in federal institutions. Revised § 527.31(c) includes two additional items of information (location where inmate will be confined during legal proceedings and, for civil cases, reason production on writ is necessary) to be provided by the state authority. Section 527.31(g) substitutes the phrase "the Warden or designee" for "Regional Counsel". Internal instructions to staff

advise that, where necessary, the Regional Counsel or Regional Administrative Systems Manager will be available for consultation. The final rule requires that staff "will always" (as opposed to "may always" in the proposed rule) consider postponement of the production until after the inmate's release from custody, particularly if release is within six months. Section 527.31(h) is reworded to recognize that it is the role of the Regional or Central Office to review and/or to coordinate the release of inmates classified as Central Inmate Monitoring Cases.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V is amended as set forth below. The effective date of these rules is August 3, 1981.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter B is amended by adding Subpart D to Part 527 to read as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 527—TRANSFERS

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.
527.30 Purpose and scope.
527.31 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. The Warden at the institution in which the inmate is confined is authorized to approve this transfer in accordance with the provisions of this rule.

§ 527.31 Procedures.

(a) These procedures apply to state and federal inmates serving sentences in federal institutions, and shall be followed prior to an inmate's transfer to state or local agents other than through the Interstate Agreement on Detainers. The provisions of this rule may not be used to avoid the use, or to circumvent the intent, of the Interstate Agreement on Detainers.

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state or local arrangements are satisfactory, that the safety or other interests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

(c) The request for transfer of custody to state agents shall be made by the prosecutor or other authority who acts on behalf of the court and shall be directed to the Warden of the institution in which the inmate is confined. The request may be made by letter, or in urgent cases by wire or phone. The request shall indicate the need for appearance of the inmate, name of the court, nature of the action, date of the requested appearance, name and phone number of the state agency or other organization with responsibility for transporting the inmate, the name and location where the inmate will be confined during legal proceedings, and anticipated date of return. For civil cases, the request shall also indicate the reason that production on writ is necessary and some other alternative is not available. The applying authority shall provide either at the time of application or with the agent assuming custody, a statement signed by an authorized official that state or local officials with custody will provide for the safekeeping, custody, and care of the inmate, will assume full responsibility for that custody, and will return the inmate to Bureau of Prisons' custody promptly on conclusion of the inmate's appearance in the state or local proceedings for which the writ is issued.

(d) A certified copy of the writ (one with the Seal of the Court) must be received at the institution prior to release of the inmate. Institutional staff shall verify the authenticity of the writ.

(e) Institution staff shall maintain contact with the state or local law enforcement agency with responsibility for transfer of the inmate to determine the exact date and time for transfer of custody. If the inmate is awaiting federal trial or has federal civil proceedings pending, staff must clear the transfer through the U.S. Attorney.

(f) Institution staff shall determine from the state or local agency the names of the agents assuming custody. Staff must carefully examine the credentials of the agents assuming custody. In any doubtful case verification should be sought.

(g) Transfers in civil cases pursuant to a writ of habeas corpus *ad testificandum* must be cleared through the Warden or designee, who ordinarily shall recommend transfer only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody will always be considered, particularly if release is within six months.

(h) Release of inmates classified as Central Inmate Monitoring Cases requires review and/or coordination by appropriate authorities in either the Regional or Central Office, in accordance with the provisions of Part 524, Subpart F.

2. In Subchapter C, add Subpart F to Part 545 to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 545—WORK AND COMPENSATION

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

Sec.
545.50 Purpose and scope.
545.51 Procedures.
545.52 Transfers.
545.53 Factory closings.
545.54 Medical reasons.
545.55 Disciplinary reasons.
545.56 Evaluation report.

Authority: 5 USC 301; 18 USC 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 USC 509, 510; 28 CFR 0.95–0.99

Subpart F—Federal Prison Industries, Inc., (UNICOR)—Inmate Hiring Procedures

§ 545.50 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides inmates confined in Bureau of Prisons institutions an opportunity to obtain a work assignment within each institution's industrial location. This rule provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation.

§ 545.51 Procedures.

(a) Staff shall select an inmate for an industrial work assignment from the institution's Industries' waiting list.

(b) For purpose of determining compensation, the inmate shall be placed in available entry-level positions.

(c) The Warden or designee may make an exception to either paragraph

(a) or (b) of this section when there exists a supported need for a specific skill. When this occurs, an inmate with that skill, regardless of position on the list, may be hired to fill the vacancy, at the position's existing grade level.

§ 545.52 Transfer.

(a) When an inmate employed in an industrial assigment in one institution transfers (for other than disciplinary reasons) to another institution which has an industrial operation requiring comparable job skills, staff shall make a reasonable effort to hire the inmate into a comparable work assigment with comparable compensation. Where no such position exists, the inmate shall be placed on the institution's Industries' waiting list, with consideration being given for accelerated promotion.

(b) An inmate employed in an industrial assignment in one institution who transfers to another institution where the inmate is again placed in an industrial operation retains all benefits accrued in the inmate's preceding industrial assignment.

§ 545.53 Factory closings.

(a) When an industrial factory closes in a location where there are two or more factories, an inmate who loses his/her job assignment as a result of the closing will be placed in the top portion of the institution's Industries' waiting list.

(b) When an entire industrial factory is moved from one location to another, and when an inmate assigned to that industrial factory agrees to a reassignment to the new institution for purpose of working in that industrial factory, that inmate is transferred at his/her current rate of compensation.

§ 545.54 Medical reasons.

When an inmate is removed from an industrial assignment because of medical reasons which are not work-related, staff, upon that inmate's return to work status, shall make a reasonable effort to reassign that inmate to an industrial assignment of comparable skill and grade. For work-related injuries, refer to 28 CFR, Part 301, Inmate Accident Compensation.

§ 545.55 Disciplinary reasons.

An inmate who is transferred for disciplinary reasons is evaluated on a case-by-case basis with regard to that inmate's eligibility for consideration under the provisions of this rule.

§ 545.56 Evaluation report.

When an inmate is transferred from an industrial assigment at one location to another institution where there is also an industrial operation, an evaluation form is to be completed by the appropriate Factory Manager, reviewed by the Superintendent of Industries of the sending institution, and forwarded to the Superintendent of Industries of the receiving institution. This process ordinarily is completed within 30 days of transfer.

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28 CFR Part 570

Control, Custody, Care, Treatment and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document contains a final rule relating to the control, custody, care, treatment, and instruction of inmates. Included is the final rule on Furloughs. This rule discusses various components of the Bureau's furlough program, among these justification for furlough, eligibility requirements, and procedures. This document is intended to provide the public with notice of the rule in this area, not just changes from prior policy.

EFFECTIVE DATE: August 3, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rule on Furloughs. This subject was published in the **Federal Register** as a proposed rule January 12, 1979 (at 44 FR 2990 et seq.). Interested persons were invited to submit comments on the proposed rule and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning this rule by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register**.

The Bureau of Prisons has determined that this is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

. § 570.30 The final rule inserts the phrase "of the United States" in referring to the Attorney General.

2. § 570.31 The final rule revises the definition of overnight furlough to read "a furlough which falls outside or beyond the criteria of a day furlough". In § 570.31(b)(1) the term "statutory" is added to clarify what constitutes a mandatory release date. Subsection (b)(2) is reworded, although the intent is unchanged. A comment requested clarification of the term, "minimum expiration date". This language refers to the individual's date of release with "good-time" taken into consideration. In subsection (b)(5), a commenter objects to the Bureau's utilizing the top of the range of months to be served under Parole Commission guidelines, citing this as unduly harsh. Establishment of a parole date is not within the Bureau of Prisons' authority. For this reason, and pending establishment by the U.S. Parole Commission of an effective or presumptive parole date, the Bureau considers it realistic to use the maximum number of months under parole guidelines as an anticipated release date. The application of this subsection, however, should seldom be necessary as the inmate is provided a parole hearing shortly after arrival at the designated institution. This parole hearing establishes an effective or presumptive release date.

3. § 570.32 Section 570.32(a) is expanded to identify the Warden or Acting Warden as the only individuals authorized to approve furloughs in a Bureau of Prisons institution. The authority may not be redelegated. Section 570.32 (a)(3) and (a)(8) are reworded but the intent is unchanged. In subsection (b), psychiatric treatment is deleted as a recognized reason for inmate furlough. This type of treatment suggests that a furlough ordinarily is not appropriate. For a similar reason, we also believe it inappropriate to include, as suggested by one commenter, psychological treatment as justification for furlough. Where the specific situation warrants furlough consideration, a recommendation may be made in accordance with the provisions of § 570.32(c). A commenter suggests that the chief psychologist or director of rehabilitation be added in subsection (b) and (b)(2). While the contribution of such persons may be solicited, this determination is best made by the Warden and/or Chief

Medical Officer, based on the individual situation.

4. § 570.33 Section 570.33 (a) and (b) are reworded, although the intent is unchanged. Subsection (b) is expanded to include "surgical" as another example where the government may bear the expense of a furlough. The final rule recognizes that the word "institution" includes "community treatment centers". We do not agree with a comment that the government bear the cost of a furlough for psychological treatment. As stated, psychological treatment is not ordinarily considered justified rationale for furlough. Where such treatment is necessary, institution resources are expected to meet this need.

5. § 570.34 Final § 570.34(a) recognizes that, with one exception, an inmate must have community custody to receive a furlough. New § 570.34(b) identifies the exception. It allows an inmate with "out" custody to receive a furlough, but only when that furlough is for the purpose of transferring to another institution or camp. Proposed § 570.34(b)–(d) is reworded and becomes final § 570.34(c)–(e). The intent of the subsections is unchanged.

A commenter suggests that § 570.34(b) will enable the Warden to make a decision on an inmate's physical and mental capability "without appropriate professional advice". This interpretation is contrary to the intent of the rule. The Warden, as the official responsible for the operation of the institution, must be the deciding official. Prior to making a decision, it is expected that the Warden will have appropriate information on the inmate's physical and mental capability. Such information may come not only from a physician, as suggested by a commenter, but may also come from the unit team, psychologist, work supervisor, etc.

An inmate in one Bureau institution stated that his institution's furlough guidelines did not adhere to the Bureau's proposed rule. Publication of a proposed rule is not intended to supersede or, in all cases, to reflect existing practices. Rather, the proposed rule identifies contemplated policy and solicits public comment. Following an assessment of the available information, a final rule is prepared and published. Each Bureau institution is expected to adhere to the policy established by that final rule.

We do not agree with a comment which suggests that we expand § 570.34(d)(1) to include furloughs to court. Section 570.32 establishes the basis for this type of furlough. Section 570.34 provides the Warden with the appropriate discretion to assess such requests and, if warranted, to approve the inmate for furlough.

Other commenters raised concerns on the eligibility requirements. A commenter objected to what he considered the "discretionary options now left to the Warden". The commenter favored more specific guidelines. Comments also suggested that the rule was too narrow, that it seems to favor persons serving longer sentences, and that it excludes from program participation various other segments of the prison population. Favored was an expansion of the rule to allow greater community reintegration. A commenter suggested that the rule require the Warden to approve a furlough for an inmate with 18 months or less, with these furloughs on a monthly basis, weekends, etc. Another comment suggested that the basic criteria for a furlough be 18 months before an anticipated release date, good institutional adjustment, and a reasonable assurance that the inmate will complete the furlough without incident. The commenter favors development of a temporary release committee, comprised of institutional staff and "private citizens of good character". While these comments of interested persons are considered, we do not consider them feasible or good management of the furlough program. Establishment of the suggested committee is not practicable. Section 570.34 presents the eligibility requirements for furlough consideration. Section 570.34(e)(5) recognizes the Warden's discretion to approve a furlough outside the stated guidelines. We consider this discretion appropriate. As the Chief Executive Officer of the institution, it is necessary for the Warden to be able to assess a situation on its individual merits, and to act accordingly and within the general boundaries of the Bureau's rule on furloughs. We favor placement of the decision with the person who is responsible for it, the Warden, and not diffusion of this decision in a committee. An inmate who believes that he or she has been treated inappropriately may appeal the decision through the administrative remedy procedure. We would agree with a comment that furlough programs are generally considered to have a high percentage of successful completions, and add our belief that this result must give due recognition to the eligibility requirements. To comments that favor an expansion of the rule to allow greater community reintegration, we emphasize that a furlough program is not a separate entity, but is one segment of the total institution operation. Other segments include institutional training, employment, work/study release, pre-release counseling, etc. Preparation for return to the community mobilizes a variety of resources.

6. § 570.35 For purposes of clarification, final § 570.35(a) inserts the qualifying term "ordinarily" in describing conditions which impact on furlough eligibility. The final rule clarifies that any of the cited conditions, either singularly or together, may impact on furlough eligibility. Deleted is the overly broad phrase "unles the Warden determines that the value of the furlough is greater than the attendant risk". The last sentence of § 570.35(a) clearly recognizes that the Warden may grant such an inmate a furlough.

We disagree with comments which object to limitations on furloughs posed by § 570.35(a). Nor do we agree with a comment that this section is intended to protect the Bureau from public criticism and/or embarrassment. The Bureau of Prisons is charged with the responsibility for the care, custody, control, treatment and instruction of inmates, and for protection of the public. This mandate necessitates a distinction between certain types of offenses and conditions, based on the severity and notoriety of the offense. This differentiation is necessary to maintain public trust in the correctional process. The rule recognizes the Bureau's resonsibility to work closely with the community, and to promote public understanding and support of the furlough program and its relationship to the total correctional process. To a comment which suggests that the restriction towards persons who have committed a serious crime against the person can only serve to further "alianation (sic) and bitterness on the part of the imprisoned" we would point out that the nature of this type of crime requires that the individual be held to a higher standard of accountability. The inmate still has available a variety of other opportunities for self-improvement and community interaction (for example, inmate organizations, correspondence and visiting privileges, etc.). We would also note that where circumstances warrant, the rule does enable the Warden to approve an inmate for furlough whose application is considered under this subsection.

Section 570.35(b) substitutes the term "classified" for "designated" and "Subpart F" for "Subpart C". Section 570.35(c) is reworded. The proposed rule required such facilities to meet the requirements set forth in the furlough rule. Inasmuch as each contract facility

enters a written agreement with the Bureau of Prisons on operation of that facility, final § 570.35(c) states that contract facilities must adhere to the conditions of their contract in considering an application for furlough. The last sentence of proposed § 570.35(c) is deleted, as this information constitutes instructions to staff.

7. § 570.36–§ 570.36(d) is new and states that an inmate returning from furlough is subject to search as provided in the Bureau's rule on searches of inmates. This procedure is consistent with the institution's need to maintain security, good order, and discipline. Proposed § 570.36(d) becomes final § 570.36(e).

In response to a comment, we see no benefit for the rule to discuss the role of a U.S. Probation Officer (USPO), as this pertains to furloughs. In its internal instructions, the Bureau requires that staff, prior to the inmate's first furlough, contact the Chief USPO in the district of sentencing and, where different, the Chief USPO in the District to be visited. The responses of these as well as any other persons who may be consulted are considered in determining whether a furlough is appropriate. The decision, however, on whether a furlough is approved or disapproved is made by the Bureau of Prisons.

A commenter suggested that there be time deadlines for approval or denial of a furlough application. Another commenter suggested that the inmate receive a full written report detailing the criteria on which an adverse decision was based and be notified of the opportunity to appeal an adverse decision. A third comment suggested that staff be required to give "meaningful reasons for the denial of furloughs which are geared to specific criteria". The Bureau's rule requires that an inmate be advised of the reasons for denial of a furlough. If dissatisfied with this action, or the lack of a response to the furlough application, the inmate can appeal the decision, or the lack of a decision, through use of the Administrative Remedy Procedure. This procedure offers the inmate three levels of review (by the Warden, Regional Director, and General Counsel), with a written response provided by each.

We are unable to adopt a comment which suggests that final § 570.36(e) identify what is meant by "unusual". Such a determination is based on the individual situation, with consideration given to that which was scheduled to occur and that which actually did occur during the furlough.

8. § 570.37 Section 570.37(a) and (a)(2) are reworded, but their intent is unchanged. A commenter correctly assumed that any disciplinary action contemplated in § 570.37(a)(2) must comply with the procedures on inmate discipline.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of this rule is August 3, 1981.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter D, add a Subpart C to Part 570 to read as follows:

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

PART 570—COMMUNITY PROGRAMS

* * * * *

Subpart C—Furloughs

Sec.

570.30 Purpose and scope.
570.31 Definitions.
570.32 Justification for furlough.
570.33 Expenses of furlough.
570.34 Eligibility requirements.
570.35 Limitations on eligibility.
570.36 Procedures.
570.37 Violation of furlough.

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart C—Furloughs

§ 570.30 Purpose and scope.

The Attorney General of the United States has delegated the authority to grant furloughs under 18 U.S.C. 4082(c) to the Director, Bureau of Prisons (28 CFR 0.96(d)). The furlough program of the Bureau of Prisons is intended to help the inmate to attain correctional goals. A furlough is not a right, but a privilege granted an inmate under prescribed conditions. It is not a reward for good behavior, nor a means to shorten a criminal sentence.

§ 570.31 Definitions.

(a) A furlough is an authorized absence from an institution by an inmate who is not on a work/study release program nor under escort of a staff member or a U.S. Marshal. The two types of furloughs are:

(1) Day Furlough—A furlough within the geographic limits of the commuting area of the institution (approximately a 50-mile radius), which lasts 16 hours or less, and ends before midnight.

(2) Overnight Furlough—A furlough which falls outside or beyond the criteria of a day furlough.

(b) An anticipated release date, for purposes of this rule, refers to the first of the following dates which applies to an inmate requesting a furlough:

(1) The inmate's mandatory (statutory) release date;

(2) The inmate's minimum expiration date;

(3) The inmate's presumptive parole date;

(4) The inmate's effective parole date; or

(5) In the absence of a presumptive or effective parole date, the top of the range of months to be served for the inmate's specific offense and salient factor score, using the U.S. Parole Commission guidelines.

§ 570.32 Justification for furlough.

(a) The authority to approved furloughs in Bureau of Prisons institutions is delegated to the Warden or Acting Warden. This authority may not be further delegated. An inmate may be authorized a furlough:

(1) To be present during a crisis in the immediate family, or in other urgent situations;

(2) To participate in the development of release plans;

(3) To reestablish family and community ties;

(4) To participate in selected educational, social, civic, religious, and recreational activities which will facilitate release transition;

(5) To transfer directly to another institution or to a non-federal facility;

(6) To appear in court in connection with a civil action;

(7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency; or

(8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical, surgical, or dental treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

(1) Staff shall contact the Regional Office for approval when the cost of medical care is at the expense of the

government. In case of medical emergency, staff may authorize a furlough for hospitalization and shall notify the Regional Office as soon after the emergency admission as possible.

(2) When medical care expenditures are borne by the inmate, or other non-governmental source, the furlough request requires the approval of the Medical Director and the Assistant Director, Correctional Programs Division.

(c) The Warden may refer a request for a furlough in other situations through the Regional Director to the Assistant Director, Correctional Programs Division for approval.

§ 570.33 Expenses of furlough.

(a) Except as provided in paragraph (b) of this section, the inmate or the inmate's family or other appropriate source approved by the Warden shall bear all expenses of a furlough, including transportation, food, lodging, and incidentals.

(b) The government may bear the expense of a furlough only when the purpose of the furlough is to obtain necessary medical, surgical, or dental treatment not otherwise available, or to transfer an inmate to another correctional institution (includes community treatment centers).

§ 570.34 Eligibility requirements.

(a) Except as provided in paragraph (b) of this section, the Warden may grant a furlough only to an inmate with community custody.

(b) The Warden may grant a furlough to an inmate with "out" custody only when the furlough is for the purpose of transferring directly to another institution or camp.

(c) The Warden may grant a furlough only to an inmate the Warden determines to be physically and mentally capable of completing the furlough.

(d) The Warden may grant a furlough only to an inmate who has demonstrated sufficient responsibility to provide reasonable assurance that furlough requirements will be met.

(e) The Warden shall determine the eligibility of an inmate for furlough in accord with the inmate's anticipated release date and the basis for the furlough request.

(1) The Warden may approve only emergency furloughs (family crisis or other urgent situation) for an inmate with more than two years remaining until the inmate's anticipated release date.

(2) The Warden may approve for day furlough an inmate with two years or less remaining until the inmate's anticipated release date.

(3) The Warden may approve for overnight furlough within the institution's commuting area an inmate with 18 months or less remaining until the inmate's anticipated release date.

(4) The Warden may approve for an overnight furlough outside the institution's commuting area an inmate with one year or less remaining until the inmate's anticipated release date. The Warden may ordinarily approve an overnight furlough not to exceed once each 90 days.

(5) If the Warden approves a furlough outside the above guidelines, the Warden shall document the reasons by memorandum for placement in the inmate's central file.

§ 570.35 Limitations on eligibility.

(a) The Warden ordinarily may not grant a furlough to an inmate convicted of a serious crime against the person and/or whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense. If the Warden approves a furlough for such an inmate, the Warden must place a statement of the reasons for this action in the inmate's central file.

(b) The Warden may approve a furlough for an inmate classified a central monitoring case upon compliance with the requirements of this rule and the requirements of Part 524, Subpart F.

(c) Staff at a contract facility may approve a furlough for a sentenced inmate housed in the contract facility as specified in that facility's written agreement with the Bureau of Prisons.

§ 570.36 Procedures.

(a) An inmate who meets the eligibility requirements of this rule may submit to staff an application for furlough.

(b) Before approving the application, staff shall verify that a furlough is indicated.

(c) Staff shall notify an inmate of the decision on the inmate's application for furlough. Where an application for furlough is denied, staff shall notify the inmate of the reasons for denial.

(d) An inmate returning from furlough shall be subject to search as provided in the Bureau's rule on searches of inmates.

(e) Upon completion of an inmate's furlough, staff shall record in the inmate's central file anything unusual which occurred during the furlough.

§ 570.37 Violation of furlough.

An inmate who absconds from furlough or fails to meet any of the conditions of the furlough is deemed to be an escapee under federal law, 18 U.S.C. 4082, 751.

(a) Staff shall process as an escapee an inmate who absconds from furlough.

(b) Staff may take disciplinary action against an inmate who fails to comply with any of the conditions of the furlough.

[FR Doc. 81-19354 Filed 6-30-81; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing to amend a portion of its rule on inmate correspondence. The proposal deletes that rule language which now provides for each inmate to receive five free postage stamps, or the equivalent, each month. The remaining conditions cited in the existing rule for which free postage may be provided are unchanged. Inmates may purchase postage stamps from the inmate commissary. The proposed revision is expected to result in a potential savings of approximately $270,000 per year to the Bureau of Prisons. The revision is considered practicable, since institution sources of inmate compensation and the monthly spending limitation for inmates have increased since the initial publication of the rule on correspondence; it is anticipated that virtually all inmates will therefore have funds available to purchase postage themselves, rather than to receive this government subsidy.

DATE: Comments must be received on or before August 15, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** a proposed amendment to the rule on Inmate Correspondence. The Correspondence rule was initially published as an interim rule in the **Federal Register** June 19, 1979 (at 44 FR 35956 et seq.). A final rule on this subject was published June 30, 1980 (at 45 FR 44229 et seq.). Section 540.20(a) of the present rule on correspondence provides each inmate five free first-class postage stamps, or the equivalent, each month, to send out mail weighing one ounce or less. Since publication of this rule, the monthly spending limitation authorized each inmate has risen from $75 to $85 per month. Inmate compensation has also increased during this period. For example, in Fiscal Year 1979, over 2.96 million dollars was paid to inmates in non-industrial work assignments. It is anticipated that in Fiscal Year 1981, this amount will be approximately 3.5 million dollars. For inmates in industrial work assignments, compensation rates have risen over 18 percent since October 1979. These factors, together with a concern over levels of government spending, have led to a determination that the allocation of five free stamps per month per inmate is no longer practicable. Accordingly, it is proposed to delete § 540.20(a). Current § 540.20(a)(1) is reworded and becomes new § 540.20(a). The new rule requires that the Warden ensure that the inmate commissary has postage stamps available for inmate purchase. Existing § 540.20 (a)(2) and (a)(3) become new § 540.20 (b) and (c). Existing § 540.20 (b)–(g) become new § 540.20 (d)–(i). Based on the proposed revision, new § 540.20 (h) and (i) delete reference to allocation from the institution and signing for all stamps from general issue respectively.

The proposed revision is expected to result in a potential savings of approximately $270,000 per year. At the same time, the proposed revision does not deprive the inmate who is without funds or sufficient postage from obtaining postage for legal mail or for Administrative Remedy filings or for emergency situations. These provisions continue unchanged by the proposed amendment. Inmates who are in holdover status (en route to an institution) or who are in pre-trial status will also continue to receive a reasonable amount of postage at government expense.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (PL 96–354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st, Street, N.W., Washington, D.C. 20534. Comments received on or before August 15, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows: in Subchapter C, revise Part 540, Supart B, § 540.20 to read as follows:

Subchapter C—Institutional Management

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

The authority citation for Part 540, Subpart B reads as follows:

Authority: 5 USC 301; 18 USC 4001, 4042, 4081, 4082, 5015, 5039; 28 USC 509, 510; 28 CFR 0.95–0.99.

* * * * *

By revising Part 540, Subpart B, § 540.20 to read as follows:

Subpart B—Correspondence

* * * * *

§ 540.20 Payment of postage.

(a) Except as provided in paragraphs (d), (e), and (g) of this section, postage charges are the responsibility of the inmate. The Warden shall ensure that the inmate commissary has postage stamps available for purchase by inmates.

(b) Writing paper and envelopes are provided at no cost to the inmate.

(c) Inmate organizations will purchase their own postage.

(d) An inmate who has neither funds nor sufficient postage and who wishes to mail legal mail (includes courts and attorneys) or Administrative Remedy forms will be provided the postage for such mailing. To prevent abuses of this provision, the Warden may impose restrictions on the free legal and Administrative remedy mailings.

(e) Mailing at government expense is also allowed for necessary correspondence in verified emergency situations for inmates with neither funds nor sufficient postage.

(f) Mail received with postage due may not be delivered to the inmate until he has authorized withdrawal of funds from his commissary account to pay the postage due.

(g) Holdovers and pre-trial

commitments will be provided a reasonable number of letters at government expense.

(h) Inmates may not be permitted to receive stamps or stamped envelopes from any source other than issuance from the institution or by purchase from commissary.

(i) Inmates must sign for all stamps issued (in emergency cases) to them by institution staff.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-19366 Filed 6-30-81; 8:45 am]

BILLING CODE 4410-05-M

Reader Aids

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

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FEDERAL REGISTER PAGES AND DATES, JULY

34303-34556.....1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JULY 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 16	July 31	August 17	September 3	September 29
July 2	July 17	August 3	August 17	September 3	September 30
July 6	July 21	August 5	August 20	September 4	October 5
July 7	July 22	August 6	August 21	September 8	October 5
July 8	July 23	August 7	August 24	September 8	October 6
July 9	July 24	August 10	August 24	September 8	October 7
July 10	July 27	August 10	August 24	September 8	October 8
July 13	July 28	August 12	August 27	September 11	October 13
July 14	July 29	August 13	August 28	September 14	October 13
July 15	July 30	August 14	August 31	September 14	October 13
July 16	July 31	August 17	August 31	September 14	October 14
July 17	August 3	August 17	August 31	September 15	October 15
July 20	August 4	August 19	September 3	September 18	October 19
July 21	August 5	August 20	September 4	September 20	October 19
July 22	August 6	August 21	September 8	September 20	October 20
July 23	August 7	August 24	September 8	September 20	October 21
July 24	August 10	August 24	September 8	September 22	October 22
July 27	August 11	August 26	September 10	September 25	October 26
July 28	August 12	August 27	September 11	September 28	October 26
July 29	August 13	August 28	September 14	September 28	October 27
July 30	August 14	August 31	September 14	September 28	October 28
July 31	August 17	August 31	September 14	September 29	October 29

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$4.50
3	6.50
4	6.50
5	9.00
6	3.50
7 Parts:	
53-209	6.50
300-399	6.00
400-699	6.50
900-944	7.00
945-980	5.50
981-999	5.50
1000-1059	6.50
1060-1119	6.50
1120-1199	6.00
1500-1899	6.00
2853-end	6.00
8	5.50
9 Parts:	
1-199	7.50
200-end	6.50
10 Parts:	
0-199	7.50
200-399	7.50
11	5.50
12 Parts:	
1-199	6.00
300-499	6.00
13	7.00
14 Parts:	
1-59	7.50
1200-end	6.00
15 Parts:	
0-299	5.50
16 Parts:	
0-149	6.50
CFR Index	8.50

CFR Unit (Rev. as of Apr. 1, 1981):

21 Parts:	
100-169	6.50
200-299	4.75
800-1299	6.00
1-300-end	4.75

CFR Unit (Rev. as of July 1, 1980):

28	7.00
29 Parts:	
0-499	9.00
500-1899	11.00
1900-1910	9.00
1911-1919	5.50
1920-end	8.00
30 Parts:	
0-199	7.50
200-end	8.00
31 Parts:	
0-199	6.00
200-end	7.50
32 Parts:	
1-39 (Supplement)	6.00
40-399	10.00
400-699	8.50
700-799	8.00
800-999	8.00
1000-end	6.50
33 Parts:	
1-199	9.50
200-end	8.50
34	6.00
35 (Rev. 12/31/80)	6.00
36	7.50
37	6.00
38	11.00
39	6.00
40 Parts:	
0-51	7.50
52	9.00
53-80	7.50
81-99	8.50
100-399	13.00
400-424	7.50
425-end	7.50
41 Chapters:	
1-2	11.00
3-6	8.00
7	4.25
8	4.50
9 (Supplement)	3.00
10-17	7.50
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
19-100	7.50
101	8.50
102-end	7.00

CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
1-399	9.50
400-end	8.50
43 Parts:	
1-199	6.50
1000-end	11.00
44	7.00
45 Parts:	
1-99	6.50
100-149	7.50
150-199	7.50
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1200-end	7.50
46 Parts:	
1-29	5.00
30-40	4.75
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166-199	6.00
400-end	6.00
47 Parts:	
0-19	6.50
20-69	8.50
70-79	7.50
49 Parts:	
1-99	5.50
100-177 (Rev. 12/1/80)	8.00
178-199 (Rev. 12/1/80)	7.50
200-399	7.00
400-999	7.50
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1300-end	6.50
50 Parts:	
1-199	6.00
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MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1980

Complete set (one-time mailing):
$150.00 (domestic).
Individual copies—$2.00 each (domestic).

1981

Subscription (mailed as issued):
$250.00 (domestic).
Individual copies—$2.00 each (domestic).

CFR ISSUANCES
Projected 1981 CFR Issuances
January, April and July Quarters

This list restates the publication plans for the January and April, 1981 quarters and projects the publication plans for the July, 1981 quarter. A projected schedule that will include the October, 1981 quarter will appear in the first **Federal Register** issue of October, 1981, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1981:

Title	Title
1-2	**16 Parts:**
3 Compilation	0-149
4	150-999
5	1000-end
6	
7 Parts:	
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53-209	
210-299	
300-399	
400-699	
700-899	
900-944	
945-980	
981-999	
1000-1059	
1060-1119	
1120-1199	
1200-1499	
1500-1899	
1900-2799	
2800-2851	
2852	
2853-end	
8	
9 Parts:	
1-199	
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10 Parts:	
0-199	
200-399	
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500-end	
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12 Parts:	
1-199	
200-299	
300-499	
500-end	
13	
14 Parts:	
1-59	
60-199	
200-1199	
1200-end	
15 Parts:	
0-299	
300-end	

Titles revised as of April 1, 1981:

Title

17 Parts:
0–239
240–end
18 Parts:
1–149
150–399
400–end
19
20 Parts:
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21 Parts:
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100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22
23
24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (Cover only)
600–end (Cover only)
27 Parts:
1–199
200–end

Titles revised as of July 1, 1981:

Title

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28 (Revised as of October 1, 1981)
29 Parts:
0–99
100–499
500–899
900–1899
1900–1910
1911–1919
1920–end
30 Parts:
0–199
200–end
31 Parts:
0–199
200–end
32 Parts:
1–39, Vol. I (Revision date to be announced)
1–39, Vol. II (Revision date to be announced)
1–39, Vol. III (Revision date to be announced)
40–399
400–699
700–799
800–999
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33 Parts:
1–199
200–end
34 Parts:
1–399
400–end
35 (Revised as of December 31, 1981)
36 Parts:
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38 Parts:
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18–end
39
40 Parts:
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Chap. 18 Vol. I
Chap. 18 Vol. II
Chap. 18 Vol. III
Chap. 19–100
Chap. 101
Chap. 102–end

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESS Economics and Statistics Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration

OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 5 through July 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30075, 30077 6-5-81 / Fresh pears, plums, and peaches grown in Cal.; grade and size requirements; comments by 7-6-81

32871 6-25-81 / Grade and size requirements for fresh peaches grown in designated Washington; comments by 7-10-81

32872 6-25-81 / Raisins produced from grapes grown in California; change in weight dockage systems regulations; comments by 7-10-81

Animal and Plant Health Inspection Service—

26065 5-11-81 / Procedures for the approval of commercial bird quarantine facilities and recovery of costs of services; comments by 7-10-81

Federal Crop Insurance Corporation—

24954 5-4-81 / Insuring of both spring and fall-seeded barley in certain states; comments by 7-6-81

Food and Nutrition Service—

27960 5-22-81 / Amount of initial benefits; comments by 7-6-81

Rural Electrification Administration—

25096 5-5-81 / Proposed revision of REA Bulletin 181-1; Uniform System of Accounts Prescribed for Electric Borrowers; comments by 7-6-81

25096 5-5-81 / Public Information; Appendix A—REA Bulletins Specification for Aerial and Underground Telephone Cable, PE-22 Specification for Direct Burial Telephone Cable, PE-23 Specification for Filled Buried Wire, PE-54; comments by 7-6-81

CIVIL AERONAUTICS BOARD

25321 5-6-81 / Air carriers and foreign air carriers, Implementation of the Consumer Credit Protection Act; comments by 7-6-81

25637 5-8-81 / Fare summaries; revocation of requirement that certified air carriers provide at all ticketing locations; comments by 7-7-81

29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; comments by 7-10-81

CONSUMER PRODUCT SAFETY COMMISSION

25478 5-7-81 / Semiannual regulatory flexibility agenda; comments by 7-6-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

30833 6-11-81 / High-cost gas produced from tight formations; comments by 7-6-81

ENVIRONMENTAL PROTECTION AGENCY

25481 5-7-81 / Air quality; California State Implementation Plan revision; comments by 7-6-81

25483 5-7-81 / Air quality, California State Implementation Plan revision; San Joaquin Valley; comments by 7-6-81

25110 5-5-81 / Approval and promulgation of State Implementation Plan; Nonattainment area plans for Utah; comments by 7-6-81

30355 6-8-81 / California; Southeast Desert Air Basin nonattainment area plan, approval and promulgation of implementation plans; comments by 7-8-81

25655 5-8-81 / Hydrocarbons, National Ambient Air Quality Standards; proposed revocation of rule; comments by 7-7-81

30360 6-8-81 / Illinois; proposed approval of total suspended particulate State implementation plan for continental Grain Co.; comments by 7-8-81

30364 6-8-81 / Maine; Lead State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7-8-81

30361 6-8-81 / Maine; Revision to State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7-8-81

30365 6-8-81 / Massachusetts; Revision to State Implementation Plan; comments by 7-8-81

18561 3-25-81 / National emission standards for hazardous air pollutants; Benzene emission from benzene storage vessels; comments by 7-8-81

30662 6-10-81 / Polyvinyl Chloride (PVC) proposed exemption from the requirement of a tolerance; comments by 7-10-81

30506 6-9-81 / Proposed exemption for ammonium chloride from requirement of a tolerance; comments by 7-9-81

30654 6-10-81 / Proposed Revision of Maryland State implementation plan; comments by 7-10-81

28180 5-26-81 / Standards of performance for new stationary sources; asphalt processing and asphalt roofing manufacture; comments by 7-10-81

30368 6-8-81 / Texas; Approval of conditionally approved elements in the Texas plan for nonattainment areas; comments by 7-8-81

30368 6-8-81 / Vermont; Designation of areas for air quality planning purposes; attainment status redesignations; comments by 7-8-81

25323 5-6-81 / Wisconsin; Approval and promulgation of implementation plans; comments by 7-6-81

FEDERAL COMMUNICATIONS COMMISSION

32281 6-22-81 / Federal-State Joint Board; Order Inviting Comments and Suggested Information Requests Appendix B; comments by 7-6-81

27728 5-21-81 / FM broadcast station in Atoka, Okla.; proposed changes in table of assignments; comments by 7-10-81

29488 6-2-81 / FM broadcast station Kaila-Kona, Hawaii, proposed changes in table of assignments; comments by 7-10-81

27726 5-21-81 / FM broadcast station in Newport, Washington; proposed changes in table of assignments; comments by 7-10-81

27727 5-21-811 / FM broadcast station in Owensville, Missouri; proposed changes in table of assignments; comments by 7-10-81

63305 9-24-80 / Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; reply comments by 7-10-81

[Comment period extended at 46 FR 17813 3-20-81]

31292 6-15-81 / Memphis, Tenn.; added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; comments by 7-6-81

30516 6-9-81 / Overseas communications services; comment period extended to 7-10-81

[*See also* 45 FR 76498, 11-19-80]

28456 5-27-81 / Overseas communications services; reply comment period extended to 7-6-81

[*See also* 45 FR 76498, 11-19-80; 45 FR 82280; 12-15-80; 46 FR 9664, 1-29-81]

25661 5-8-81 / Telephone systems; license contract agreements and other intrasystem arrangements; comment period extended to 7-10-81

[*See also* 46 FR 12024, 2-12-81]

26507 5-13-81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; reply comments by 7-6-81

31290 6-15-81 / Use of the Subsidiary Communications Authorization of Utility Load Management; comments by 7-8-81

FEDERAL HOME LOAN BANK BOARD

30114 6-5-81 / Geographic restrictions on remote service unit operations; comments by 7-7-81

30113 6-5-81 / Ownership of NOW accounts; comments by 7-7-81

FEDERAL RESERVE SYSTEM

28560 5-27-81 / Proposed commentary which applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit; comments by 7-10-81

FEDERAL TRADE COMMISSION

25476 5-7-81 / YKK (U.S.A.) Inc.; proposed consent agreement; comments by 7-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

25660 5-8-81 / Child support enforcement program; payment of incentives to States which collect child support on their own behalf; comments by 7-7-81

Food and Drug Administration—

21368 4-10-81 / Animal drugs, feeds, and related products; medicated feed applications procedures; definitions and considerations; comment period extended to 7-8-81

[*See also* 46 FR 2456, 1-9-81]

25651 5-8-81 / Antibiotics for human use; revocation of monographs for drugs that are no longer marketed; comments by 7-7-81

[*See also* 46 FR 30115, June 5, 1981]

30081 6-5-81 / Food additives permitted in feed and drinking water of animals; crambe meal, heat toasted; objections by 7-6-81

30080 6-5-81 / Polydextrose; Food additives permitted for direct addition to food for human consumption; objections by 7-6-81

25107 5-5-81 / Vaginal contraceptive drug products for over-the-counter use; establishment of a monograph; extension of time for comments; comments by 7-6-81

[Originally published at 45 FR 82014, 12-12-80]

INTERIOR DEPARTMENT

Geological Survey—

27968 5-22-81 / Oil and gas operating regulations; comments by 7-6-81

29955 6-4-81 / Outer continental shelf leasing; nondiscrimination against minority and women-owned businesses; comments by 7-6-81

National Park Service—

27969 5-22-81 / Big Cypress National Preserve; use of off-road vehicles; comments by 7-6-81

INTERSTATE COMMERCE COMMISSION

27732 5-21-81 / Classification, exceptions and rules tariff; investigation into motor carrier classification; comments by 7-6-81

30092 6-5-81 / Motor carrier rate bureaus; implementation; comments by 7-10-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

27358 5-19-81 / Occupational exposure to lead; quantitative fit testing provision; comments by 7-6-81

NATIONAL CREDIT UNION ADMINISTRATION

31651 6-17-81 / Deregulation of lending policies, amortization and payment of loans and lines of credit to members; comments by 7-10-81

31660 6-17-81 / Participation loans; purchase, sale, and pledge of eligible obligations; comments by 7-10-81

31654 6-17-81 / Real estate mortgage loans; fixed and adjustable rates; comments by 7-10-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

27967 5-22-81 / Commission operations and relocation procedures; comments by 7-7-81

POSTAL SERVICE

30505 6-9-81 / International express mail rates for Republic of South Africa; comments by 7-8-81

TRANSPORTATION DEPARTMENT

Coast Guard—

27724 5-21-81 / IMCO code governing shipment of bulk solids; comments by 7-6-81

Federal Aviation Administration—

25466 5-7-81 / Petitions for rulemaking; summary of petitions received and dispositions and petitions denied; comments by 7-7-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

24962 5-4-81 / Ingredient disclosure on labels of wine, distilled spirits, and malt beverages; comments by 7-6-81

Fiscal Service—

27969 5-22-81 / Service charges for allotments for pay to savings accounts of Federal civilian employees; comments by 7-10-81

Deadlines for Comments on Proposed Rules for the Week of July 12 through July 18, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

25626 5-8-81 / Filberts grown in Oreg. and Wash., and filbert imports; grade requirements; comment period extended to 7-15-81

[*See also* 46 FR 21017, 4-8-81]

Food Safety and Quality Service—

26350 5-12-81 / Maximum inspection rates for young chickens and alternate method of post mortem inspection of young chickens known as "modified traditional inspection"; interim rule; comments by 7-13-81

COMMERCE DEPARTMENT

International Trade Administration—

26275 5-12-81 / Commodities excluded from certain special license procedures, advisory notes and the Commodity Control List; interim rule; comments by 7-13-81

Atmospheric Administration—

28883 5-29-81 / Fishery management program for billfish fisheries of the Western Pacific Region; comments by 7-13-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

31663 6-17-81 / Commonwealth of Massachusetts's petition for declaratory order clarifying method of calculation of avoided cost for all utility requirements; comments extended to 7-17-81

[*See also* 46 FR 26353, 5-12-81]

32270 6-22-81 / High-Cost Gas Produced from Tight Formations; comments by 7-16-81

ENVIRONMENTAL PROTECTION AGENCY

26353 5-12-81 / Approval and promulgation of implementation plans; rule revisions for two Air Pollution Control Districts in California; comments by 7-13-81

31675 6-17-81 / Approval and promulgation of Implementation Plans; South Carolina; comments by 7-17-81

[*See also* 44 FR 40901, 7-13-79 and 45 FR 6572, 1-29-81]

31637 6-17-81 / Extension of feed additive regulation on experimental use of combined residues insecticide chlorpyrifos and its metabolite on dried citrus pulp; (final rule); comments by 7-17-81

31023 6-12-81 / Illinois; removal of State Implementation Plan approval condition; comments by 7-13-81

31027 6-12-81 / Indiana, Designation of areas for air quality planning purposes; comments by 7-13-81

31028 6-12-81 / Kansas; Application for interim authorization, Phase I, hazardous waste management program; comments by 7-13-81

31024 6-12-81 / Ohio; approval and promulgation of Implementation plans; comments extended to 7-13-81

[Originally published at 46 FR 7008, 1-26-81]

31024 6-12-81 / Oklahoma; Submission of volatile organic compound (VOC) regulations for Set II control technique guideline sources; comments by 7-13-81

31279 6-15-81 / 1,2-benzisothiazolin-3-one; proposed exemption from the requirement of a tolerance; comments by 7-15-81

31026 6-12-81 / Puerto Rico; approval and promulgation of State plans for designated facilities and pollutants; comments by 7-13-81

32458 6-23-81 / Remedial action standards for inactive uranium processing sites; extension of comment period; comments by 7-15-81

26501 5-13-81 / Revisions to the priority list of categories of stationary sources; comments by 7-13-81

31446 6-16-81 / State of Maryland; revision to State Implementation Plan for total suspended particulate matters; comments by 7-16-81

FEDERAL COMMUNICATIONS COMMISSION

25662 5-8-81 / FM broadcast stations in Christiansted, and Fredericksted, Virgin Islands; changes in table of assignments; reply comments by 7-13-81

25489 5-7-81 / FM broadcast station in Sonora, Calif.; proposed changes in table of assignments; reply comments by 7-13-81

25488 5-7-81 / FM broadcast station in Deer Park, Wash.; proposed changes in table of assignments; reply comments by 7-13-81

30124 6-5-81 / Inquiry into the development of regulatory policy in regard to Interim Direct Broadcast Satellite Service; comments by 7-16-81

31286 6-15-81 / Inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific Region Telecommunications needs during the 1981-1995 period; comments by 7-15-81

31693 6-17-81 / National implementation of Final Acts of 1979 World Administrative Radio Conference; comments by 7-15-81

[*See also* 46 FR 3060, 1-13-81]

28457 5-27-81 / Pleading cycle on Computer and Business Equipment Manufacturers Association (CBEMA) petition for policy ruling on AT&T offering of new customer-premises equipment (CPE) filed under Federal tariff filed after second computer inquiry final decision; reply comments by 7-17-81

25487 5-7-81 / TV broadcast station in Roanoke Va.; proposed changes in table of assignments; reply comments by 7-13-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

24951 5-4-81 / Floodplain management and protection of wetlands; rating of structures in coastal high hazard areas; interim rule; comments by 7-15-81

FEDERAL LABOR RELATIONS AUTHORITY AND FEDERAL SERVICE IMPASSES PANEL

33019 6-26-81 / Sub-regional office addresses, listing; Virginia; jurisdiction under Atlanta Regional Office; comments by 7-15-81

FEDERAL MARITIME COMMISSION

30666 6-10-81 / Former employees; rules of practice and procedure; comments by 7-13-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

31006 6-12-81 / Antioxidants and Stabilizers; Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate; indirect food additive; objections by 7-13-81

31005 6-12-81 / Di-*N*-alkyl (C_8-C_{18}) dimethylammonium chloride, *n*-alkyl (C_{12}-C_{18}) benzyldimethyl-ammonium chloride and ethyl alcohol as components of sanitizing solutions; objections by 7-13-81

31009 6-12-81 / Gentamicin sulfate injection; antibiotic drug; comments by 7-13-81

31004 6-12-81 / Margarine labeling; ingredient requirements; objections by 7-13-81

26790 5-15-81 / Multiunit and multicomponent food packages; exemption from required label statements; comments by 7-14-81

31007 6-12-81 / Tris (2,4-di-*tert*-butylphenyl)-phosphate; indirect food additive; objections by 7-13-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33278 6-29-81 / Deferral of effective dates for final rules on Hawaiian Tree Snails, Texas Poppymallow, gypsum wild buckwheat and todsens pennyroyal; endangered and threatened wildlife and plants; comments by 7-17-81

33278 6-29-81 / Deferral of effective dates for final rules on Hawaiian Tree Snails, Texas Poppymallow, Gypsum wild buck wheat and Todsens Pennyroyal; endangered and threatened wildlife and plants; comments by 7-17-81

18666 3-25-81 / Proposed 1981-82 migratory game bird hunting regulations (preliminary); comments for early season proposals by 7-13-81

31030 6-12-81 / Waterfowl hunting, areas in which non-toxic shot would be required; comments by 7-12-81

INTERNATIONAL TRADE COMMISSION

28673 5-28-81 / Conduct of investigations of injury to domestic industry results from imports; comments by 7-13-81

INTERSTATE COMMERCE COMMISSION

31450 6-16-81 / Commercial zones; expansion of Washington, D.C.; comments by 7-16-81

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

26653 5-14-81 / Amendment of provisions for inspection of persons applying for admission; comments by 7-13-81

LABOR DEPARTMENT

Employment and Training Administration—

26789 5-15-81 / Labor certification process for permanent employment of aliens in the U.S.; certification of Canadian railway workers; comments by 7-14-81

Occupational Safety and Health Administration—

21785 4-14-81 / Occupational Health Hazards of Toxic Chemicals in Laboratories; comments by 7-15-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

26664 5-14-81 / Availability of portion of Federal Acquisition Regulation on source selection and transportation; comments by 7-15-81

SECURITIES AND EXCHANGE COMMISSION

27344 5-19-81 / Separate financial statements required by regulation S-X; Proposed revision of rules; comments by 7-13-81

SMALL BUSINESS ADMINISTRATION

31899 6-18-81 / Minority small business and capital ownership development assistance program; delegation of approval or denial authority to designated officials for advance payment under Section 8 contracts; comments by 7-18-81

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

31020 6-12-81 / Shenandoah Valley Viticultural area; comments by 7-13-81

[Originally published at 46 FR 21623, 4-13-81]

VETERANS ADMINISTRATION

31022 6-12-81 / Extension of educational benefits to eligible persons; comments by 7-13-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

29979 6-4-81 / Caribou National Forest Grazing Advisory Board Committee, Lava Hot Springs, Idaho (open), 7-9-81

30157 6-5-81 / Oh-Be-Joyful Wilderness Study Area, Crested Butte, Colo., 7-7-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

31949 Humanities Panel, Washington, D.C. (closed), 7-8, 7-9 and 7-10-81

COMMERCE DEPARTMENT

International Trade Administration—

31459 6-16-81 / Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially open), 7-7-81

32603 6-24-81 / Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 7-9-81

32604 6-24-81 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 7-9-81

National Oceanic and Atmospheric Administration—

31299 Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 7-8, 7-9, and 7-10-81

31042 6-12-81 / Northern Anchovy Fishery, Long Beach, Calif. (open), 7-6-81

DEFENSE DEPARTMENT

Air Force Department—

31699 USAF Scientific Advisory Board, Langley AFB, Va. (closed), 7-7 and 7-8-81

Army Department—

31043 6-12-81 / Army Science Board, Laurel, Md. (closed), 7-9 and 7-10-81

Office of the Secretary—

31467 6-16-81 / Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program, Washington, D.C. (closed), 7-6 and 7-7-81

32303 6-22-81 / National Hydropower Study, Fort Belvoir, Va. (open), 7-5 through 7-11-81

31917 6-18-81 / Wage Committee, Washington, D.C. (closed), 7-7-81

ENERGY DEPARTMENT

Energy Research Office—

32490 6-23-81 / Energy Research Advisory Board, Washington, D.C. (open), 7-9 and 7-10-81

Southeastern Power Administration—

30192 6-5-81 / Kerr-Philpott System, proposed rate extensions and rate adjustment, Raleigh, N.C. 7-9-81

ENVIRONMENTAL PROTECTION AGENCY

31746 6-17-81 / Science Advisory Agency Board, Clean Air Scientific Advisory Committee, Triangle Park, N.C. (open), 7-7 through 7-9-81

FEDERAL TRADE COMMISSION

31662 6-17-81 / Funeral industry practices, Washington, D.C., 7-7 and 7-8-81

[*See also* 46 FR 6976, 1-22-81 and 46 FR 21784, 4-14-81]

FINE ARTS COMMISSION

27515 5-20-81 / Meeting, Washington, D.C. (open), 7-7-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Disease Control Center—

30702 6-10-81 / Occupational Health and Safety Issues Affecting Minority Workers National Conference, Cincinnati, Ohio (open), 7-6 through 7-8-81

Food and Drug Administration—

31061 6-12-81 / Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 7-10-81 (telephone conference call) (Rescheduled at 46 FR 33105, 6-26-81)

National Institutes of Health—

32316 6-22-81 / Clinical Trials Committee, National Cancer Institute, Bethesda, Md. (partially open), 7-9-81

32317 6-22-81 / Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially open), 7-9 and 7-10-81 (open and closed times are changed)

[*See also* 46 FR 24302, 4-30-81]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

32509 6-23-81 / President's Commission on Housing, Washington, D.C. (open), 7-7 and 7-8-81

INTERIOR DEPARTMENT

Land Management Bureau—

30576 6-9-81 / Carson City District Advisory Council, Sparks, Nev. (open), 7-10-81

29990 6-4-81 / Medford District Advisory Council, Medford, Oreg. (open), 7-10-81

30201 6-5-81 / Southern Rio Grande Planning Area, Las Cruces, N. Mex. (open), 7-8-81 and Truth and Consequences, N. Mex. (open), 7-9-81

30705 6-10-81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), corrected from 6-9 to 7-9-81

[*See also* 46 FR 28953, 5-29-81]

METRIC BOARD

32544 6-23-81 / Public Forum, Charlotte, N.C. (open), 7-9-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

31121 6-12-81 / NASA Wage Committee, Washington, D.C. (closed), 6-26-81 changed to 7-8-81

[*See also* 46 FR 29012, 5-29-81]

NATIONAL SCIENCE FOUNDATION

29771 6-3-81 / Special Research Equipment Advisory Committee, Biology Subcommittee, Washington, D.C. (closed), 7-7 and 7-8-81

NUCLEAR REGULATORY COMMISSION

29806 6-3-81 / Lawyer Vacancies on the Licensing Board Panel, Screening Committee, Bethesda, Md. (closed), 7-7 and 7-8-81

32544 6-23-81 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 7-9 through 7-11-81

31951 6-18-81 / Reactor Safeguards Advisory Committee, Decay Heat Removal System Subcommittee, Washington, D.C. (open), 7-6-81

32355 6-22-81 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Idaho Falls, Idaho (open), rescheduled from 6-23 and 6-24-81 to 7-7-81

[*See also* 46 FR 30434, 6-8-81]

32545 6-23-81 / Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (open), 7-8-81

32546 6-23-81 / Reactor Safeguards Advisory Committee, Pilgrim Station Unit 2 Subcommittee, Washington, D.C. (open), 7-8-81

31951 6-18-81 / Reactor Safeguards Advisory Committee, Reactor Fuel Subcommittee, Washington, D.C. (partially open), 7-7-81

30925 6-11-81 / Safety-related electrical equipment, qualification, requirements, Bethesda, Md. (open), 7-7 through 7-10-81

STATE DEPARTMENT

Office of the Secretary—

31803 6-17-81 / International Investment, Technology, and Development Advisory Committee, Preparations for the UN Conference on New and Renewable Sources of Energy Working Group, Washington, D.C. (open), 7-9-81

TRADE REPRESENTATIVE, OFFICE OF THE UNITED STATES

30951 6-11-81 / Trade Negotiations Advisory Committee, Washington, D.C. (closed), 7-8-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

32363 6-22-81 / Fifth Human Factors Workshop on Aviation: Biomedical and Behavioral Factors, Oklahoma City, Okla. (open), 7-7 through 7-9-81

31397 6-15-81 / Radio Technical Commission for Aeronautics, Special Committee 145, Digital Avionics Software, Seattle, Wash. (open), 7-7, 7-8, and 7-9-81

32363 6-22-81 / Sixth Human Factors Workshop on Aviation: Maintenance and the Interrelationships in Design, Operations, and Training, Oklahoma City, Okla. (open), 7-7 through 7-9-81

TREASURY DEPARTMENT

Office of the Secretary—

30468 6-8-81 / USA-Pakistan Tax Treaty Issues, Washington, D.C. (open), 7-7-81

30468 6-8-81 / USA-Sri Lanka Tax Treaty Issues, Washington, D.C. (open), 7-7-81

VETERANS ADMINISTRATION

26977 5-15-81 / Cooperative Studies Evaluation Committee, Washington, D.C. (partially open), 7-9 and 7-10-81

Next Week's Public Hearing

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

31424 6-16-81 / Milk in Puget Sound, Wash., and Inland Empire Marketing areas; amendments to tentative marketing agreements and order , Seattle, Wash., 7-7-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

29301 6-1-81 / Mullica River Estuarine Sanctuary, draft environmental impact statement, Pomona, N.J., 7-7-81

DEFENSE DEPARTMENT

Navy Department—

19969 4-2-81 / Naval Discharge Review Board, San Diego, Calif., 7-5 through 7-11-81

INTERIOR DEPARTMENT

Land Management Bureau—

29769 6-3-81 / Southern Rio Grande Environmental Impact Statement, Las Cruces, N. Mex., 7-8-81; Truth or Consequences, N. Mex., 7-9-81

TRANSPORTATION DEPARTMENT

Coast Guard—

31278 6-15-81 / Establishment of Special Anchorage Area in Boston Inner Harbor, Boston, Mass., 7-9-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 26, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

33020 6-26-81 / USDA/FmHA—Energy Impacted Area Development Assistance Program; eligibility and funds disbursement changes; comments by 8-27-81

APPLICATIONS DEADLINES

32608 6-24-81 / ED—Community Education Program; apply by 7-27-81

32848 6-24-81 / ED—National Institute of Handicapped Research; rehabilitation research and training centers, rehabilitation engineering, and knowledge dissemination and utilization programs; apply by 8-10-81

32972 6-25-81 / Justice/NIJ—Competitive research solicitation to evaluate a field test of the early representation by Defense-Counsel Program; submit draft proposals by 7-31-81

32972 6-25-81 / NFAH—Designation of state humanities councils eligible for FY 1982 funds; submit plans by 9-1-81

MEETINGS

33146 6-26-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 7-14-81

OTHER ITEMS OF INTEREST

32471 6-23-81 / ED—Pell Grant Program; closing dates for submission of student eligibility report under validation procedures for 1980-1981 school year

33133 6-26-81 / Justice/JJDPO—Funding policy for balance of fiscal year 1981

33135 6-26-81 / Labor/ETA—Employment transfer and business competition determinations; applications

32713 6-24-81 / LSC—Grants and Contracts; Farmworker Litigation Support Fund, Inc.; solicitation of comments or recommendations

32713 6-24-81 / LSC—Grants and contracts; Nevada; solicitation of comments or recommendations



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